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blushed, until it was manned by an American President against American citizens. There was another fort which had been commenced, but had not yet risen above the surface of the water, and he thought no more money should be expended on it. Fort Moultrie had gained an important victory, and had now been put in repair for the purpose of being used against the city of Charleston. He adverted to the course of the President under the force act, and declared that he would never vote for an appropriation to erect a fort in Charleston harbor, while that bill remained unrepealed. He asked if the Federal Government could erect a fort in a State without the consent of the State. On the ground that he had stated, he should oppose the appropriation for a new fort in Charleston harbor, which might be used, at the discretion of the President, against the city of Charleston. He wished the bill recommitted, that he might move to strike out the appropriation for fortifications in Charleston harbor.

Mr. WAYNE opposed the motion to recommit, and took a view of the financial condition of the country, to show that the estimates for the fortifications had been founded on the fiscal statements communicated to the House. As the revenue would be equal to the demands to be made on it during the year, and as all the works embraced in the bill were in progress, and were of national importance, he did not see that any benefit could result from the recommitment. He did not reply to the remarks of the gentleman from South Carolina, because he believed that they could evoke no responsive feeling in the House or in the nation; but he reminded the gentleman that these forts were not exclusively for the use of South Carolina, but for the benefit of the whole country. They were intended for the defence of the city, and to secure a safe passage to our fleets in time of war. He did not desire the recommitment, because it would lead to a debate upon abstractions, which could have no effect but to unsettle the country.

Mr. McKAY wished to recommit the bill, in order to have a more equal distribution of the appropriations. He also desired to impose a check on the practice of expending larger sums than were appropriated. He reviewed the estimates for Fort Independence in 1831 and 1832, and then compared these with the communication made to Congress at this session. In 1831, $20,000 was said to be sufficient to repair the fort; in 1832, it was stated that $17,000 would finish the fort; and now, a large sum was again asked.

The **CHAIR** called the member to order, as going too widely into the discussion.

Mr. POLK rose, and commenced some remarks.

Mr. McDUFFIE expressed a hope that the gentleman from North Carolina would not be silenced.

Mr. POLK said he did not wish to say any thing, unless the gentleman from North Carolina yielded the floor.

Mr. McKAY then resumed his reference to the reports which had been made to Congress; when

The **CHAIR** again pronounced him to be out of order.

Mr. PARKER was in favor of recommitting the bill, because it had not been sufficiently discussed and considered in Committee of the Whole.

Mr. VANDERPOEL thought that the motion to recommit was reasonable. As there had been so much of pressure and famine before the House for some time past, it was not to be wondered at that minor subjects should have escaped that critical examination which they demanded. In order to give gentlemen an opportunity to make any amendments they desired, he thought the bill should be recommitted.

Mr. CHILTON was also in favor of a recommitment of the bill, in consequence of the differences of opinion which exhibited themselves in every part of the House, concerning particular provisions of the bill. He thought it but courteous to give gentlemen an opportunity to bring forward their amendments.

Mr. POLK said that, if it was intended to go into a discussion of the policy of the system of defence, it would then be proper to recommit the bill. He reminded the House that this bill was only in conformity with the practice of Congress for many years past; and that it was to complete works which our predecessors had commenced.

The **CHAIR** reminded the gentleman that he was out of order.

Mr. POLK then went on with his observations; when

The **CHAIR** again called the gentleman to order, and said he could not permit the discussion to proceed.

Mr. POLK then said that, if gentlemen wished to recommit the bill, he should make no strenuous opposition to the motion. He afterwards withdrew his opposition, as he would not shrink from the discussion.

The motion for the yeas and nays was then withdrawn by unanimous consent.

The motion to recommit the bill was then agreed to.

INDIAN APPROPRIATIONS.

The bill making appropriations for the Indian Department for the year 1834 was then taken up, on its third reading.

The question being on a motion of Mr. H. Everett, to recommit this bill to the Committee on Indian Affairs,

Mr. EVERETT stated that he had made this motion by the direction of the Committee on Indian Affairs; but that, as information had been subsequently sent in from the department, which had explained the items concerning which doubts had existed, he was now instructed to withdraw the motion.

The motion being withdrawn, the bill was then read a third time.

On the question of its passage,

Mr. McKAY asked the chairman of the Committee on Indian Affairs if it was intended by that committee to introduce any bill to regulate the intercourse with the Indian tribes?

Mr. H. EVERETT said he could not speak in the name of the committee, but he would give his opinion that a bill would be introduced on the subject.

Mr. McKAY then made a few remarks on the enormous expenditures in this Department, and the necessity which there was for some investigation of the subject, especially into the appointment of agents.

Mr. H. EVERETT explained that he acquiesced in the views of the gentleman from North Carolina, and repeated that the subject would be brought before the House in the form of a bill.

Mr. POLK explained that this was the customary annual bill, and that it appropriated less than usual, on account of the discontinuance of three sub-agencies.

After an interrogatory by a member, as to an item in the bill,

Mr. McKAY made some further observations on the incongruities and extravagant appropriations in the bill.

Some further discussion took place, in which Mr. ASHLEY, Mr. H. EVERETT, Mr. POLK, and Mr. McKAY took part.

Mr. McKAY then moved to recommit the bill to the Committee on Indian Affairs, and, the question being put, the motion was negatived—ayes 70, noes 102.

Mr. BROWN, of New York, moved that the House do now adjourn—ayes 120.

The House then adjourned.

Wednesday, February 26.

After disposing of some morning business, the House resumed the consideration of the resolution submitted by Mr. Mardis, on a former day, in relation to the future place of deposite of

THE PUBLIC MONEY.

Mr. CLOWNEY, who had the floor from the previous day, rose and said: The resolution offered by the honorable gentleman from Alabama, [Mr. Mardis,] and his arguments in support of it, appear to be predicated upon the assumption that the public deposites would not be restored to the Bank of the United States. Were I perfectly assured of this fact, I might feel disposed not only to consider the resolution in order, but also that it was highly expedient that some such resolution should be immediately acted upon by this House. But I cannot, however, concur in opinion with the honorable gentleman, that the vote of the majority of the House, a few days ago, either for the previous question, or the reference of the Secretary's letter to the Committee of Ways and Means, finally decided the question of restoration. Therefore, I cannot regard the resolution, at this time, in any other light than premature. I am glad, however, that it has been introduced; because it gives me, and others similarly situated, an opportunity to express our views upon this all-important subject, before the same question shall be again presented by the report of the Committee of Ways and Means. When the subject of the public deposites comes regularly before the House, on the report of the committee to whom it has been referred, if the "gag law" be not again enforced, the floor will then be free to all those who have already expressed their views; and, from past experience, I could not indulge the hope of obtaining the floor, within any reasonable time, amidst such competition.

I consider the resolution now under consideration, in the main point of view, the same as the one offered by my colleague, [Mr. McDuffie,] which has been excluded from debate by the vote sustaining the call for the previous question. The future disposition of the public deposites is the general object of both resolutions. The special object of the one offered by my colleague was the restoration of the deposites to the Bank of the United States; while the special object of the resolution now on your table proposes an inquiry into the expediency of depositing the public moneys in the State banks, under contracts authorized by law. Hence, I conceive the whole question presented by the resolution offered by my colleague to be fairly and fully presented by the resolution offered by the gentleman from Alabama. The arguments, therefore, in favor of the first resolution, may with propriety be used against the resolution now under consideration.

After such a display of research, talents, and eloquence, as has been already exhibited upon this subject, it would argue extreme vanity in me to propose to offer any thing new. It is not, therefore, with the hope of shedding additional light upon this subject, or with the expectation that any thing that I can say, either in matter or manner, will influence the decision of a single member of this House, that I claim the privilege and the honor to be heard. The resolution on your table involves considerations of the deepest interest to the whole people of the United States; and they have a right to know, and they anxiously expect, a full expression of the opinions of their representatives. In the absence of all other reasons, I would deem this sufficient to claim for a few moments the indulgence of the House. But this is not my only reason. The position in which I have been placed by the arguments of gentlemen on this floor, and the daily publications in the journals of the country, identifying the rechartering of the United States Bank with the restoration of the public deposites, impose upon me the necessity, in justice to myself and my constituents, to assign the reasons of my course of conduct heretofore, and of the vote I expect finally to give upon this question. I am amongst the number in this House who are opposed to the renewal of the bank charter, and yet, strange and inconsistent as it may appear to some gentlemen, I am in favor of a restoration of the deposites. Why these two questions, so distinct in their characters, have been associated together, I am at a loss to understand. If gentlemen mean, by this unnatural connexion, that the restoration of the deposites will necessarily secure a recharter of the bank, then I am still at a loss to perceive the adequacy of the cause to produce the effect.

It is well known that the principal objections to the United States Bank are its unconstitutionality, and its capability, by its pecuniary power, of undermining and destroying the liberties of the country. Those who honestly entertain these views now, without an abandonment of principle, must remain unchanged until and after the expiration of the bank charter in 1836. The constitutional objection is the one upon which I understand all the gentlemen opposed to the restoration of the deposites rely. It is the leading objection in almost every petition and memorial that has been presented to this House friendly to the present administration. It is one of the most prominent reasons assigned by the Secretary of the Treasury, for his justification in removing the deposites. It constitutes the strong ground upon which the President of the United States founded his veto of the bank bill passed by the last Congress, and in which he and his friends claim to be sustained by the verdict of the people. And it is an objection of such an insurmountable nature, that it never can be removed by any argument of expediency. The capability of the bank to do good or to do harm has been at all times freely admitted both by its friends and its foes; and there is nothing which it can do, from now until the end of its existence, that can remove this objection. Why, then, do gentlemen insist that to restore the deposites will produce the consequence of a renewal of the bank charter?—or, to recharter the bank, and restore the deposites, are one and the same thing? Is it for the purpose of alarming the fears of those who are constitutionally opposed to the bank, and who dread the influence of a great moneyed aristocracy in corrupting and controlling the Government, with the view to reconcile them to the removal of the deposites as a praiseworthy act of the administration? If such be their object, I cannot esteem the argument otherwise than disingenuous, while I deem it an indignity offered to those who are in favor of a restoration. They who offer it must know it to be incorrect, or they must believe that those for whom it is intended are capable hereafter to be corrupted and changed in their opinions by the bank influence.

I, for one, am opposed not only to the recharter of the present bank, but to the establishment of any other by this Government, for reasons which nothing less than an amendment of the constitution can obviate. As to any influence which the bank or its friends can exercise over me in changing my opinions, all has already been done that can be done. The danger of its vast power to wield the affairs of Government, and enslave the people, has ceased to excite alarm. Under an able and wise direction, bidding defiance to the improper interference of those high in political power; correcting and regulating a spurious and redundant currency; acting as the prompt and faithful agent of the Government, in receiving and disbursing, without charge, her millions of revenue, and dispensing with an equal hand her favors to all, without party discriminations, the bank has proved one of the greatest blessings to the community, and is justly entitled to our warmest gratitude and confidence. The fears of what the bank might do, have been happily merged in what the bank has done. Although I would be unwilling, apart from any constitutional consideration, to intrust the same powers again to a corporation so capable of doing mischief, yet I fear not the consequences of restoring to it the deposites for the two years to come; of which, in my opinion, it has been most unjustly and arbitrarily deprived. Determined, therefore, as I am, to vote against a renewal of the bank charter, should this question be presented while I have the honor of a seat upon this floor; yet am I equally determined, at this time, to vote for a restoration of the deposites, with the view to preserve the public faith pledged in the bank charter, and to denounce what I honestly conceive to be a dangerous act of usurpation.

If it were even true, (which I do not admit,) that to suffer the deposites to remain where they have been placed would tend to destroy the bank, while to restore them would contribute to its re-establishment; still, with all my feelings against such an institution, considering the circumstances of the removal, I would feel myself bound to vote against this act of the administration. In coming to this conclusion, I act upon a plain simple principle of revealed truth—"not to do evil that good may come." The doctrine of expediency at the expense of principle, I have been early taught to regard as a false doctrine, that has done, and is destined to do, incalculable mischief to society. It has in all ages of the world been the only plea of tyrants and persecutors. It is now, as it ever has been, and ever will be, the rule of conduct with those who find a courtly morality convenient. The inquisition referred to it for its vindication in the cruelties it inflicted, and the fires it kindled. "Its general adoption," says Dr. Paley, "would be to commit every man's life and safety to the spleen, fury, and fanaticism of his neighbor's disposition of affairs, which would soon fill the world with misery and confusion, and put an end to society." The only sure preventive of all this evil is a rigid adherence to principles founded in truth and justice, leaving the consequences to God.

In voting against this measure of the administration, I am actuated by a profound sense of duty. My conduct on this occasion is not influenced by considerations of personal hostility to the Executive, nor because (as certain letters seem to indicate to be the case with some of the members of this House) I have been drilled in the school of party either here or at home, and feel myself bound, regardless of my oath and the public good, to oppose or do fealty to any party or individual, right or wrong. So far from this being the case, it is my misfortune to differ, in the views I entertain upon this question, with some of my warmest and best political friends. As to the present Chief Magistrate, he was the object of my choice when he first attained his present high elevation; and, although his administration has not equalled my hopes or expectations, yet I am frank to confess I have found in it something to admire. His vetoes upon the Maysville road bill, the bank bill, and the land bill, I regard as a wise and judicious exercise of the power with which he is invested by the constitution, tending in some degree to check acts of legislative usurpation that were threatening the consolidation of our Government. Would that I could say, with justice and propriety, that we have no cause to complain of Executive usurpations. The slightest investigation into the history of the present administration must convince any man, except an infidel in the power of the President to err, that he has on some occasions, and particularly in the instance now under discussion, extended his powers beyond the authority of the laws and the pale of the constitution.

It becomes me, before I proceed to discuss the main question, to acknowledge the obligations I am under to certain gentlemen for indirectly impugning my motives. I regret that it is not in order, according to the decision of the Chair in the case of the gentleman [Mr. MARDIS] that immediately preceded me, to refer to the particular individuals who used the arguments on the debate now gone by, which arguments I feel myself bound to notice. It is, however, in order to say that it has been repeatedly announced on this floor that certain hostile political leaders and their friends have coalesced with the corrupt design of raising themselves into power on the ruins of the present administration. To this conspiracy is to be attributed all that distress and deep excitement which at this time distract and agitate our country. Let me ask, by what evidence is this grave charge supported? To dispute the right of the President to seize the public treasure and to trample under foot the laws and constitution of the country, has been considered by these gentlemen as a damning proof of disloyalty to the Government, of personal hostility to the Executive, and of an unholy alliance, seeking, reckless of consequences, to gratify disappointed ambition. In this alliance all are concerned, either through ignorance or design, who disapprove of the conduct of the President respecting the Treasury Department, and advocate the restoration of the public deposites. Hence, nearly one-half of the members of this House, and more than one-half of the members of the Senate, many of whom have grown gray in the federal councils, and whose patriotism has never before been suspected, have been held up to public scorn as base, intriguing, designing politicians. The co-ordinate branch of this Legislature, representing the sovereignty of the States, composed of venerable fathers and well-tried patriots, to whom men of any age and experience might well look for the lessons of wisdom, has been denounced by a gentleman, on his boasted entrance into political life, as descending from its high senatorial dignity, and acting the part of "kennel presses and party caucuses in polluting the public mind."

Respect for myself and the dignity of the House restrains me from entering the lists of controversy with these or any other gentlemen differing from me in opinion, in assailing their motives or in vindicating my own, or the integrity of purpose of those with whom I feel proud on this occasion to act. The public services of the distinguished individuals who have been alluded to as the leaders of a faction, seeking their own elevation upon their country's ruin, need not the aid of eulogy to secure to them a glorious immortality in the affectionate remembrance of their countrymen.

It is not my intention, in imitation of the example which has been set me, to argue in favor of one side of the question, and vote in favor of the other. It shall be my endeavor to direct the feeble force of my mind to the main point in issue, and not exhaust my entire strength in fiercely combating the opinions and arguments of others who are engaged with me in the same cause and contending for the same result. By pursuing this course, I hope to avoid the necessity of apologizing for an apparent inconsistency of conduct, by declaring to the world that, of all those engaged with me on the same side of the question, I alone am "an honest man;" that my motives are pure and disinterested, while the motives of others are corrupt and designing; that I alone look to the public good and the glory of the President and his administration, while others look to their self-aggrandizement and the destruction of the well-earned fame of the Hero of the West. I hope, by the course I intend to pursue, to be relieved from the necessity, in the close of my remarks, (lest my attachment to the President might be suspected,) of declaring, in the language of Nimrod Wildfire, "most distinctly my friendship for the President, and my prayerful desires for the honor, glory, and success of his administration." Nor shall I attempt—what has been done by others much more competent than myself—to lecture this House, and through the House my constituents, on the new and interesting subject of collars; lest the knowledge I might display would subject me to the suspicion that I had enjoyed the best means of information, and was deservedly entitled to rank amongst the first order of the collar profession. All this I will use my best endeavors to avoid, that this House and my constituents may not find it difficult to decide whether "the honor, the glory, and success of the President and his administration" are not much higher considerations with me than the great principles of liberty involved in the restoration of the public deposites to the Bank of the United States.

From a careful examination of the testimony given before a committee of this House at its last session, and a faithful comparison of that testimony with the statements in the Secretary's report, I have been unable to discover a single new fact advanced by the Secretary in justification of his conduct, of which this House was not then fully in possession, when, after a thorough investigation into the affairs of the bank, and the most mature deliberation, it resolved, by a majority of more than two-thirds, that the public deposites were safe. With the administration of the affairs of the bank, or with the violations of its charter, (if such had been the case,) I hold that the Secretary of the Treasury had nothing to do. The one is secured by the charter to the twenty-five bank directors; while, by virtue of the same instrument, the other is made cognizable before a court of justice. The receiving, transferring, disbursing, and keeping safe the public revenue, constitute the only obligations of the bank to the Government, none of which appear to have been violated. I hold, therefore, every reason assigned by the Secretary of the Treasury, other than relate to these objects, beyond the sphere of his power and duty, and not entitled to a moment's consideration by the House.

The reasons of the Secretary sink into utter insignificancy when we consider the circumstances of removal, and the arguments to which gentlemen have resorted for its justification. Although some have contended that the removal was an act of the honorable Secretary Taney, in the free and independent exercise of his own judgment, yet none have dared to deny that the measure originated with the President, and was effected indirectly by his agency. To justify this conduct of the President, the most alarming doctrines have been advanced, and the true character of the Treasury Department brought into issue. All those who have espoused the cause of the administration have contended that the Treasury Department is executive, and subject to Executive control. Some gentlemen have not felt satisfied with declaring the Treasury Department, as at present organized, executive, and dependant upon the President; but they go much farther, in maintaining that it is not in the power of Congress to make it otherwise; for, say they, "any law passed by Congress making the Treasurer independent of the Executive would exceed their power, and the law would be void and of no effect." Other gentlemen, improving upon this argument, have laid down the broad and startling proposition, that neither the Legislative nor Judiciary Departments of this Government can act through agents; because the moment a trust is created and confided to an officer by either of these departments, it becomes executive in its character, and subject to the Executive control. Hence, all the officers of this Government now in office, or who may or can be hereafter appointed, are so many instruments in the hands of the President to execute the laws in obedience to his will. If this be the true theory of our Government, I must confess it is to me a new discovery, totally different from all the ideas I had heretofore formed of republican freedom. So adverse are these doctrines to all the notions of liberty, and the necessary guards of liberty, I have so long and so fondly cherished, that I would deem it a sufficient reason, in the absence of every other, to vote against any measure they were intended to advocate.

The advocates of this extraordinary power of the President to control all the officers of this Government contend that he is entitled to it by virtue of the constitution, making him the head of the Executive Department, requiring him, as such, to take care that the laws be faithfully executed, and investing him with the power to nominate, and, by and with the advice and consent of the Senate, to appoint to office.

In opposition to these views, I contend that the President can have no claim to power except it be expressly granted to him either by the laws or the constitution; that an office may be established by the Legislative Department, to which a trust may be committed, over which the President has no right of control, either by the laws or the constitution. I contend that the Treasury is a department established by Congress, to which a trust has been confided that belongs alone to Congress; and that the Treasurer, appointed to execute that trust, may be rendered as independent of the Executive as is the Judiciary. I contend furthermore, that, by the existing laws establishing and regulating the office of Treasurer, this officer is subject alone to the control and direction of Congress, and that the President possesses no other constitutional power over him than to nominate, and, by and with the advice and consent of the Senate, to appoint; that the sole power of the President to remove from office the Secretary of the Treasury is not a constitutional power, but a legal right or usage originating with the first Congress under the new constitution, and since acquiesced in, and subject, at the pleasure of Congress, to be repealed or abolished.

To ascertain correctly the nature and extent of the duties and powers of the three independent co-ordinate departments of this Government, we must look, not to Johnson's Dictionary, or any other dictionary, but to the constitution. In this view, we find the President, besides his veto power, clothed with the simple powers to command the army and navy of the United States, and the militia of the several States, when called into the service of the United States; to require the opinion of the principal officer in each of the executive departments, and to grant reprieves and pardons for offences against the United States, and to fill vacancies during the recess of the Senate; also, with the power, in conjunction with the Senate, to make treaties, to nominate and appoint ambassadors, or other public ministers, and consuls, the judges of the Supreme Court, and all other officers of the United States whose appointments are not otherwise provided for in the constitution. In the same view, we also find it made the especial duty of the President from time to time to give information to Congress of the state of the Union, and recommend measures to their consideration; on extraordinary occasions to convene either or both Houses of Congress, and to adjourn them in case of disagreement between themselves as to the time of adjournment; to receive foreign ambassadors and other public ministers; to take care that the laws be faithfully executed; and to commission all officers of the United States.

We have here in one view all the powers and duties of the President, from which we may easily learn the true meaning and signification of "executive," and also over what subjects the President is entitled to exercise a constitutional control. The duties of the Departments of War, Navy, and State, are such as the President has the constitutional right himself to discharge; hence the strict subordination of the heads of these departments to his will. To deny to the President, who is commander-in-chief of the army and navy, and who has the power, with the Senate, to make treaties and appoint all public ministers, and whose especial duty it is to receive and confer with all foreign ambassadors and other public ministers, the right to direct and control the departments intrusted with these duties, would evidently be inexpedient, if not an infringement upon his constitutional prerogatives. That such were the views of the majority in Congress when the executive departments were established by law, I infer from the language of the acts themselves.

The act of the first Congress, in 1789, establishing the Executive Department of Foreign Affairs, the head of which is now called the Secretary of State, enacts in these words: "that he [the Secretary] shall perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States, agreeably to the constitution, relative to correspondences, commissions, or instructions to and with public ministers and consuls from the United States; or to negotiations with public ministers from foreign States or princes, &c., or to such other matters respecting foreign affairs as the President of the United States shall assign to the said department; and, furthermore, that the said principal officer shall conduct the business of said department in such manner as the President of the United States shall from time to time order and direct."

The act establishing the Executive Department of War, enacts "that the Secretary shall perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States, agreeably to the constitution, relative to military commissions, the land or naval forces, ships and warlike stores of the United States, or to such other matters respecting military affairs as the President of the United States shall assign to the said department, &c.; and, furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall from time to time order or instruct."

The act of 1798, establishing the Executive Department of the Navy, enacts that it shall be the duty of the Secretary "to execute such orders as he shall receive from the President of the United States relative to the procurement of naval stores and materials, and the construction, equipment, and employment of vessels of war, as well as all other matters connected with the naval establishment of the United States."

The several acts establishing these departments render them executive, not only by the nature of the duties required to be performed, and subjecting the heads of each to the order and instructions of the President, but also by the title of the acts, denominating them executive. I would hold, therefore, that the President of the United States might securely rest his claim to a controlling power over these departments upon the authority of the law, independent of the constitution. But, let him derive this power from what source he may, it is evident, so far as these departments are concerned, he is the head, and all the officers belonging to them are his agents, responsible to him, and he to the people and the people's representatives. But when he claims to exercise the same power over other departments, the duties of which do not relate to any of the powers vested in the President by the constitution, he must look for it solely to the law.

The power of Congress to lay and collect taxes, to borrow money, to coin money, to appropriate money for all the purposes of Government, and take care that none be expended except in consequence of appropriations made by law, places the public purse beyond the reach of Executive control. So complete and independent is the power of Congress over the public revenue, that all the duties required to be performed by the Secretary of the Treasury might have been performed by Congress themselves, without the help of an agent. In this case, who could have pretended that the President would have had any right either to complain or to interfere? The reasons which induced Congress to commit the care and management of the financial concerns of the Government to the hands of an agent, are the very same that induced them to divide the chief Executive Department into several subordinate departments. As by this act the dependance and responsibility in the one case were not destroyed, neither are they in the other. In confiding this trust to the Secretary, Congress might have made him perfectly independent of the Executive. They might have made the tenure of his office to endure for life or good behavior; or have provided that he should hold his office for a term of years, liable to be removed only by impeachment; or removable at pleasure by the President in concurrence with the Senate. Any such guards thrown around the public treasure as would have placed it completely beyond the control of the President, so far from infringing upon any grant of executive power, would have been in strict compliance with the constitution. In this view of the power of Congress over the Treasury of the United States, I am sustained by the act itself establishing that department.

By reference to the act, we find that it is not denominated "executive," as are the other departments intrusted with duties relating to the constitutional powers of the President, but simply "the Treasury Department." Why this distinction in name, if there be none in the nature and character of the departments? No rational reason can be assigned, except that it was not intended by the authors of the act to make this department executive, in the same sense as the other departments. As a further proof of this fact, all the powers conferred upon the Secretary of the Treasury, and the duties required to be performed by him, are fully set forth in the act establishing his department; and all of which belong, by the constitution, to Congress, and are made subservient to their direction and control.

The law enacts that it shall be the duty of the Secretary of the Treasury "to digest and prepare plans for the management and improvement of the public revenue, and for the support of the public credit; to prepare and report estimates of the public revenue, and the public expenses; to superintend the collection of the public revenue; to decide on the forms of keeping and stating accounts, and making returns; and to grant, under the limitations herein established, or to be hereafter provided, all warrants for moneys to be issued from the treasury in pursuance of appropriations by law; to execute such services relative to the sale of the lands belonging to the United States, as may be by law required of him; to make report and give information to either branch of the Legislature, in person or in writing, as he may be required, respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and, generally, to perform all such services relative to the finances as he shall be directed to perform."

To these duties of the Secretary may be added the instructions and discretion given in the 16th section of the bank charter, which provides that "the deposites of the moneys of the United States shall be made in the Bank of the United States, or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case, the Secretary of the Treasury shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order or direction."

Here we have before us the whole of the powers and duties of the Secretary of the Treasury, all of which are regulated by law, and subject to the future direction of the Legislature. There is not one duty prescribed in the whole act which places this department upon the same footing with the other departments called executive; nor a single word mentioned from which can be inferred, in the slightest degree, the right of Executive control, except a clause in the act recognising in the President the power to remove the Secretary from office. Considering, however, the relation which the Secretary bears to the President, in not being subject to his order, instruction, or direction, we are authorized to conclude that it was not the intention of the Legislature, by investing the President with the sole power to remove the Secretary, thereby to change the character of this department into executive. Therefore, I maintain that, whenever the President exercises this power of removal with the view to take upon himself the responsibility of managing the fiscal concerns of the nation according to his own notions of propriety, it is not only an abuse of power, but a dangerous usurpation of a power, which, both by the laws and constitution, belongs to the Legislative Department of this Government.

The power of the President to remove such officers as are intrusted with duties belonging by the constitution to the Executive Department of Government, I feel no disposition to dispute. I regard the officers of the Departments of War, Navy, and State, as so many agents of the President, commissioned by him to do what he has the right himself to do; and that it would be highly inexpedient, if not a violation of the federal compact, to destroy that necessary connexion and dependance between them and him, as agents and principal. But this reasoning does not apply to the Secretary of the Treasury, whose duties relate to subjects that exclusively belong to Congress, and over which the President can claim no control, unless granted to him by law. Therefore, it is entirely to that provision in the act recognising in the President the power to remove the Secretary of the Treasury, and not to the constitution, that he is indebted for this power.

It has been contended that the sole power of the President to remove from office is incidental to his power to nominate, and, by and with the advice and consent of the Senate, to appoint. Such an idea as this does not appear to have entered the mind of a single member of that illustrious body that formed the present constitution. From all the evidence we have, either recorded or traditional, it does not appear that the question as to the power of removal from office was ever agitated in the convention. Why not? Was it because the sole power of the President to remove at pleasure was so clearly incidental to his joint power with the Senate to appoint, and at the same time so just and reasonable, that it was considered unworthy of a single remark? No, sir: it was either because it was not thought of in the convention, or the convention considered the tenure of office sufficiently provided for in the constitution, by impeachment, or dependant upon the whole power to appoint—a subject to be regulated by Congress. Whatever may have been the views of the convention that formed, and the conventions that ratified the federal constitution, with regard to this power, it is certain that neither considered the sole power of removal as vested in the President. No higher proof of this fact could be desired than the opinions of one of the ablest members of the federal convention, who exerted every power of his mighty intellect to strengthen the Executive Department of the Government. In the seventy-seventh number of the Federalist, that able and valuable commentary upon the federal constitution, which contributed so largely to dispel the fears of the people, and recommend it to their adoption, Mr. Alexander Hamilton says: "One of the advantages to be expected from the co-operation of the Senate in the business of appointments is, that it would contribute to the stability of the administration. The consent of that body would be as necessary to displace as to appoint. A change of the Chief Magistrate, therefore, would not occasion so vehement or general a revolution in the officers of Government as might be expected if he were the sole disposer of offices. Where a man in any station had given satisfactory evidence of his fitness for it, a new President would be restrained from attempting a change in favor of a person more agreeable to him, by the apprehension that the discountenance of the Senate might frustrate the attempt, and bring some degree of discredit upon himself. Those who can best estimate the value of a steady administration, will be most disposed to prize a provision which connects the official existence of public men with the approbation or disapprobation of that body, which, from the great permanency of its own composition, will, in all probability, be less subject to inconsistency than any other member of Government." I regard this much higher evidence of the understanding of the convention that formed, and the conventions that adopted the federal constitution, respecting the power of removal from office, than any argument since the adoption of the constitution in favor of a different construction.

In the first Congress under the new constitution, in 1789, when they were about establishing the executive departments, this question as to the power of removal from office was for the first time seriously agitated. As a further proof that neither the federal convention nor State conventions considered this power as granted in the constitution to the President, we find on this occasion some of the distinguished statesmen who were then members of Congress, that had been members of both conventions, arrayed against each other. Messrs. Madison, Baldwin, and others contended for the construction that then succeeded, and has since been acquiesced in; while Messrs. Gerry, Sherman, and others opposed it. When this question came before the Senate, after a long and animated discussion, that body was equally divided, and the question was decided in favor of the present construction by the casting vote of the Vice President. Hence it was that the friends of a consolidated Government, in the first session of the first Congress, by a majority of one in the Senate, and twelve in the House, gave to the constitution, fresh from the hands of the people, a construction different from that in which it had been conceived and adopted, clothing the President with a power of which Mr. Hamilton himself had never thought, and to which the people, if it had been plainly expressed, or plainly inferrible from any thing expressed, might never have assented. To consummate this first act of legislative usurpation, and to give to it the force, stability, and complexion of constitutionality, the clause was inserted in the act establishing the Department of Foreign Affairs, and, subsequently, the Treasury Department, which provides "that, whenever the Secretary shall be removed from office by the President, or shall be absent or indisposed, another officer may, for the time being, discharge the duties of his office."

I am unwilling to consider this clause, recognising in the President the sole power to remove the Secretary of the Treasury, any thing more than a legal provision, subject to be repealed at the pleasure of Congress; not only because the constitution does not warrant any other construction, but also because the main arguments of expediency, urged in favor of its adoption, have, in the practice of our Government, entirely failed. Those who were opposed to vesting this power in the President alone, in addition to their constitutional objections, very justly contended that it was liable to great abuses, and would render officers entirely dependant upon the will—perhaps the whim and caprice—of one man. To destroy the force of these objections, the advocates of the constitution replied, that, for a wanton abuse of power, the President himself would be liable to impeachment and removal from office. Mr. Lawrence, an able though violent federalist, asks the question: "If the President abuse his trust, will he escape the popular censure? and would he not be liable to impeachment for displacing an able and worthy man who enjoyed the confidence of the people?" Mr. Madison, whose opinions have been frequently quoted as high authority upon this subject, entertained the same views with Mr. Lawrence. "The danger," says Mr. Madison, "consists then in this: the President can displace from office a man whose merits require that he should be in it. What will be the motives which the President can feel for such abuse of his power, and the restraints to operate to prevent it? In the first place, he will be impeachable by this House before the Senate for such an act of mal-administration; for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust."

How do these views accord with the arguments of gentlemen who now claim for the President what I understand to mean the irresponsible power of removal? The very authority (Mr. Madison) upon which gentlemen have relied to strengthen their arguments tells them that the wanton removal of a meritorious officer would subject the President to impeachment and removal from his own high trust. How does this comport with the idea, again and again urged upon this House, that the President's power to remove is absolute and unqualified—may be exercised for any and every cause, however whimsical, without the assignment of a reason?

I am constrained to acknowledge that gentlemen have asserted here, for theory, what has proved but too true in the late practice of our Government. We have witnessed, in the course of the present administration, removal after removal, in rapid succession, from the highest down to the lowest officer in the Government, without the shadow of a reason, except for the sake of reform.

At one time, all the heads of departments were hurled from office with one fell swoop, yet was no cause assigned for this unusual, extraordinary exercise of power; not even an inquiry was instituted. To think, therefore, of correcting the abuse of this power by impeachment, is worse than idle. The vast amount of Executive patronage is his strong armor, that shields him, harmless, from every assault that can be made. To hold a seat in Congress, and to become a warm, devoted, zealous advocate of the "powers that be," are, in these days of political degeneracy, the high roads to Executive favor. To question the propriety of the President's conduct, is to become at once exposed to the rigid rules of proscription, the envenomed shafts of the thousands in office, and the bitter anathemas of the tens of thousands who are anxiously waiting at the footstool of power for an occasion, by some act of partisan zeal, to enlist in the cause of the President, with the hope to merit the reward of office. These evils the President at one time (I believe before he came into power) saw, acknowledged, and deplored, as the evident symptoms of decay in the body politic that required an immediate remedy. Experience has taught us that it is in vain to look to impeachment as a cure for these maladies, or as a corrective of the most wanton and flagrant abuses of executive power. We are, therefore, without a remedy, unless it be found in the disposition and the power of Congress to limit, by law, the Executive discretion. That there is nothing in the constitution to prevent the application of this remedy in the case of the Secretary of the Treasury, I, for one, am as clearly of the opinion as I am that recent events have proved it to be necessary.

But gentlemen contend that we cannot take away from the President the sole power to remove, at pleasure, the Secretary of the Treasury, because he claims this power by virtue of the constitution, which declares that the "executive power shall be vested in the President of the United States." This argument, I grant, would be true, if *executive* means what some gentlemen have contended; that is, a general supervision, superintendence, direction, and control over all the officers of the Government, of every order, grade, or description. In this sense of the word, the President would have the indisputable right to control the judges of the United States courts, as well as the right, which I understand to be claimed for him in the other branch of the Legislature, [Mr. Shepley,] "to direct the marshal in summoning a jury to try a great offender." According to this sense, the Clerk, the Sergeant-at-arms—in a word, all the officers of this House, whose duties are neither judicial nor legislative, but executive, would be subject to the President's control. I defy gentlemen, in this comprehensive sense of the word *executive*, to draw any material distinction between the executive character of the Clerk of this House and the head of the Treasury Department. The one is intrusted with the contingent funds of the House, and the other with the funds of the Government; the one subject to the orders of this House, and the other to the joint orders of both Houses. But who ever thought of the President, by virtue of his executive character, pretending to claim a control over our Clerk, either in the presence or absence of the House, merely because his duties are executive? No, sir; that clause in the constitution which declares "the executive power shall be vested in a President of the United States of America," contains no grant of power. We must look beyond this, into the constitution, to ascertain what powers have been vested; and, besides these, he has no further claim to power, unless derived from the law. From this sense of the word *executive*, it necessarily follows that the President possesses no constitutional control over the financial officer of this confederacy, for the plain reason that none of his duties relate to any of the powers vested in the President by the constitution.

I am aware that it has been argued, with an air of triumph, that the judges of the United States courts, the officers of each branch of the Legislature, and all such officers, whose appointments have been vested, by law, in the courts of law, or heads of departments, are constitutional exceptions to the power of the President to control, by appointments and removal, all the officers of the Government. But where do gentlemen find this general power of the President, to which the particular cases just enumerated are exceptions? It is not to be found amongst the express grants in the constitution; hence they are obliged to resort to implication. I trust it has been satisfactorily demonstrated that it cannot be fairly derived from the joint power of the President with the Senate to appoint to office. To fill and to vacate offices are two separate and distinct powers, that may be exercised independently of each other, and are thus exercised, in almost every instance, in the twenty-four Governments of the States comprising this confederacy. There is nothing in the federal constitution which places these two powers in the hands of one and the same person. The case, therefore, of the judges of the United States courts, instead of being a constitutional exception of the general power of the President to control, by appointment and removal, at pleasure, all the officers of the Government, is an exception to the single power of removal; while all the other cases mentioned are exceptions to the single power of appointment. If I am asked in whom, or what department of Government, the power of removal from office has been vested—it is sufficient for the purpose of my argument to answer, that it has not been vested by the constitution in the President. Therefore, to make good the argument, that the cases alluded to are constitutional exceptions to the general power of Executive control, gentlemen must find this general power somewhere in the constitution, or adopt the comprehensive meaning of "executive," with all the evils and absurdities against which I have been contending. Hence, according to this sense of "executive," the President's right to control, by removal from office, all officers whose duties are executive, remains unimpaired, whether the appointments be made by himself, either or both branches of the Legislature, the courts of law, or heads of departments. Every reflecting mind must be convinced of the utter fallacy of principles which, if followed out, directly lead to such disastrous consequences.

The last ground upon which gentlemen rest the constitutional claim of the Executive to control the Treasury Department is that clause in the constitution which enjoins it on the President to "take care that the laws be faithfully executed." To what I humbly conceive to be a mistaken conception of this clause of the constitution, may be traced almost every act of Executive usurpation of which we have complained. Instead of considering it in its true character, as a mere duty, subservient to the laws, it has been construed and acted upon as a distinct grant of power, clothing the Executive with an authority above the laws. If this be the true construction, it is in vain that we look to the Judiciary as an independent co-ordinate department of this Government in expounding the laws, or to the Legislature for the means and mode of their execution. To faithfully execute the laws, considered as a power, necessarily implies not only the right of judgment as to the meaning and intention of the laws, but also the employment of all the means necessary and proper to enforce that judgment. Acting upon this construction, the Executive, in 1827, considered he had the right, and was in duty bound, to send an armed force into the heart of one of the oldest members of this confederacy, to compel her, at the point of the bayonet, to surrender her rights of jurisdiction and sovereignty over a large and valuable portion of her soil. To the honor of the then Executive, if he did not abandon, he waived his claim to this extraordinary construction of power, and peace and the sovereign rights of the State were preserved. Scarcely had the present Chief Magistrate come into power, by the suffrages of those whose fears for the rights of the States had been so recently awakened by the mere menaces of his predecessor, than they were again roused by a thundering proclamation emanating from this same law-executing power—denouncing as treasonous the solemn ordinances of the people of a State, passed in her sovereign character, and ordering their immediate revocation, as well as a repeal of the acts of her Legislature. Under this same specious pretext of taking care that the laws be faithfully executed, we have seen the ministers of the laws and of public justice thrust aside, and the army of the United States substituted as the ministers of Executive displeasure.

In a time of profound peace, when no invasion threatened, or combinations of lawless insurgents resisted the execution of the laws, the arms of a hired soldiery were turned upon the citizens of an independent State, acting in obedience to her laws, to settle between the State and General Government a long disputed question of constitutional right. To judge of the ordinances of the people, and the acts of the Legislature of a free, sovereign, and independent State; to pronounce the sentence of treason, and order an armed force to execute that sentence upon the whole of the people of the State acting in obedience to her laws, were done without the color of authority, save this construction of the law-executing duty of the Executive. It is true these high-handed measures, at the modest request of the paternal President, have since been in some measure legalized by Congress, in the enactment of the force bill—an act which has already been recorded in blood, and threatens ere long the entire subversion of our liberties. It is by virtue of this same construction that the President now claims the right to supervise and control the Treasury Department. If, therefore, this law-executing duty be considered as empowering the President to remove at pleasure the Secretary of the Treasury, then, sir, every act of the present administration stands completely justified, as compatible with the constitution, without the sanction of the force bill. It becomes us, and particularly those of us who claim the name of State rights men, to pause before we embrace a doctrine like this, which must lead to tyranny, and end in the most absolute despotism.

In opposition to this doctrine, I contend that to "take care that the laws be faithfully executed" confers no power, but is simply a duty; the power to perform which must be derived from the laws, or some other clause of the constitution. According to this view, while I would concede to the President the constitutional right to control the Departments of War, Navy, and State, agreeably to his own discretion, restricted alone by the constitution, I would deny to him any such power over the Secretary of the Treasury. Over all the officers whose duties relate to subjects which belong by the constitution to either of the other two co-ordinate departments of the Government, he can claim no such right. For the power to call forth the militia to execute the laws of the Union, to suppress insurrections and repel invasions, the President is indebted, not to the constitution, but to the laws; and in the exercise of this power he is not left to his own discretion, but is absolutely bound by the express provision of the laws. I place the President's power over the Secretary of the Treasury precisely upon the same footing with his power over the militia in time of peace. Both these powers belong by the constitution to Congress; and it is a matter entirely for their consideration, if any, how much, to whom, and under what restrictions, they may be delegated. For the President, therefore, to remove the head of the Treasury Department without the authority of Congress, or for a purpose incompatible with the laws giving him the authority, would be as flagrant a violation both of the laws and the constitution as if he were to order out the militia under the pretence of executing the laws of the Union, without any legal authority, and for the secret though manifest purpose of enslaving the people. The very same authority whence the President derives his power to remove the Secretary of the Treasury, binds him to act in strict obedience to the requirements of the law. With these limitations on the law-executing powers of the Executive, if rigidly adhered to, our liberties are safe.

Let us now inquire what are the requisitions of the law respecting the Treasury Department, which both the Secretary and the President are bound to observe. To Congress the Secretary is indebted for the creation of his office, and, as the creature of their power, he is bound to execute their will, and look to them for direction and instruction in the performance of all his duties. His duties are prescribed by the laws, and he is bound by the solemnity of an oath to discharge them with fidelity. To his care and management are committed the financial concerns of the Government, with the requirement that he report and give information, in person or in writing, to either branch of the Legislature, when required, respecting all matters appertaining to his trust. He is directed by Congress to place the public moneys in the Bank of the United States and branches thereof, unless he should otherwise order and direct; in which case, he was immediately to lay before Congress the reasons of such order or direction. The better to secure the faithful performance of these duties, in addition to the oath of the Secretary, the President is armed with the power of removing him from office, while the constitution clothes the Legislature with the same power, by impeachment. Hence, the President is only responsible that the Secretary faithfully perform his duties according to the laws; and, however many and great may be the evils resulting from this compliance with the laws, the Legislature is alone chargeable.

Let us now inquire why the President removed the late honorable Secretary Duane from the head of the Treasury Department. Was it because he was indisposed, absent, insane, or in any respect disqualified to discharge the important duties of his trust? Was it because he neglected his duties, or violated his solemn obligations to the authors of his official existence, in departing from, or refusing to obey, their orders or instructions? For a correct answer, read Mr. Duane's exposé and the President's memorable manifesto to his cabinet; and there you will find the true cause to be, that the late honorable Secretary dared to differ with the President in his judgment with regard to a matter intrusted to his discretion, subject alone to a revision and correction by Congress. For this was he removed, and another appointed whose opinions were previously known, and who was ready to act, and did act, in conformity with the Executive will. Will any man pretend to say that this was a faithful execution of the law?

The President, in his manifesto, does not pretend to deny the Secretary his legal right to judge for himself on the subject of the deposites; and it is in vain that he can pretend to claim the right to control that judgment, which right belongs alone to Congress, as clearly reserved in the bank charter. Instead, therefore, of removing the Secretary for this difference of opinion, it was the President's duty to have said to him, The law has made it your duty, for such reasons as you may deem good and sufficient, to remove the public deposites; the free and independent exercise of your judgment, with regard to this matter, is all the law requires; to your unbiassed judgment I am bound to yield: then will the laws have been faithfully executed, and I have discharged the important trust confided to me by the power of removal. Such, sir, would have been a faithful compliance, not only with the letter of the law, but also with the plain manifest intention of the Legislature. This, sir, would have kept the public purse in the hands of the people's immediate representatives, where it had been wisely placed by the constitution.

In this view I unfortunately differ with some of my State rights friends, who, while they deny to the President the right to compel an officer to do an act contrary to the honest convictions of his duty, yet admit the right of removal for the sake of a difference of opinion. I must confess that this denial and admission appear to me to be at open war with each other. To deny to the President the right to do what they admit in the next breath he has the right to do, by every means in his power, appears to me, if not contradictory, at least an unmeaning restriction. The gentleman's argument seems to resolve itself into this: The President has no right to compel an officer to act against his will; yet, for a difference of opinion, he has the right to use all the means in his power to compel him. The truth of this doctrine I will not controvert, when applied to the officers of those departments that are strictly executive. The great principle of responsibility for which Ames, Madison, and others contended in 1789, and upon which the gentleman relies in support of this doctrine, I admit to be applicable to the Departments of War, Navy, and State. To execute the will of the President, all the officers of these departments, whatever may be their own private views or feelings, are bound by the express provision of the laws establishing these departments. Hence the responsibility of the officers of these departments to the President, and his responsibility as a unit to the people's representatives.

But can gentlemen pretend that this same doctrine applies to the financial officer of this Government, who is not subject to the President's will, order, or direction, either by the laws or the constitution? The principle of responsibility, when applied to this officer, resolves itself into this: the President is responsible that the Secretary performs his duties according to the will, not of the President, but of Congress, as prescribed by the laws; and, when Congress has invested the Secretary with a discretion, that he be permitted to exercise it upon his own responsibility. Suppose the President should think the Secretary wrong in his judgment with regard to a matter intrusted to his discretion, still the President has no right to interfere, because the power to inform, direct, control, and correct his judgment belongs alone to Congress. If, therefore, the Secretary, acting in strict and honest compliance with the laws, should happen to err against the advice and the opinions of the President and all his cabinet, and the worst calamities should follow, the Legislature could only complain against themselves for having committed such an important trust to his discretion. If such a case were to occur under the existing laws, who would think of holding the President responsible, or the Secretary of the Navy, the Attorney General, or the Postmaster General, all of whom appear to have been consulted on the subject of the deposites, and some of whom are scarcely able to meet their own responsibilities? To make the President, or any one or all of those high functionaries, responsible for the conduct of the Treasurer, you must make his acts, by some means or other, their acts; which, I humbly conceive, the law has not done. These are what I deem, with all due deference to the opinions of my State rights friends, to be common sense rights, if they be not State rights.

In applying the views I have taken of this subject to the late conduct of the President, I feel no hesitation in coming to the conclusion that he has usurped an important power belonging to the Legislative Department of this Government. In directing and controlling the Secretary of the Treasury in the exercise of a discretion committed to him by Congress, the President has assumed to himself the power of the people, through their immediate representatives, over the public purse. To call this by the mild name of an abuse of power, would be a betrayal of my trust as one of the representatives. To dismiss from office an able and meritorious officer for some trifling party consideration, disconnected from the duties of his trust, might be justly regarded an abuse of power; but to dismiss an able and faithful officer, for the purpose of acquiring a power that belongs to another department of the Government, and to exercise this newly acquired power through the appointment of another, are daring acts of usurpation. That such were the views of the President in dismissing from office the late honorable Secretary Duane, and such both the views and effects of the appointment of his successor, none can doubt who will but examine the history of that transaction. After the President had in vain attempted to persuade the late honorable Secretary Duane, and that too by a powerful appeal to his interest, to act in a matter intrusted to his discretion contrary to the honest convictions of his duty, he resolved to substitute his will for the legal discretion of the Secretary, and act upon his own responsibility. In pursuance of this settled resolve, and without the knowledge or consent of the Secretary, the President caused his will to be announced to the public, on the 20th September, in the official organ of the administration, as follows: "The deposites of public money will be changed from the Bank of the United States to the State banks as soon as the necessary arrangements can be made for that purpose; and that it is believed they can be completed in Baltimore, Philadelphia, New York, and Boston, in time to make the change by the 1st of October, and perhaps sooner, if circumstances should render an earlier action necessary on the part of Government."

Indignant and astonished at this extraordinary assumption of power on the part of the President, the Secretary, on the 21st September, addressed him a letter, in which he presented to his consideration the nature of his commission, empowering and enjoining him to execute his duty according to law; the solemn obligation of his oath to execute the trust committed to him with fidelity; the discretion with which he was invested by Congress, in the sixteenth section of the bank charter; the solemn pledge of the President himself, in his letter on the 26th June, and repeated in his exposition on the 18th September, not to interfere with the independent exercise of the discretion committed to him by the law over the subject of the deposites; the opinion of the House of Representatives at the last session, that the public deposites were safe; and his own deliberate conviction of the want of sufficient reasons to justify the removal; and that the measure, in the absence of sufficient reasons, would be a breach of public faith, and appear to the public as vindictive, arbitrary, and unjust.

This frank avowal of an able and faithful officer, containing his reasons and opinions with regard to a matter he had the indisputable right to judge of, is deemed by the President an insult to his dignity, and unworthy of an answer. Instead of countermanding his lawless order, issued on the 20th September, and yielding to the discretion of the Secretary, in compliance with the law, the constitution, and his own solemn pledge not to interfere, he upbraids the Secretary for not basely betraying the confidence of the Legislature, by ignobly deserting his post; and, what is still more strange, makes the fidelity of this patriotic officer his excuse to dismiss him from office. Such high-handed measures as these may now be lauded as marks of a fearless, noble, and patriotic independence; but, when the excitement of the moment ceases, and the present party distractions have been forgotten, they will be recorded by the honest historian as deeds of daring usurpation.

It has been truly said that the sword and the purse are now in the hands of the Executive. The worthy officer to whose guardian care had been committed the public treasure, has been forced from his high trust, for no other crime than the honest performance of his duty; and another appointed, whose first act is opposed to the known wishes of the people, and whose first communication to this House contains an express denial of the authority of the people's representatives. The first official act of the present Secretary was to remove the public deposites; while, in his first communication to the House, he declares his office to be "one of the executive departments of Government; and the manner in which its duties are to be exercised must be subject to the supervision of the officer to whom the constitution has confided the whole executive power, and has required to take care that the laws be faithfully executed."

The President has now all the power necessary to constitute the most perfect despot. With the bloody bill in the one hand, to make war upon the States, under the pretext of executing the laws, and with the purse in the other, his will has become the measure of our liberties. The laws respecting our Treasury may be misconstrued by the President, with the best intentions, or set at bold defiance, with motives the most corrupt; yet our pliant Secretary must obey his bidding. In all things relating to the Treasury Department, the Secretary, according to his own doctrine, must square his conduct and his conscience by the will of this high law-executing officer. Were these views respecting the power of the President over the Treasury confined to the present head of that department, we might hope to see them speedily checked by a patriotic and republican Senate. But such is not the fact. Similar views appear to be entertained by a large and respectable number of this House. Some gentlemen have gone so far in their zeal for executive power, as to declare that "the Secretary of the Treasury is bound to act in compliance with the President's wishes; and, in refusing to do so, or resign, he would violate every principle of duty, of honor, and honesty."

I know nothing, personally, of the honorable Secretary Taney. I have understood, however, that he is a disciple of the ancient school of Alexander Hamilton; and, if so, his present views and principles are perfectly consistent with his political creed. That the love of place or power had any influence in forming his written opinions respecting the public deposites, to suit the known disposition of the President, I profess neither to know nor believe. This is a matter I leave for those to judge who know him best. But this I do know: that he and his immediate predecessor in office differ as widely in their views and principles respecting the duties of the Secretary of the Treasury, and the character of the department, as the east is from the west. Such is the nature of that difference, that one or the other of them must be fundamentally wrong. But, if Mr. Taney be not in error, it is high time for us, who stand here as sentinels on the watch-tower of liberty, to undeceive a deluded people, by proclaiming to the world that, with all our fancied notions of freedom and independence, the President of these United States possesses more power over the sinews of the Government—the purse and the sword—than the King of Great Britain.

Believing, however, that such is not the true character of our Government, I should prove recreant to my trust were I to sustain this act of the administration. To sanction the removal of the public deposites—considering it, as I do, an Executive measure—would be to establish by precedent an act of Executive usurpation. Therefore, I intend, in the first place, to vote for a restoration of the deposites to the Bank of the United States; and, afterwards, support any measure that may be proposed in this House, that I may deem consistent with the public faith, for their future removal and security.

[Mr. C. spoke on several subsequent days, but was interrupted by the expiration of the hour. The whole is given entire above.]

INDIAN APPROPRIATION BILL.

The House proceeded to consider the bill making appropriations for the Indian Department for the year 1834.

Mr. McKAY continued his remarks on this subject. Many abuses, he observed, had crept into this branch of the public service, and it was high time that a corrective should be applied. He moved that the bill should be recommitted to the Committee of the Whole on the state of the Union. He was adverse to its reference to the Committee of Ways and Means, or to the Committee on Indian Affairs. One item, in particular, of this bill, he must beg to call the attention of the House to. It was the clause granting for the payment of blacksmiths, and for the supply of steel and iron, twenty-one thousand dollars. The chairman of the Committee of Ways and Means would see that this bill had been reported on account of treaty stipulations with the Indians; but he would also see, as it was within his knowledge, that another bill had been reported providing for the payment of the blacksmiths, and for the expense incurred on account of the iron and steel. He would further say, that it appeared twenty or thirty thousand dollars were to be paid, without authority, or the semblance of authority, of law. He called upon the gentleman at the head of the Committee of Ways and Means [Mr. Polk, of Tennessee] for information on the subject. He concluded by a repetition of his argument, and by a formal motion to recommit the bill to the Committee of the Whole on the state of the Union.

Mr. POLK said that it appeared to him that these various motions were out of place. If a reorganization of the Indian Department, and of the whole system bearing upon our Indian relations, should be thought necessary, let it be done upon some substantive proposition. The present bill comprised only the regular annual appropriation for blacksmiths and gunsmiths, under the treaty stipulation. The amount of expenditure had been, in fact, diminished, except in one or two instances. When the other bill alluded to should come up, then it would be time to take it into consideration. He would go hand in hand with that gentleman in any proper regulation of the Indian system by law. The present bill certainly ought to pass; and he hoped that the gentleman from North Carolina [Mr. McKay] would postpone or withhold his opposition until the other bill should be taken up. This bill provides for the payment of the Indian annuities, and for the supply to various Indian tribes of implements of husbandry and agriculture. He would join the gentleman in his efforts to regulate and fix a proper system, if alteration were necessary, and improvement could be made. The year was now far advanced, and it was requisite, from many considerations, that the bill should not be arrested in its progress.

Mr. COULTER said it had been the custom always, and a salutary custom it was, that all bills disposing of the public money must pass through the Committee of the Whole on the state of the Union. The object was to give an opportunity of discussing the object and the mode of its disbursement. The money of the people was a sacred treasure reposed in the hands of their representatives, and the propriety and manner of its disbursement became a subject of general and serious deliberation. Has this question received such a deliberate and attentive consideration? No: it had not; and this, of itself, formed a sufficient reason for the recommitment. But if any reason were wanting, it would be found in the fact, that the bill contained an appropriation similar to one in another bill, emanating from the same committee. For his part, he must repeat his wish for the examination of this subject in the Committee of the Whole. He did not understand the gentleman at the head of the Committee of Ways and Means [Mr. Polk] as speaking of any law which regulated our intercourse in this point with the Indians. If such were not the case, how could they reconcile this appropriation with the appropriation in the ordinary mode of the service? Was there any law in respect to this elsewhere? And was the power to be vested in other hands? Was it because the War Department employed others as their agents, that the House ought to pass upon the measure? He would not assume this to be the light in which the case was to be viewed. After some further remarks, he observed that the House was indebted, and highly indebted, to the assiduity and vigilance of the gentleman from North Carolina, [Mr. McKay.] The two bills, containing each of them a similar appropriation, might, but for him, have passed the House, on account of the reliance on the accuracy of the Committee of Ways and Means. That gentleman deserved high credit for his conduct, and he (Mr. C.) was happy to avail himself of the present opportunity of contributing his humble meed of approbation.

The bill, he repeated, ought to be recommitted to the Committee of the Whole on the state of the Union; and he must say he felt surprised at any opposition being made to the proposition.

Mr. HAWES, of Kentucky, expressed his intention of offering some amendments to the bill. He believed the Indian Department of the Government to be the worst managed of all the others. He would not trust to the Committee of Ways and Means; for when any information was asked of the chairman of that committee, the answer, and the eternal answer, was, that the appropriation was less than heretofore; and with that the House was expected to be content.

Mr. SEVIER addressed the House in favor of the bill. He said it was somewhat extraordinary that the House always had an Indian war on the occasion of every Indian bill. He believed the Indian Department to be the purest and best conducted of all the others. He was not prepared to contradict what had been alleged by his honorable friend from Missouri, yesterday, [Mr. Ashley;] but because one officer had neglected his duty, that was not a good ground for condemning the whole department. From his situation, he was enabled to speak from facts; and, upon examination, it would be found that the whole Indian Department was well conducted; and, with regard to the present bill, there was not an item in it not provided for by stipulation.

Mr. McKINLEY, of Alabama, defended the principles of the bill, and urged the inexpediency of entering upon an investigation in a Committee of the Whole, where it would be impossible to examine so many items.

Mr. McKAY explained, and reiterated his former statement, by reciting the clause of the bill appropriating the sum of twenty-one thousand dollars for the expenses of iron, steel, coal, and blacksmiths.

Mr. McKINLEY further contended for the correctness of the appropriation contained in the bill. Nothing more was appropriated than had been appropriated before. If he thought any good could be done by the recommitment of the bill, he should be in favor of that step; but, in his opinion, no good could result from it. He hoped the bill would not be recommitted.

Mr. H. EVERETT made some remarks on the bill before the House. The reporter understood Mr. E. to express himself as being in favor of the recommitment of the bill.

Mr. FILLMORE also briefly spoke in favor of the recommitment.

Mr. MERCER wished to thank the gentleman from North Carolina [Mr. McKay] for his motion. He did not see why a motion to recommit should be considered as any imputation on the chairman of a committee, or a committee itself. The experience of eighteen years had shown him (Mr. M.) that these annual bills were the most neglected of any portion of the business of that House. The notice of bringing them up was generally the signal to gentlemen to dispose of their time in some more pleasant way. It was generally considered that they were laws which had passed before, and therefore required no alteration. The evil of this custom was evident from what they had heard of the present bill. If he had rightly understood, one man had been paid nearly four hundred dollars for a few hours' service, and another had been appointed as an interpreter who did not understand a word of the language. He hoped the bill would be recommitted.

Mr. ASHLEY explained.

Mr. WILLIAMS, of North Carolina, concurred with the gentleman from Virginia, [Mr. Mercer,] as to the thanks due to his colleague for the attention he had paid to this subject. It had been customary for years past not to pay much attention to these appropriation bills. They were considered as existing laws, and therefore requiring no amendment. The gentleman from North Carolina [Mr. McKay] had told them that he had paid attention to this subject. They had reason to think he had. He appeared to have information on the subject, which was in some degree peculiar. He had told them that there were some appropriations in this bill which ought not to be made; and he challenged the chairman of the Committee of Ways and Means to give him the opportunity of proving the fact, that there was an appropriation of $1,000 for a purpose not authorized by law, and another appropriation of $20,000 for a purpose which was provided for in another bill. Should not the House investigate this matter? The gentleman from Alabama [Mr. McKinley] had said that the bill contained no more than the other bills. Admitting this, did it prove that, if wrong had existed, that was any reason why it should longer exist? If the appropriations made in former bills were improper, were they, for that reason, to be tolerated in this bill? Was it a sufficient reason why they should not recommit this bill? The gentleman said that, if it was again committed, the whole question would be again before the House, and that discussion would ensue. Was this an adequate reason why the bill should not be recommitted? Were they always to be deterred from doing their duty, because discussion would ensue? They were sent to that House to discuss, to talk, and sometimes to vote. He trusted the bill would be recommitted.

Mr. VINTON hoped that the bill would be recommitted, and this for the very purpose for which its recommittal had been deprecated—that they might have a full and free investigation into the whole subject of Indian expenditures, which were a perfect wasting of the public treasure. Mr. V. referred to the investigation, which took place about two years ago, into the subject of Indian rations. It was then promised that something should be done to reduce these rations down to what they ought to be. Nothing had been done; and, if this bill was allowed to pass, it would end all measures on the subject for this session. He was in favor of recommitting the bill—retrenchment first, and pass the bill afterwards.

Mr. V. spoke at considerable length on the subject. He declared himself to be the friend of economy and retrenchment. The excess of expenditure of the present administration over that of the preceding one was $5,000,000; and he should like to know the cause of this augmentation of the public disbursements.

Mr. **CAMBRELENG** said he must congratulate the House and the country that the treasury of the nation possessed some advocates among those whose voices had not before been raised for its preservation, and in the cause of economy. The gentleman from Ohio had asked how it was that such an excess of expenditure had been occasioned? The answer was plain. The pension roll since 1824 had been increased; it amounted to $2,400,000. The naval department requires $1,100,000 in the same manner; a million more for the military. Mr. C. went further into the details of the Treasury Department; and, in reply to the remarks of Mr. Vinton, said that he could not but express his surprise that a gentleman living in the interior of a State bordering on the scenes of Indian warfare should oppose this bill. What! when the fires were lighted, and the knife and the tomahawk were impending, was it from the West that the objection was to arise—the objection to a bill providing for the security of that very portion of the country?

Let the gentleman wait till the member from Vermont [Mr. Everett] should introduce the measure which he had announced to be in preparation on this subject. The gentleman from Missouri [Mr. Ashley] had spoken of abuses in the administration of the Indian Department, many of which might probably exist—for where did abuses not exist? But they were not of such enormity, as alleged, as to warrant even the stopping of this bill in its progress. Last year the appropriation was nearly $2,000,000: this bill votes scarcely $700,000.

The **SPEAKER** here interposed. It was not in order to proceed in the details of the question.

Mr. **MUHLENBERG** admitted that it was not in order, certainly, according to the rules of the House; but he said the chairman of the Committee of Ways and Means had reason to complain of the attack levelled at him. Was the public business to be impeded in its progress?

Mr. **BEARDSLEY**, of New York, would not say that a design actually existed, but it was rumored out of doors, and stated in the papers, that this bill must pass to the committee, together with the one referred on yesterday, in order that a tack or proviso might follow, in a supplementary way, for the restoration of the public deposites and the renewal of the bank charter. He asked if there were any latent or concealed design of this nature? If so, let it be avowed fairly.

Mr. **COULTER** warmly reprobated the idea of any sinister motive or latent design being connected with his support of the motion for recommitment.

Mr. **WILDE** said he hoped this bill would be recommitted. He congratulated the House on the temper with which this question had been taken up, and he trusted it would lead to some practical purpose, producing some effectual retrenchment. Mr. W. referred to what had been the usual practice heretofore in bills originating with the Committee of Ways and Means, and the course of Mr. Lowndes, a former chairman of that committee, who was always prepared to give the most minute and satisfactory explanation. The honorable member referred to the 57th rule of the House, and said his object in desiring the recommitment of the bill was to separate the two characters which it embraced.

Mr. **POLK** replied. He congratulated one quarter of the House from whence the opposition to this bill arose, since a new system of retrenchment was probably about to commence. Mr. P. said that the aggregate amount for blacksmiths was authorized by the several treaties made with the Indians since 1821. The honorable member referred to some of the treaties to show that the provisions for this purpose were indefinitely laid down, and left chiefly to the discretion of the Government. The bill contained no appropriation, but under express stipulation; and, if rejected, the faith of Government would be forfeited. These appropriations were, according to former usage, sanctioned by Congress. He trusted the bill would not be delayed by being recommitted, since it would be inflicting an act of injustice upon those officers whose salaries were provided for under its stipulations. Mr. P. would congratulate the honorable member from Georgia, [Mr. Wilde,] especially, for his intention of becoming the sentinel of the Committee of Ways and Means. Mr. P., after some further remarks, concluded by saying that, when the proper time came, he would hold himself ready to act to the fullest extent with the new converts to retrenchment.

Mr. **MERCER** would have been glad if the honorable gentleman from Tennessee [Mr. Polk] had met the proposition of the honorable member from North Carolina with somewhat better temper. He rose principally to express to the former gentleman his expectation that he [Mr. Polk] would have supported the motion, since it would have been by that alone that any application could be made of sound economy. Mr. M. referred to the course he had pursued in the session before last, when on the Committee of Roads and Canals, to show that he did not come under the class of those denominated the new converts to retrenchment by the honorable member from Tennessee. The only bill that committee then originated was vetoed by the President of the United States. Another bill reported by them had virtually originated in the Committee of Ways and Means, and it was not exactly fair that all blame should inure to them. Mr. M. trusted that the House would accede to the motion for recommitting this bill.

Mr. **VINTON** said he was in favor of the motion to recommit for the reasons already assigned for it, and especially for one that had been objected against it. It had been urged that the bill ought to be passed without taking up time in debate. To get a full and searching debate upon the whole system of Indian expenditure, and upon the general state of the treasury and its disbursements, was that for which he wanted to see the bill sent back to the Committee of the Whole on the state of the Union. The Indian Department always had been liable to the greatest abuses; there was nothing of the system, economy, or accountability in it, which it should be subject to; and when, at the commencement of the present administration, it was proposed to introduce into that department new and great operations, necessarily involving very heavy expenditures of money, one leading objection against it was the want of all economy or accountability in the department. This was admitted to be true; and we were then told that estimates of the proposed expenditures were overrated some two or three times beyond what would be the actual cost, because they were based upon the former expenditures; that the Government had a system of economy and accountability devised, which was to follow "the Indian bill," as the law of that session has been called, and the estimates sent us were predicated upon this new system; and thus this insuperable difficulty was got rid of, and the bill carried into a law. It was a most prominent topic of debate. Well, sir, four years have now gone by; something like six millions of dollars have been expended since that time; it has been, as was foretold, a perfect waste-gate in the treasury; and we have, up to this day, seen no movement to revise the department or redeem the pledge then made to the House. And when the objection is now made that this bill ought not to pass till the hand of reform and retrenchment is applied to the department—until the promised economy and accountability are introduced into it--the chairman of the Committee of Ways and Means tells us we must pass this bill first, and then, perhaps, if we have time, the subject of revising the department may be brought forward. He says, he remembers there was a conversation on the subject at a former session. A dull and drowsy recollection of a mere conversation is all that now seems to remain upon his mind of that great and paramount topic of debate. Sir, if this bill is suffered to pass at this time, what little has now been said will be utterly forgotten. We shall be told that the passing of the bill is the decision of the House that the department shall go on for another year on its present establishment. The next is the short session, and we shall then be put off with the plea of want of time; and thus the subject, if it be put by now, may be regarded as indefinitely postponed. He was therefore for sending the bill back to the committee, and he hoped it would be kept there until the promised measures of economy, accountability, and reduction were brought forward and passed; and then would be the proper time to pass the appropriation bill, based upon the new system instead of the old. He had always opposed this Indian Department, and its operations; because, while they were carried on at remote points, removed from all observation and scrutiny, where there is the greatest opportunity afforded for fraud, abuse, and extravagance, there is less of system and accountability in the expenditure of money than in any other department of Government. It was upon this ground, among others, that he steadily opposed this department under the late administration, which, in other respects, he had as steadily supported. When the public money is spent without a proper accountability, he never had, and he trusted he never should, first inquire who was in or who was out of power, before he raised his opposition to it. But he desired to see the bill recommitted for a broader object. There was a hidden leak in the treasury somewhere, and he wanted it searched out and stopped up before any appropriation bill was passed. He knew of no department where we should be more likely to find it than in this. On that account, he was glad the fortification bill was sent back yesterday, and he hoped this bill would follow it. And when all the appropriation bills should be in committee together, he wanted to see a scrutinizing debate upon the whole condition of the treasury and its expenditures.

On looking at the Treasury estimates, sent in last session, for the expenditures of the year 1833, he perceived they were put down as a fraction over seventeen millions of dollars, exclusive of disbursements for the public debt. The President's message and the Treasurer's report of the present session will show that these expenditures have exceeded twenty-two millions, making an excess of five millions of dollars beyond the estimates, which are presumed to have been founded upon the laws in force. He, for one, was anxious to know what had become of this enormous sum of money--who had got it--for what it had been expended--how it happened to be expended--and by what authority. So great a discrepancy cannot have escaped the notice of the chairman of the Committee of Ways and Means. It was his duty to inquire into it. He would presume he had done so, and was ready to give us the information. Other facts also made a thorough inquiry into the public expenditures highly necessary at this time, when we were daily assailed with cries of distress and suffering from all parts of the country. The expenditures of the last abused administration, for all purposes, exclusive of the disbursements for the public debt, amounted to an average of about twelve and a half millions.

This administration came into power under the strongest pledges of retrenchment. Great and ardent expectations were excited on this subject. The expenditures for the improvement of the country had formed one very heavy item of expense. Some of these bills for roads, canals, rivers, harbors, light-houses, &c. were vetoed, and others pocketed by the President. And thus, under the plea of retrenchment and economy, these useful improvements were arrested; and notwithstanding these expenditures were cut down, yet the Government expenses have nearly doubled; instead of diminishing, they have increased about ten millions of dollars. These ten millions of dollars, if brought together in hard money, (to which the President has now taken a fancy,) would make no inconsiderable show, viz: If you will place four-horse wagons at a suitable and convenient distance apart for travelling in company, and put into each two thousand pounds of silver, (which would be load enough for such a team on such a road as that from Maysville to Lexington, which is to the President's liking,) they would make a line more than equal to one-fifth the distance from this to Baltimore. He was sure it would extend from the capitol beyond Bladensburg. Now, sir, if only two or three miles out of the seven or eight could be sent on to Philadelphia and New York, it would help the poor people to bear the new "experiment" now making upon their business and their pockets. He wanted to know how this great and increasing expenditure of public money had arisen; and the people will know, when money has become a thing of precious value, and require us to put a stop to this course of things. It was proper to give the President a reasonable time to introduce and carry into operation the promised retrenchment and economy. He has now had five years, and it was time to look into the subject and know what we are to expect. At the rate at which the administration has gone on thus far, the treasury will be absolutely bankrupt before the end of this year. The President himself is aware of that fact, and more than intimates it in his message at the opening of the session. He has called our attention to the forming a new system of expenditures on what he calls "firm and durable principles." He urges our attention to it in the strongest terms. He (Mr. V.) wanted to know what the chairman had done on this subject; and it would, as a matter of course, be necessary to recommit the bill to accommodate it to the state of things recommended, and which, he trusted, had received the especial attention of the chairman.

After some remarks by Messrs. **POLK, CAMBRELENG,** and **BEARDSLEY,**

Mr. **VINTON** said the chairman of the Ways and Means had congratulated the House upon his (Mr. V.'s) becoming a new convert to economy and retrenchment. He (Mr. V.) was not quite sure his conversion would justify that gentleman in abandoning his principles and professions. But he could inform that gentleman, he was not quite so new a convert as he seemed to suppose. The gentleman attempts to throw the blame of lavish expenditure of the public money on the opposition, and on me among the rest, as one of the most lavish. Now, sir, when it is remembered that in the last Congress there was a clear majority of more than sixty in favor of the administration returned by the people, it will not quite answer to attempt to shift off from the administration, or from that majority, the responsibility of such laws as were passed making appropriations of public money. He (Mr. V.) had not voted for any extravagant laws. The internal improvement bills named by the gentleman had, he believed, cost the treasury nothing, as they had been vetoed or pocketed. As to the pension bills named by the gentleman from New York, [Mr. Cambreleng,] he, (Mr. V.,) with the exception of the invalid pension laws, had never voted for a pension bill. He was not, therefore, to be charged with the draft they had made upon the treasury. And if he had, it did not account for the five millions spent in 1833 beyond the estimates; for, by turning to them, it would be found that, in the estimates of seventeen millions for the year, there was an item of four millions for pensions. That gentleman further accounts for this excess, by saying it was expended in the Indian war waging on the frontiers of Ohio. Mr. V. said he had never heard before that there had been an Indian war during the last year, either on the borders of Ohio or any where else. This was a new and important discovery by that gentleman. When up before, he had said he presumed the chairman of Ways and Means could tell us what had become of these five millions; it was now apparent that he did not know, as, in the attempt he had made, he had wholly failed to inform us. He repeated again, that he wanted to learn where this leak in the treasury is.

The motion to recommit was then agreed to—yeas 106, nays 101.

And the House adjourned.

Thursday, February 27.

ROBERT B. CAMPBELL, a member elect from South Carolina, in the place of Mr. Singleton, deceased, appeared, was sworn, and took his seat.

The House resumed the unfinished business, being the consideration of Mr. Mardis's motion concerning the future place of deposite of the public money; and Mr. Clowney having spoken till the expiration of the morning hour, without concluding his remarks, on motion of Mr. MARSHALL, the House proceeded to the orders of the day.

WASHINGTON POTOMAC BRIDGE.

Mr. MERCER, from the Committee on Roads and Canals, moved to suspend the rules of the House, in order to take up and refer the bill reported from that committee, authorizing the construction of a bridge over the Potomac river, and repealing all other acts on that subject.

The motion prevailed: Ayes 101.

Mr. MERCER then stated that he had not risen to renew the debate which had occurred on the same motion when originally made, but merely that the bill might be referred.

The CHAIR then stated that two motions had been made, and were before the House, for the reference of this bill: one to refer it to a committee of the Whole House on the state of the Union; the other to refer it to the Committee on the District of Columbia. The question would first be taken on referring the bill to the Committee of the Whole.

Mr. MERCER explained at some length his reasons for wishing that the bill should go to a Committee of the Whole House. He desired to know whether it was the wish of the House that the contract which had been begun, but not completed, for constructing this work of stone, according to a plan which was professedly to cost $1,350,000, but which would in reality cost from three to five millions, should be carried into effect. This was an inquiry equally important to the Committee of Ways and Means, as to the Committee on Roads and Canals. The contract bound the contractors to finish the work in two years: and if so large a sum as from three to five millions of dollars was to be drawn from the treasury in that time, it was important that it should be understood. Mr. M. referred to other cases, where bills providing for works of improvement of a local nature had been referred to a Committee of the Whole on the state of the Union. He had received, as chairman of the Committee on Roads and Canals, on the 11th of February, a communication from the Secretary of the Treasury, expressing a desire that, as early a decision as possible should be had on the subject of the contract. He referred to the opinions of several distinguished engineers, who had given it as their opinion that the bridge could never be constructed, on the plan proposed, for less than $4,000,000. He referred to the expense of a bridge lately constructed over the Thames, opposite London, which had cost four millions. If the House was prepared to act upon the subject, why send it to the Committee on the District of Columbia?

Mr. CHINN, chairman of the District Committee, said that, if he consulted his own inclination merely, he should not desire the reference of this subject to the Committee on the District of Columbia. It was not on account of any zeal in favor of the contract which had been entered into that he had made the motion. He was not prepared to say that the contract was a proper one, to give any opinion as to the cost, or even as to the propriety of building any bridge at all. It would be remembered that, when the subject had been first proposed, his opinion had been in direct hostility to it. He thought, at that time, that the estimate submitted was wholly insufficient, and that the House were deceived in supposing the bridge could be constructed for any such sum. But the question, at present, was, whether the bill should be referred to the District Committee. He was not disposed to be tenacious, but would, on the contrary, rather be excused from the trouble of investigating the subject. But there were other matters very important to the interests of the District, which were so connected with this, that decision upon them must be suspended until this subject should first be settled. If the uniform course of business in that House was to have any influence upon the present decision, it was very certain that this entire subject, from its first inception, almost until the present moment, had been in the hands of the Committee on the District. All the previous plans and appropriations, in reference to this bridge, had come from that committee. Why was it now to be taken out of their hands? When the gentleman at the head of the Committee on Roads and Canals had made his call upon the President for a copy of the contract, he had understood from that gentleman that his only object in making the call was to ascertain what was the sum contemplated to be applied to this work. He had not had the least idea that his colleague wished to draw the subject out of the jurisdiction of the Committee on the District. Mr. C. again declared that he was not in favor of the contract in its present form, but he thought it due, as well to the contractor as to the people of the District, that both should be heard before the committee.

Mr. RENCHER, of North Carolina, said that he thought this subject belonged to the Committee on Roads and Canals. Were the reference now to be made for the first time, he should be indifferent whether it went to the Post Office Committee, to the Committee on the District of Columbia, or to that on Roads and Canals; but, since it had gone to one of these committees, who had laboriously investigated the subject, and furnished to the House a bill and report, it was now too late to object to the reference. A party who had lost his cause might as well object to the jurisdiction of a court after judgment was given. Besides, the reference to the Committee on Roads and Canals was in itself a proper one. The Committee on the District were not entitled to draw to themselves all subjects which happened to have their local habitation within the ten miles square, but only such whose nature was local. Supposing a question were raised in reference to one of the post offices in the District, would it not go to the Post Office Committee? Must it go to the District Committee, because the post office happened to be in the District? If a question should be raised about some judicial proceeding which had taken place in this District, would not its proper reference be to the Committee on the Judiciary? And when the question, as at present, had reference to one link in the great chain of communication from north to south, why should that not go to the Committee on Roads and Canals? Were it in order to go into the merits of the bill at this time, it could be easily shown that the measure contained in the bill was a fit and proper one.

Mr. **CHAMBERS** observed that it was manifest, from the report and documents accompanying this bill, that the case was one which called for immediate action. The House was now in possession of all the necessary information; and why should further delay be incurred by sending the bill to the District Committee? For what were the standing committees of the House instituted? Was it not to collect and arrange facts, and to investigate those details which were inconvenient to the House in its collective capacity? And, after one of the committees of the House had done this, and submitted the result of their labor, was the question then to be started, whether another committee would not have been a more appropriate reference? If the subject were now to be originally referred, the case would be different. But the Committee on Roads and Canals had had the subject, examined it, reported upon it, and brought in a bill. And why any further delay in a matter confessed to be urgent? It had been but last week that a question, involving the construction of the laws of Congress, had been sent to the Committee of Ways and Means, and, though some might think this reference not the most appropriate in the world, yet the House had got a report, and nobody thought of recommitting the subject. In the present case, the House had originally appropriated $200,000 to construct a bridge; on the strength of which, one of the departments had entered upon a contract which might incur a debt of two, three, or four millions of dollars. Ought not such a negotiation to be arrested before it was consummated? The Secretary of the Treasury appeared to be under the apprehension, that, in consequence of an appropriation of $200,000, he had the power to bind Congress to pay ten times—twenty times that sum. It was time for the House to interfere. The contract spoke of $1,350,000, but the opinion of experienced engineers—[Here the **CHAIR** reminded the gentleman that it was not in order to go into the merits of the subject.] Mr. C. said that he should not do so; he only wished to urge these facts as arguments for immediate action.

Mr. **FILLMORE**, of New York, adverted to the past reference of this subject to the Committee on the District, and inferred either that the reference had been improper, or that the late jurisdiction of the subject to the Committee on Roads and Canals was so. He quoted the sixty-second rule of the House (which relates to the duties of the District Committee) to show that this subject was appropriate to them. It had, indeed, been argued that the locality of a subject did not determine its nature, and the gentleman had instanced the Post Office as an illustration. But there was no analogy; for, though the General Post Office was located in the District, its operations extended throughout the Union. But it was not so with this bridge. It was, indeed, very true that a traveller who passed over it might have come from the North, and gone to the South, and, in that sense, might find the bridge a link in the chain of his communication; but the same thing might be said, with equal truth, of Pennsylvania Avenue; yet the improvement of the avenue had been referred to the Committee on the District. There seemed to be some unreasonable apprehension on the part of the Committee on Roads and Canals, as if they thought that the other committee were likely to be more profuse of the public money than themselves. Such an apprehension was wholly unfounded. Why should gentlemen be apprehensive of not getting the fullest information? And, without derogating from the intelligence or perspicacity of the Committee on Roads and Canals, it was certainly possible that another committee, who had had the subject for years under their care, might chance to throw some ray of light upon it which had escaped the view of that committee. Mr. F. here referred to the seventy-third rule of the House, and said, from that it appeared that the jurisdiction of the other committee extended simply to roads and canals. It was true a bridge might form a part of a road; but to build a bridge and to make a road were distinct things. The subject might come within the spirit of the rule, but certainly not within the letter. But it was within both the spirit and the letter of the rule defining the duties of the District Committee. Without giving any opinion on the merits of the bill, he asked, as an act of justice, that it should be sent to the District Committee for revision; nor would this involve any greater delay than a reference of the subject to the Committee of the Whole.

Mr. **FOOT** said, if the question now pending was, as he understood it to be, a motion to commit a bill reported by one of the standing committees of the House, either to a Committee of the Whole House, or to another standing committee, he was surprised at the course of the debate. The merits of the bill could not be discussed on this motion of reference. The object of rules of proceeding in deliberative bodies was always supposed to be to expedite business, not to retard it. The only object in referring subjects to committees was, to prepare the business, and lay it before the House for its action. The Committee on Roads and Canals have made a report, accompanied by a bill. The usual course, and, indeed, the necessary course, was to refer the bill to a Committee of the Whole, as it involved an appropriation of money; but the Committee of the District of Columbia insists on having this bill referred to them, because they claim it as belonging more appropriately to that committee, and they refer to the rules to show that it originally belonged to them. Suppose it be so; is it worth a contest? A bill is prepared; a detailed report accompanies it; it is ready for the action of the House; and of what importance is it from what committee it comes? The only object of pointing out the duties of the several committees in the rules, is, to indicate at once the proper reference of memorials or other subjects, to prevent any confusion. He hoped, without further debate, the bill would be referred to the Committee of the Whole. If the Committee on the District, or any member of the House, did not approve of the bill as reported, it would be in their power to move any amendment they pleased to the bill; and the Committee on the District might then propose any other bill as a substitute for this. He wished the question might be taken, and the bill referred to the Committee of the Whole, without consuming any further time in this unprofitable discussion.

Mr. **STODDERT**, of Maryland, was in favor of referring the bill to the District Committee. That committee had memorials before them, a due consideration of which demanded an extensive survey of the interests of the District, and called for a regular systematic appropriation, proportioned to their relative importance. But, in addressing themselves to the duties before them, the committee had found the unsettled question, in reference to this bridge, an obstacle in their way. Until that was settled, no systematic action could be adopted. It had been the intention of the committee to make the same call on the President which had been made by the chairman of the Committee on Roads and Canals; and, when that call had been made, the committee had waited for the reply, expecting, as a matter of course, that it would be referred to them. But it was evident, from the face of the bill now reported, (especially from the second section of the bill,) that the gentleman had directly invaded the jurisdiction of the District Committee. That section appropriated money for the bridge. Now, the District Committee had before them a memorial praying for pecuniary relief on the part of the District. The committee might have thought it proper to report against the construction of any bridge at this time, but they were now precluded from doing so. If $1,350,000 was to be spent on this bridge, the District Committee ought to have had at least the location of it. They had before them a memorial from the city of Alexandria, praying for aid in the construction of their aqueduct. Now, it was possible that twenty or thirty thousand dollars might be saved by combining the aqueduct and the bridge; but this was prevented, and the committee were arrested in their plan of reporting bills for the benefit of the District. Mr. S. was opposed to this piecemeal legislation. This bridge formed one branch of the general system of subjects referred to their action, and the present interference went to break in upon the chain which connected them. He was prepared to say, on behalf of the District Committee, that the subject would suffer no delay in their hands.

Mr. **WILLIAMS**, of North Carolina, said he had never known a motion thus to refer a bill, reported by one committee, to another of co-ordinate jurisdiction. The committee had acted, considered, reported, and brought in a bill. Was any objection made to the report? Was any fault found with the policy of the measure? He had heard none. If any such objections existed, let them be brought forward, and openly discussed in the Committee of the Whole. He could consider it as none other than disrespectful to the Committee on Roads and Canals to make such a proposition. He charged no such design on the gentleman, [Mr. Chinn,] but such was undoubtedly the effect. The subject was manifestly appropriate to the Committee on Roads and Canals. If it were proposed to make a bridge in Arkansas, or in Michigan, would any gentleman propose to refer the subject to the Committee on the District of Columbia? Surely not. He was unable to see why building a bridge in the District of Columbia more belonged to this committee than to the other. It was building a bridge in both cases, and the reference would be as proper in one case as in the other.

Mr. **McKENNAN** disclaimed any intentional disrespect to the Committee on Roads and Canals, and particularly to the chairman of that committee. He was induced to make this disclaimer, because he had learned that some remarks which had fallen from him when this subject was up on a former occasion had been understood as evincing some such feeling. It had not been his intention to charge that committee with occasioning any wilful delay on this subject. [Mr. McK. here quoted the rules, and argued the question of jurisdiction.] In reply to the gentleman from North Carolina, [Mr. Rencher,] who had urged, by way of illustration, that subjects of a judicial nature within the District went not to the District Committee, but to the Committee on the Judiciary, he would take the liberty of reminding that gentleman, that, in a very marked case, the practice had been otherwise. The subject of a code of laws for the District had again and again been referred to the District Committee.

In reply to another gentleman from North Carolina, [Mr. Williams,] he must refer to the seventieth rule of the House; from which it would appear that the Committee on the Territories were excluded from the jurisdiction of such subjects as constructing bridges and making roads. This whole subject had originated in the Committee on the District. To them had gone the subject of Macadamizing the Avenue, and cleaning out the channel of the Potomac, without any counter claim from the Committee on Roads and Canals. The same observation would apply to the road from Georgetown to the chain bridge. As to the sum proposed to be appropriated, he might not, perhaps, differ very much from those who reported the bill; certain it was that he should never give his consent to the appropriation of one million three hundred and fifty thousand dollars.

Mr. **WARDWELL** thought it would be better to inquire how this subject had come before the Committee on Roads and Canals. A resolution had been offered, he believed, by the chairman, calling on the President to lay before Congress information in relation to contracts for building this bridge. The President had responded to the call, and had reported the different propositions which had been made. The bid of one million three hundred and fifty thousand dollars had been the lowest of these. When that communication had come into the House, the same gentleman had moved its reference to his committee. Gentlemen all knew how these references were usually made; very much as matters of course, and attracted little notice. He presumed the chairman of the District Committee had not then been in his place, or had not noticed the occurrence.

Mr. **CHINN** here explained. He had been fully aware of the reference, but had expressly understood from his colleague [Mr. Mercer] that he only wanted the communication to get at the sum mentioned in it.

Mr. **MERCER** made some reply, which was inaudible to the reporter.

Mr. **WARDWELL** resumed: The committee had, however, taken upon themselves to report a bill. He thought the President's communication ought to have gone to the District Committee; but as it had not gone there, and as the other committee had reported a bill which they were not called upon to report, he thought the whole subject should still go there. Within the District, Congress had exclusive control; and improvements within those limits ought to go to that committee peculiarly charged with the interests and welfare of the people of the District, and before which they were in the habit of appearing, presenting their grievances, and stating their wants.

Mr. **STEWART** said, it was not very material to him to which committee the subject went; but, inasmuch as one committee had already reported, he thought it would be best to refer the bill to a Committee of the Whole. Then the members of the District Committee could state all their objections, and could propose any amendments they might think desirable. But he had risen principally for the purpose of stating a fact. The House were already informed that the President had issued proposals for the bridge, and that offers had consequently been made. One proposition had been adopted, but had subsequently been given up. Then another proposal had been made by a Mr. Dibble, and accepted.

This gentleman had called on the Secretary to get the instrument executed. The Secretary had told him that he could not sign the contract then, but that Mr. D. might go on and make preparations and provide materials. The contractor had accordingly done so, and had the last evening informed Mr. S. that he had disbursed one hundred and twenty thousand dollars in the purchase of materials, and was still going on. It was, therefore, very important that the House should decide without delay, and either sustain the contract or rescind it. A reference to the District Committee must produce delay. The man, in the mean while, would go on to spend more and more money, and then the House would be called upon to indemnify him.

Mr. **McDUFFIE** said that, if this were a mere point of jurisdiction, or a point of honor, between two of the committees of the House, he should deem it very immaterial which way it was decided. But it had occurred to him, from the commencement of this debate, when he observed the zeal with which the contest was carried on, that there must be more in it than met the eye; and he now discovered, to his infinite alarm, that the President of the United States, on the faith of an appropriation by that House of two hundred thousand dollars, had gone on and pledged the faith of this nation for one million three hundred and fifty thousand dollars. Now, if the design of gentlemen was to ratify this sporting with the public faith, that House was called upon, by every sacred consideration, to protest against any such purpose; and not to lend it even the momentary sanction that might seem to be implied, in referring the present bill to the Committee on the District.

Mr. WAYNE said that if the facts were as the gentleman from South Carolina supposed them to be, the House might have been indebted to him for his remarks. But the gentleman had collected his information from statements made here, which he no doubt believed to be correct, but which were not so, in point of fact. At the last session, when the appropriation for this work had been made, a communication had been received from the President that he had adopted the plan of making the upper works of the bridge of wood. But before he invited contracts for the work, he submitted the plan to Congress for the necessary appropriations. It was true that, in the meanwhile, difficulties had occurred, and another plan had been submitted for constructing the whole bridge of stone. This latter had been adopted, but the Secretary of the Treasury had informed them that no change had been made beyond the letter of the law of the last session. With a view to show that the President had not determined that more money should be expended than the law allowed, he would ask the attention of the House to a report made by the Secretary of the Treasury to the President.

[Mr. W. here read from the report.]

From this, it appeared that the contract had not been signed, but the plan had been examined and the estimates approved. He was glad that the whole subject had been brought before the House for revision; and, as the whole of the requisite information was now before them, and as it was important that they should act speedily, he hoped the subject would be permitted to remain where it was.

Mr. STEWART said he had made no imputation on any body, and had cast no blame in any quarter.

Mr. WAYNE replied, that he had not accused the gentleman of doing so.

Mr. STEWART said that the gentleman from Georgia seemed to doubt the fact that he had stated. The statement he had laid before the House, he had himself received from Mr. Dibble's own mouth but the evening before.

Mr. WAYNE said it was all true, but the expenditure had been within the amount of the appropriation.

Mr. MERCER said he owed it as an act of justice to the gentleman from Pennsylvania, [Mr. STEWART,] to read to the House what the gentleman from Georgia [Mr. WAYNE] had not had time to see, inasmuch as he had just cut the leaves of the document.

Mr. WAYNE: I knew it all ten days ago.

Mr. MERCER continued. The House would remember that the present Secretary of the Treasury was not in office when the appropriation had been made. In this document, Secretary Taney reported to the President what he had done, and went on to state as follows:

"The plan proposed by Mr. Dibble was deemed by you [the President of the United States] preferable to the one before adopted, and the proposed changes approved. And, as no doubt was entertained of your right to sanction the modification proposed in the original plan, and to accept a bid more favorable to the United States than any before made, you informed Mr. Dibble that his plan would be adopted, and his offer accepted, upon his entering into the proper covenants, and giving security for their performance to the satisfaction of this Department; and that, in the mean time, he might begin to make his preparations for the commencement of the work."

The CHAIR here interposed, and pronounced Mr. MERCER not to be in order. This was going into the merits of the subject.

Mr. MERCER contended that it was strictly in order to state these facts, in hopes to make the House sensible of the necessity of prompt action; and this was a fair argument for referring the bill to a Committee of the Whole, without first sending it, as proposed, to the Committee on the District of Columbia.

The CHAIR said in that view it was admissible.

Mr. MERCER resumed. His colleague [Mr. CHINN] had said that he understood Mr. M's. only motive in wishing the President's communication referred to the Committee on Roads and Canals to have been that he might learn the amount the bridge was to cost. Now, he put it to his colleague, if, after having discovered the real state of things, that committee was not in duty bound to take immediate measures to put a stop to such a procedure? A gentleman from New York [Mr. WARDWELL] had intimated that the committee had no right to report the bill they had reported.

Mr. WARDWELL explained. He had only said that, when the subject was referred to the Committee on Roads and Canals, they had not been called upon to report a bill.

Mr. MERCER: Very true; but the gentleman ought to know that every standing committee of this House has a right to report on any subject referred to them, "by bill or otherwise." How else than by a bill could the House interfere to limit this expenditure? If the House will go on to sanction this, I am done. I am *functus officio*, and will gladly return to the station of a private member. It will be useless to labor in my present station, because this one source of expenditure will ingulf all the resources that ought to be distributed on the various works of internal improvement. As to the object of erecting a bridge, I am perfectly friendly to it. If the District Committee have any thing to object to the measure as proposed in the bill, let their objections be brought forward, heard, and considered.

Mr. M. concluded by vindicating himself for having voted for the original appropriation for this bridge. When he had done so, he had no knowledge that the work would cost more than the $200,000 appropriated. The President said he had examined the plan for a bridge of wood and a bridge of iron, and that $60,000 was too little. Mr. M. had thought $200,000 quite sufficient. The present bridge had been built for $99,000, and the bill appropriated $130,000.

The CHAIR here again checked Mr. M., as going into the merits.

Mr. CHINN said there was no subject on which he was not prepared to yield to the more extensive knowledge, the longer experience, and the greater economy of his colleague, [Mr. MERCER,] but one, and that was expenditure on any object whatever. One obligation he was not afraid to assume, and that was, that, on any subject submitted in common to them both, his own appropriation would be less than his colleague's. He was no more in favor of delay than the gentleman from Pennsylvania, [Mr. STEWART.] What had the Secretary done? Had he anticipated the action of that House by signing the contract referred to? No such thing. He had refused to sign it, and had expressly notified the contractor to go no farther in his expenditures. If, then, Mr. Dibble went on spending more money, he would do so in his own wrong. Delay would not increase the expense one dollar; for the Secretary had done all he could do to prevent it.

The question was now taken on referring the bill to the Committee of the Whole on the state of the Union, and carried: Yeas 103, nays not counted.

REVOLUTIONARY CLAIMS.

The House proceeded to the consideration of the following bill, reported on the 30th January, by the Committee on Revolutionary Claims:

A BILL to provide for the settlement of certain revolutionary claims.

Be it enacted, &c. That it shall be lawful for all persons having claims to the commutation of five years' full pay, in lieu of half-pay for life, promised to certain officers of the revolutionary army, or to the seven years' half-pay promised to the widows and children of continental officers dying in the service during the revolutionary war, to present their claims aforesaid, with the evidence thereof, at any time before the first day of July, eighteen hundred and thirty-nine, to the Secretary of the Treasury, who is hereby authorized and required to receive and examine said claims, and, upon the proofs furnished by the claimants, and such other evidences relating to the subject as the public records may exhibit, to allow or reject them.

Sec. 2. *And be it further enacted,* That the said claims shall be adjudged and determined upon principles of equity and justice; that the Secretary of the Treasury may prescribe the form of authenticating the evidence to be adduced in their support; and that, in deciding upon them, the following shall be regarded as fixed principles:

1st. It being established that an officer of the continental line was in service as such on the twenty-first of October, seventeen hundred and eighty, and until the new arrangement of the army provided for by the resolution of that date was effected, he shall be presumed, unless it appear that he was then retained in service, to have been reduced by that arrangement, and therefore entitled to half-pay for life, or the commutation in lieu of it.

2d. A continental officer proved to have remained in service after the arrangement of the army under said resolution of October, seventeen hundred and eighty, shall be presumed to have served to the end of the war, or to have retired entitled to half-pay for life, unless it appear that he died in the service, or resigned, or was dismissed, or voluntarily abandoned an actual command in the service of the United States.

3d. A continental officer who died during the war, and within three months after he is proved to have been with his command, shall be presumed to have died in the service, unless the contrary appears.

4th. An officer of the line shall not be considered as forfeiting or resigning the half-pay or commutation belonging to his rank from the fact of being transferred to the staff or commissary department.

5th. Any omission in the rolls or returns of the revolutionary army may be supplied by satisfactory proof.

Sec. 3. *And be it further enacted,* That in every case where commutation or seven years' half-pay shall be allowed, such interest shall also be allowed thereon as would have accrued and been payable if certificates had regularly issued and been subscribed under the act of August, seventeen hundred and ninety; that all sums allowed under this act shall be certified by the signature of the Secretary of the Treasury, and shall be paid out of any money in the treasury not otherwise appropriated by law.

Mr. PIERCE, of New Hampshire, thanked the House for having kindly deferred, on the suggestion of his indisposition, the consideration of the bill which had just been read; and he felt under particular obligations for the generous courtesy manifested on that occasion by the gentleman from Virginia, a friend of the bill, [Mr. Mason,] upon his right. He had expressed, the other day, when moving the postponement of the bill, his conviction that it had been passed to a third reading without having received all the consideration due to its importance. That conviction had been strengthened by further examination and subsequent reflection. Nothing, however, but a sense of what he conceived to be his duty as an humble member of that body, could have induced him to arrest its progress then, or now to ask, for a few moments, the indulgence of the House. He should be brief in his remarks, having nothing to say for political effect, or for home consumption; but, with the opinions he entertained of the bill, he should do injustice to himself did he permit it to pass *sub silentio,* feeble and unavailing as his voice might prove. He had hoped that its importance, and the new order of things to be had under it, would have called up some gentlemen whose experience and whose reputation might have insured general attention. He had waited to the last moment, and waited in vain; and now, upon its passage, he called upon gentlemen to pause before they proceeded to provide, by presumption, for satisfying claims of any character, from any quarter.

Mr. P. said he was not insensible of the advantages with which the bill now under consideration came before the House. It came, as he understood, with the unanimous approbation of a committee entitled to the most entire respect; and it related to services, the very mention of which moved our pride and our gratitude. They were services beyond all praise, and above all price. He spoke of the revolutionary services generally. But while warm and glowing with the glorious recollections which a recurrence to that period never fails to awaken; while we cherish with affection and reverence the memory of the brave men of that day, now no more; while we would grant, most cheerfully grant, to their heirs all that is justly due; and while we do extend to those who still survive our grateful thanks, and our treasure also, he trusted we should not, in the full impulse of generous feeling, disregard what was due from the gentlemen composing this House as the descendants of such men.

What, then, sir, (said Mr. P.,) are the objects to be answered by the bill, and what are its provisions? The general object is plainly and briefly stated in the introduction of the committee's report. They say:

"Finding many petitions before them asking the commutation of five years' full pay, promised by the resolution of Congress of the 22d of March, 1783, to certain officers of the revolutionary army, they have been induced, by several considerations, to present to the House a bill; the object of which is, to remove these and some other similar claims from the action of the committee and of Congress, and have them settled at the Treasury Department."

Mr. P. would not be disposed at any time, much less was he disposed now, when so much was said as to the tendency of power, and of patronage, and of responsibility to the Executive, to cast from us any duties which have been performed, or any responsibilities which have hitherto rested here, unless the reasons for such transfer shall appear obvious and conclusive.

It was more than fifty years since the passage of the resolution referred to by the committee as the foundation of commutation claims. The subject of making suitable provision for the officers of the army of the Revolution was one of the deepest and most intense interest, not only to the officers themselves, but to the country generally, from 1778 down to the passage of the commutation resolve of 1783. Mr. P. apprehended that individuals, having substantial claims against the Government, did not often remain long in ignorance of the fact; and he was curious to know how it happened that these claims had slumbered during the whole of this period. Considering the frequency and earnestness with which the subject was urged upon Congress by the Father of his Country, and the anxiety with which it was regarded by the officers themselves, it was not to be presumed that any were so listless as to remain in the dark with regard to their own rights. In his judgment, it was reasonable to suppose that the number of legal and just claims would, by this time, have been so far diminished, as to leave little for the action of Congress or of any department.

Since, however, that which might naturally have been expected to occur seemed not to have obtained in this particular instance, he knew not that he should have raised any particular objections to sending the claims to the Treasury Department, provided they were to go there relying upon their merits, and depending for their allowance upon evidence ordinarily required of revolutionary services, and not upon presumptions. If the bill did not embrace the rules that are to be regarded as fixed principles, and to which he trusted he should be able to satisfy the House there were strong, if not insurmountable objections, it would still be exceptionable. He understood that it was not formerly the practice of Congress to allow interest upon these claims, even where they were brought by satisfactory evidence within the provisions of the resolution of 1783; and it struck him that a different practice never should have obtained, except in cases where the claimant furnished sufficient reason for his delay, showing that it was attributable to no fault or negligence on his part. If correct in this view, it would be clearly wrong to sanction the principle, generally, as is provided by the third section of the bill.

In speaking of what he considered to be the most objectionable features of the bill, Mr. P. said he should confine himself chiefly to its operation upon those who were entitled to half-pay for life, under the resolve of 1780, at the second important change in the arrangement of the army after its establishment; and to some portion of the history of the subsequent action of Congress upon the subject, it might be proper for him to call the attention of the House. By the resolution just referred to, those who were reduced by the arrangement which then took place, as well as those who served to the close of the war, were entitled to half-pay for life. That this provision was made under very peculiar circumstances, was matter of history; and it was well known to all within the reach of his voice that it was regarded with jealousy and dissatisfaction, both by the soldiers, who had behaved with equal valor, and endured equal hardships, and by the citizens generally. They regarded it as anti-republican; they thought it setting up, in the then young republic, invidious distinctions, and establishing, for that generation at least, a privileged and pensioned class, inconsistent with the equal rights for which they had been contending, and at variance with the genius and spirit of such a Government as they hoped to see established and maintained.

In March, 1783, a change was made; and what was the moving cause of that change? A memorial from the officers themselves. The preamble of the resolution recites that, "whereas the officers of the several lines, under the immediate command of his excellency General Washington, did, by their late memorial transmitted by their committee, represent to Congress that the half-pay granted by sundry resolutions was regarded in an unfavorable light by the citizens of some of these States, who would prefer a compensation for a limited term of years, or by a sum in gross, to an establishment for life," &c. To satisfy the memorialists and the country, five years' full pay was granted in lieu of half-pay for life; and it is for this commutation that petitions are now pouring in upon you, and claims arising under the resolution just referred to, and those, the adjustment of which the bill proposes to transfer to the Treasury Department, with rules of evidence which might possibly facilitate, as the committee suppose, the allowance of some just claims; but which will, at the same time, open a wide door for imposition, and for the assertion of rights which have no legal or equitable foundation, and which may still be honestly urged by the heirs of deceased officers. Sir, (said Mr. P.,) is it not admitted by the report that this will be the operation, to some extent? Speaking of these rules, the committee say:

"It is possible that their universal application may lead to the allowance of some claims which do not come strictly within the original terms. But this will be no new evil; and it is certain that, if they are not applied, many just claims must be rejected for the want of technical proof." To the correctness of this last clause, he must be excused for withholding his assent.

If evil has heretofore arisen, or is liable to arise, from application of the said rules of evidence, is that now to be used as an argument in favor of transferring duties from the House to one of the departments, and transferring them with instructions binding the Secretary, and making certain the continuance of the evil? He trusted not. If presumption, and not evidence, was to be the ground on which claims are to be allowed, in any instance, would it not be more wise to retain them here, where a spirit of liberality, and yet a sound discretion, may be exercised in each particular case, according to its circumstances, than to give them a direction any where else, accompanied by instructions which it was admitted might lead, and which, in his humble judgment, would inevitably lead, to the acknowledgment of many unjust claims?

Again, the committee say:

"If there is any apprehension that the principles here declared are too liberal, it must be recollected that the tendency of legislation for individual claims is constantly to enlarge the basis of right; while the effect of transferring them to another tribunal, more judicial in its character, will probably be to retain that basis essentially within the limits fixed at the moment of transfer. If, therefore, it should be supposed, or even admitted, that the principles asserted in the bill are more liberal than the present practice of Congress, it may be considered certain that, in its continued action, they would soon be surpassed in liberality."

That is, if we are acting upon too liberal principles—too much upon presumption—we had better at once send out these presumptions to be the guide of others than longer to trust ourselves. Why? Because "the tendency of legislation for individual claims is constantly to enlarge the basis of right;" and we are in danger of being further from those principles which should govern prudent legislators, watchful of the interest of those whom they represent as they would be of their own, than we now are. Mr. P. said, however just this might be in point of fact, he was not yet prepared to admit it as principle of action; and, while no one would lend his support more readily to any claim that might come here sustained by proper evidence, he trusted the correctness of such a proposition might never find support in any vote of his.

Speaking of the operation of the limitation acts, the committee say further:

"Driven from the ordinary means of redress, individual claimants, from time to time, resorted to Congress for relief. At first, it may have been a matter of consideration and of serious question whether relief should be afforded after the limitation had expired, and the party was at least held to account for his delay; but in process of time it became, as it now is, a matter of course to grant relief in every case in which the claimant brings himself, by proof, within the terms of the resolutions on which the claim is founded, and has not been already paid."

Mr. P. trusted that wrong practice and precedent founded in error were not to be regarded as guides here. He solemnly believed that, if precedent and practice were to be relied upon, gentlemen might readily find justification for going almost any length in any direction.

In the case before the House, it was so exceedingly probable that all claims founded in right were adjusted, and so fallible and uncertain was human testimony, after a lapse of fifty years, that he had no hesitation in declaring it as his firm conviction that the former course was the proper one; and that applicants, who came in after the extension act of 1792, should always have been held to account for their delay. It was not, of course, intended to give commutation to those, or the heirs of those, who received certificates in 1784, or who have, at any time since, under any circumstances, received commutation.

Before examining more particularly the presumptions which this bill directs the Secretary to assume, let us consider, for a moment, what are the natural presumptions in the case. The commutation provided for by the resolution of 1783 was originally directed to be adjusted by commissioners, or other accounting officers, appointed by Congress; and it was supposed that certificates were almost universally granted in 1784. Why should it not have been so? They were ready, upon application and the production of the proper evidence; and he put it to the House, whether the provisions of that resolution, and the rights accruing under it, considering the circumstances under which it was passed, upon the application of the officers themselves, must not have been known to every officer living within the limits of the United States? Mr. P. thought it utterly incredible that it should have been otherwise. Whenever there had been any action upon the subject of pensions, in later times, what period had elapsed before that action, whether favorable or unfavorable, and almost every particular attending it, had, through one channel or another, reached the humble dwelling of every survivor of that noble band? But, upon the supposition that, from their remote situation from the accounting officers, some might, by possibility, have been precluded from obtaining their rights, an act was passed on the 27th of March, 1792, suspending the operation of the limitation acts for two years; and, under this extension, remaining claims, or such as were presented, were adjusted at the Treasury Department, by what were then termed "certificates of registered debt." Again, he inquired whether it was within the bounds of reasonable probability that any claims were held up after this period, if they were ever intended to be enforced? Sir, (said Mr. P.,) it is to be remembered that, during all this time, it was not, as it unfortunately now is. There were hosts of living witnesses among the officers with whom the claimants served, and the soldiers whom they commanded. Nor is the advantage which the officer had, from his position over the private soldier, of proving every particular connected with his service, and its duration, to be overlooked. Men engaged in the same great cause, and serving in the same camp, were no strangers to each other; never, perhaps, was there a band bound together by such ties of affection, intimacy, and confidence. Genius, honor, and unshaken valor then went hand in hand, and were in exercise, not from low considerations of personal aggrandizement, but to vindicate a nation's rights. The links that bound men together at that day exist not now. Their intimacies and their friendship were those which, perhaps, from our very natures, can only spring up and flourish amidst the mutual dangers and privations of a camp. At the period of which he spoke, every incident of the exciting and eventful struggle through which they had just passed, must have been fresh and vivid in the recollection of all: nothing need then have been left to doubt, nothing to presumption. But this is not all. From 1794, down to this hour, there had been the same opportunity to obtain equitable rights, by application to Congress, that exists at present.

With these facts before us, (said Mr. P.,) if the natural presumption be not that all just claims have been satisfied, according to the provisions of the resolution of 1783, he confessed that the conclusions at which he had arrived were singularly erroneous. The House had nothing to do with the question of the value of the certificates; they were, without doubt, nearly valueless in the hands of a large portion of the original holders. This subject was most satisfactorily discussed in the able and elaborate reports made to both Houses at the first session of the twenty-first Congress, when the act was passed providing for the officers who were entitled to half-pay by the resolve of 1780, and for the non-commissioned officers and soldiers who enlisted for, and served to, the close of the war. The views taken in these reports were interesting and instructive upon this subject. But he was considering what was the natural presumption as to commutation rights still existing; and, if his views were in any tolerable degree correct, it was diametrically opposed to the legal presumption to be established by the passage of this bill.

Sir, (continued Mr. P.,) we are told that the evidence of records is exceedingly imperfect, and I assure the House that such is the fact to a much greater extent than I had supposed, before applying to the department for information. The muster-rolls had been almost entirely destroyed by fire, and all the records, from various casualties, were broken; but this deficiency of record evidence was, in his estimation, much more the misfortune of the Government than of the claimants, who came here after the lapse of fifty years. But pass your presumptions, sir, (said he,) and you will have little occasion for evidence. It is said that the rules which are to be regarded as fixed principles by the department, provided this bill pass, are the same which the committee have adopted in the investigation of claims coming before them. If so, and they accorded with the sentiments of the House, he confessed it was a matter of very little consequence whether they were applied here or elsewhere; and he was happy that the bill had been reported, that the opinion of the House might be deliberately and understandingly expressed upon the propriety of their adoption. Sir, (said Mr. P.,) will not their operation be that of a new law upon the subject of commutation? Look at the first presumption of the bill; it has the advantage of being plain; there is no ambiguity about it:

"It being established that an officer of the continental line was in service as such on the 21st of October, 1780, and until the new arrangement of the army provided for by the resolution of that date was effected, he shall be presumed, unless it appear that he was then retained in service, to have been reduced by that arrangement, and therefore entitled to half-pay for life, or the commutation in lieu of it."

The *onus probandi* was shifted; the burden of proof was not left where it was intended it should rest—with the claimant, but it was thrown upon Government. He presumed it was not expected that the Government would send agents abroad to obtain negative evidence from living witnesses. How, then, was it to be shown, in the present imperfect state of the records, that an officer was not reduced, and did voluntarily leave the service? The effect of such instructions would virtually be to give commutation to all who were in service on the 21st of October, 1780, and until the new arrangement was effected, instead of to those only who were actually reduced, as was originally contemplated. He called the attention of the House to the second presumption:

"2d. A continental officer, proved to have remained in service after the arrangement of the army under said resolution of October, 1780, shall be presumed to have served to the end of the war, or to have retired entitled to half-pay for life, unless it appear that he died in the service, or resigned, or was dismissed, or voluntarily abandoned an actual command in the service of the United States."

This, also, manifestly made new provision; granting commutation to those who were in service after the new arrangement in 1780, instead of to those who actually served to the close of the war; for, in the state of record evidence, as declared by the committee, how was it possible for the Government to prove, in very many instances, that the claimant, or the ancestor of the present claimant, "died in the service, or resigned, or was dismissed, or voluntarily abandoned a command in the service of the United States?" There was no possible means of doing it. Mr. P. would pursue the subject no further. If there was no fallacy in these premises, and the conclusions were legitimate, they were sufficient for his purpose. The House would not think of passing the bill in its present shape. He ought not longer to ask the attention of gentlemen, for which he was already under great obligation. Such were some of the objections to the bill that had occurred to Mr. P., and thus much he thought it his duty to say. For the committee making the report he entertained the highest respect; and he believed that he was no less disposed than they were to grant, to the uttermost farthing, all that was due to revolutionary officers or their heirs. But, (said Mr. P.,) pass this bill, and you will do great injustice to the country; you will make a most exhausting draft upon your treasury, to answer, it may be, some equitable claims that may as well be liquidated without it; and you will, it is morally certain, be compelled, under it, to acknowledge a vast number which have no foundation in justice—no foundation any where, except in lost records and violent presumptions.

Mr. VANDERPOEL followed, in opposition to the bill; and, without concluding, gave way to a motion to adjourn.

Friday, February 28.

REDUCTION OF REVENUE.

Mr. HALL, of North Carolina, offered the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of reporting a plan, accompanied by a bill, to reduce the revenue to the necessary expenses of the Government.

Mr. STEWART moved the question of consideration.

Mr. McDUFFIE requested Mr. S. to withdraw his motion; but he declined doing so.

Mr. CONNOR then demanded the yeas and nays upon the preliminary question of consideration; which were ordered, and taken as follows:

YEAS.—Messrs. Archer, Barringer, John Blair, Bockee, Boon, Briggs, Bunch, Bynum, Cage, Cambreleng, Casey, Chaney, Chinn, Claiborne, Clay, Clayton, Connor, Deberry, Dennis, Dickinson, Duncan, Dunlap, Ewing, Felder, Forester, Fowler, Philo C. Fuller, Gamble, Gholson, Gordon, Grayson, Griffin, T. H. Hall, Hannegan, Hawkins, Hawes, Hiester, Hubbard, Inge, N. Johnson, C. Johnson, Kinnard, Luke Lea, Lewis, Loyall, Lucas, Mardis, John Y. Mason, McDuffie, McKay, McKim, McKinley, R. Mitchell, Patton, Peyton, Pinckney, Polk, Rencher, Schley, W. B. Shepard, C. Slade, Speight, Standifer, Stoddert, William P. Taylor, Thomson, Wayne, C. P. White, Wilde.—69.

NAYS.—Messrs. J. Q. Adams, J. Adams, H. Allen, J. J. Allen, C. Allan, W. Allen, Anthony, Ashley, Banks, Barber, Barnitz, Baylies, Beale, Bean, Beardsley, Beaumont, J. M. Bell, Binney, Brown, Bull, Burges, Burns, Carr, Chambers, Chilton, Choate, William Clark, Clowney, Corwin, Coulter, Cramer, Crane, Crockett, Day, Deming, Dickson, Evans, Edward Everett, Horace Everett, Fillmore, Foot, William K. Fuller, Fulton, Gillet, Grennell, Joseph Hall, Hiland Hall, Hamer, Hard, Hardin, James Harper, Harrison, Hathaway, Hazeltine, Heath, Henderson, Jabez W. Huntington, A. Huntington, Jarvis, Benjamin Jones, Lane, Lansing, Laporte, Lay, Leavitt, Love, Lytle, Abijah Mann, J. K. Mann, Moses Mason, McCarty, McComas, McIntire, McKennan, McLene, McVean, Mercer, Miller, Milligan, H. Mitchell, Osgood, Page, Parks, Parker, Patterson, D. J. Pearce, Franklin Pierce, Pierson, Potts, Ramsay, Reed, Schenck, Shinn, Smith, Spangler, Stewart, Sutherland, William Taylor, P. Thomas, Turner, Turrill, Tweedy, Vance, Vanderpoel, Wagener, Ward, Wardwell, Watmough, Webster, Whallon, E. D. White, Frederick Whittlesey, Elisha Whittlesey, Wilson, Young.—115.

So the House refused to consider the resolution.

PUBLIC DEPOSITES.

The resolution offered by Mr. Mardis coming up, as the unfinished business of yesterday morning—

Mr. CLOWNEY resumed and continued his remarks in opposition to the resolution, and occupied the floor until the expiration of the morning hour.

The House then proceeded to the orders of the day, and went into Committee of the Whole on sundry private bills: which having been gone through with, the House next took up the bill for the relief of

MRS. DECATUR.

Mr. HAWES delivered his opinions in opposition to the bill, on the grounds that Commodore Decatur had received, in promotion, &c. ample reward for the achievement in question; that the bill gave too little to the men and too much to the commander; that nothing was given to Mrs. Preble, or to the blood relations of Decatur.

Mr. PINCKNEY, of South Carolina, then rose and addressed the House as follows:

Mr. Chairman: I shall trouble the committee but a little while upon this subject; indeed, I should not trouble it at all, but that I feel under a kind of moral obligation not to give a silent vote upon a question, in which so powerful an appeal is made to the justice of this Government. Who is the applicant before us? She is a poor widow—yet she does not come before us for our charity; she is the widow, too, of a gallant and chivalrous man, whose name is identified with the glory of our navy, and whose achievements emblazon the very brightest pages of our history; yet she does not ask for an act of kindness to herself, nor for a tribute of national gratitude to him, but simply for that to which every individual is entitled at our hands—an act of justice. And yet we hesitate. Yes, sir, this House—which throws away money upon many and many an object, as if the great business of legislation was merely to squander the public funds—this House, which very frequently pays extravagantly where little or no service is performed, and has often given, not merely thousands, but hundreds of thousands, simply because the donations were splendid and munificent—this House now hesitates to pay the claim of the widow of Decatur. Such is legislation—such, at least, is that kind of legislation which is profuse in the application of public money to objects and purposes to which it has no rightful authority to apply it, yet hesitates to pay a debt which it cannot refuse to pay, not only without an utter disregard of every principle of equity, but even without the positive violation of a contract. Sir, a few days ago, I thought I almost stood alone in opposition to expenditures of the public money, and that national generosity and munificence were the orders of the day. Sir, was it not the honorable member from Kentucky [Mr. Chilton] who introduced a resolution, and has since introduced a bill, proposing to extend the pension system to all who were engaged in the Indian wars from the close of the Revolution to the treaty of Greenville, in 1794? Did he not tell us, in advocating that resolution, that he admitted that pensions were not payments of debts, but acts of bounty—not strictly acts of justice, but of public generosity and gratitude? And did he not exclaim, in the fullness of his heart, overflowing as it was with kindness for his Western warriors, that if he was as rich as the sun, he would be as liberal as the day? Sir, where is his liberality now? Is he now pleading the cause of the helpless and oppressed? No, sir. He, who would give millions to the Western warriors, will give nothing to him whose achievements will shine with undying lustre when the Indian conflicts are buried in oblivion. He, who would be as liberal as the day to those who have not asked our bounty, shuts up the treasury with hermetical closeness against a poor widow, who did not fight, to be sure, in the Western wars, but whose gallant husband achieved an exploit, and has left a name, which will be remembered and honored even by foreign nations when the Indian wars will be forgotten in America. Sir, I have been sorely disappointed. I had really hoped—nay, I was morally sure—that, in this case, as in that, his heart would have flowed with the milk of human kindness, and that, however, in this case as in that, he might have thought that there is no absolute or legal claim upon the justice of the Government, he would still have had a hand open as day to melting charity. But no: he goes for generosity in the one case, but for justice in the other; for generosity in millions, but for strict justice where only thousands are involved. Be it so, sir; I must meet him then upon his own ground. I, too, go for justice; and the gentleman from Kentucky may rest assured that, if I were not satisfied this claim is just, no possible consideration could induce me to sustain it, holding, as I do, that Congress has no rightful authority to apply the public money to mere purposes of generosity or bounty. But, sir, is this an application for our bounty? Are we called on now to give away the money of the people, not only without any legal claim, but even without a petition or application from those to whom we propose to give it? No, sir: we are called upon to pay a debt—not a debt of gratitude merely—not merely one of those debts of the heart which patriotism considers binding on the honor of the country, and the honor of the country pays even before it is demanded—but a debt of common justice, which this House is as much bound to pay as a legislative body, as every individual in it would be to pay a demand upon his private purse, of which he could not deny either the justice or the equity. Sir, am I not correct in making this assertion? Who denies the justice of this claim? Who denies that the Philadelphia was retaken by Decatur? Who denies that, the moment he retook her, she became the property of the captors, and that, as he destroyed her by order of his commander, the Government is bound to repay him by its own laws, and by the positive obligation of a contract? Who denies that that gallant exploit raised our national reputation high, and inspired the Barbary Powers with respect and terror for our flag? Who denies that it fought the navy into favor with the people, excited the ambition of our other officers, and laid the foundation of many a gallant achievement during our last war with Britain? And that, therefore, whether we consider its own unparalleled brilliancy, or the important results it produced in relation to our commerce and our property, or the noble and animating example it placed before our navy, it was an action which not only does not deserve to be valued at a few thousand dollars, but which is in reality beyond all value. Who denies all this? No one, sir. Every gentleman admits it all.

Every gentleman admits that it constitutes a claim, and a very high claim, upon the justice of the Government. Every gentleman knows that that claim has not been paid; every one admits that it ought to be paid; and yet they object to paying it. And why so, sir? Is there no precedent for paying it? On the contrary, is there an instance in our history in which a naval commander has performed such an exploit as that? No, sir, not such an exploit as that; for, brilliant as their achievements may be, none have ever equalled the renown of that. But is there a single instance in which they have not been generously and munificently rewarded? None, sir; no, not one. They have all been paid and rewarded as they should have been. Why, then, is this action alone, the most brilliant of the whole, to go forever unnoticed and unrewarded? Why, sir, we are told—yes, we have it actually given as a reason why this just debt should not be paid—that Commodore Decatur himself did not apply for compensation to the Government! True, sir, he did not apply; neither did the veteran warriors of the West to be placed on the pension list; yet the gentleman from Kentucky would place them there as an act of generosity. But why did Decatur make no application? Sir, he did not apply, because he was governed by lofty and chivalrous motives—because the Government was embarrassed during the late war, and he did not wish to add to its embarrassment—because he himself was content with the fame he had acquired, and was willing to wait for payment until it should suit the Government voluntarily to offer it. And now, sir, let me ask, is a just debt to be debarred forever by this House, because its generous creditor would not trouble it for payment? Is his wife to be allowed to starve, because the generous Decatur himself shrunk from the idea of boasting of his gallantry, and importuning Congress to reward it? Would you refuse to do her justice, because of the extraordinary delicacy of his feelings, and the refinement and elevation of his character and conduct? Really, sir, this is a principle of legislation, a new system of political ethics, of which I never heard before, and upon which I should be sorry to think that the Legislature of this country will ever consent to act.

But, passing over this, let us come to the other objections which have been urged against this bill, and which, though they are of a graver and very different complexion, are still, in my humble opinion, equally insufficient and untenable. One of these objections is, that the bill before us does not come within the letter of the prize law. It may not come strictly within its letter, but it certainly does within its spirit—ay, sir, and it goes beyond it; it is a case *sui generis*—a case without example or parallel; a case that stands upon its own merits, and those merits unequalled by any similar exploit in our history, or the history of any other country! And will you tie such a case down to the literal provisions of the prize acts? Sir, suppose that no prize law had ever been passed; would not Congress still be at liberty to make compensation in this case, or in any other case it pleased? Is it not perfectly competent to Congress to make compensation in this case, without any reference whatever to the prize act? Has it not the same power to pass this bill that it had to pass the other? And could not this one be passed without at all conflicting or interfering with the other? Unquestionably it could, sir. The mere fact, then, that this bill may not come strictly and absolutely within the letter of the prize acts, constitutes no possible objection to its passage; and an act of justice should not be defeated merely because it is not provided for in existing statutes, but requires the passage of another and an independent act.

But we are told, again, that the distribution is unequal; that the lion's part is given to the commander, and that the seamen are not provided for in proportion to their services. Sir, the lion's share should be given to the lion. It was the lion's head that projected, and the lion's heart that achieved the enterprise. But for Decatur himself, would the destruction of the Philadelphia have been thought of? Would it have been done by any one else? No, sir. Then let the reward be proportionate to his merit. For my own part, I would rather increase than diminish the sum which the bill proposes for his widow. But I presume that the details of the bill have been well considered and well adjusted by the committee, and therefore I am satisfied with it as it stands. But if gentlemen have no other objection than the arrangement of the proportions proposed by the bill, why not amend it? Why not submit their scale of distribution? Why not perfect the bill, rather than allow a measure to be defeated which they themselves acknowledge to be a simple act of ordinary justice? Mr. Speaker, perhaps I ought to ask pardon of the House for having troubled it, after one of my colleagues [Mr. Grayson] has already done full justice to this claim. Indeed, it almost seems strange to myself that I should have spoken as I have done in relation to any matter connected with the navy. Carolinians have had enough, and more than enough, to quench their ardor and to cool their attachment both to the army and the navy. We have not yet forgotten the time when a portion of this very navy lay in our waters, in a hostile attitude, displaying the American flag as the flag of an enemy, and ready, at a moment's warning, to open its murderous batteries upon the devoted city which I have the honor to represent here. Why, then, should I care about the navy? Why should I care to maintain its character, or to reward its officers?

Sir, I will tell the House. Because, in the first place, I believe the claim before us to be just, and hold myself bound, both as a man and a member of this House, to render justice where I believe it due; and, secondly, because, when I look upon these stars and stripes, I remember, with intense emotion, the honors our navy has heretofore achieved for itself and for the Union; the victories of Erie and Champlain; the desperate and heroic conflict in the Bay of Valparaiso, and a hundred other brilliant and gallant exploits, which have studded our country with unfading stars: and as I think of them, sir, the pride and exultation with which they then inspired me burn in my bosom in all their original fervency and ardor, fill every avenue of my heart with vivid associations of the common glory and the common sufferings of that eventful and honorable war, and have caused me to make this feeble effort to get an act of justice done to him who stood, even amongst the heroes of the American navy, brightest of the bright, pre-eminent amongst the most distinguished. Ay, sir, and let me beg the members of the House to remember the munificent and gratuitous provision that was made for Lafayette, and then to say whether that is no argument in favor of this claim! Is there no precedent there, in favor of compensation to Decatur? Sir, did not the Congress of the United States bestow a donation upon General Lafayette far exceeding the amount of the appropriation proposed in the bill before you? And shall it be said that we gave to the one, and refused even to pay the other? Sir, let us look at the history of this transaction for a moment. It is well known that the United States had long been subjected to the insolence and depredations of the Barbary Powers. We had been obliged to purchase the safety of our commerce in the Mediterranean, and the security of our property and seamen, by base and degrading tribute. At length, the capture of several of our vessels, and the enslavement of hundreds to our citizens, roused the spirit of our people, and our Government determined that our flag should no longer be dishonored by this disgraceful subjection to African corsairs and pirates. War was declared against Tripoli. Our navy was then in its infancy, and we had a powerful and ferocious enemy to encounter. The Philadelphia, unfortunately, was soon after captured, and moored in the harbor of Tripoli, under the powerful castles that commanded it. The spirit of our people sank. They saw nothing in prospect but defeat and disaster, continued depredations on our property and enslavement of our citizens, or the perpetual payment to the Barbary Powers of enormous and disgraceful tribute. Sir, who reversed this prospect, and saved our country from all these disasters and disgraces? Who rescued the American flag from its base subjection to the crescent, and hoisted it in triumph amidst the bursting guns and towering flames of the Philadelphia? Who broke the chains of hundreds of your citizens, released them from dungeons, and restored them to liberty and their country? Who procured us an honorable peace, abolished all tribute to the Mussulman, and placed our flag and our commerce in honor and security? It was Decatur, sir. The impression produced upon the pirates by his daring valor, and that alone, accomplished these results; and as it would be difficult to estimate the amount of tribute and disgrace he saved our Government, or the amount of loss and misery and imprisonment and slavery he has saved to our people, so it would be difficult to estimate the true value of an achievement of which it is not extravagant to say that it was incalculably valuable to our country both in honor and in money. Nor was this all, sir. The war with Algiers followed the war with Tripoli; and here, again, the effect of the destruction of the Philadelphia was remarkably exemplified. The name of Decatur was sufficient. Although the Algerine is a stronger and much more formidable Power than the Tripolitan, yet the memory of that daring exploit supplied the place of negotiation; and it is recorded as a fact unparalleled in history, that, in the short space of fifty days after he sailed with his squadron from the United States, he arrived in the Mediterranean, met and captured a frigate, entered Algiers in triumph, dictated to the Dey a treaty as humiliating to him as it was advantageous to the United States, and literally ratified the treaty at the cannon's mouth. It is recorded, sir, that a former treaty with Algiers cost the United States a million of dollars, with an annual tribute of eighty thousand. What did Decatur's cost? Not a dollar! What did it gain for the country? Estimate the payment of annual tribute to the Algerine, and then you may estimate what it gained by abolishing that, and establishing the freedom and honor of our flag!

And so, again, with Tunis, similar results were effected. There, a speedy and honorable treaty was concluded: and thus, with the Barbary Regencies, by whom we had been grossly outraged and insulted, we had permanent and honorable peace. They continued to insult and harass the flags of other nations, but they honored and respected ours; and all this was accomplished by Commodore Decatur, and he was enabled to accomplish it as speedily, decisively, and peacefully, as he did, by the salutary terror with which his reputation had inspired them. And now, sir, is it possible that, when such was the brilliancy of the exploit, and such the commercial and national advantages it procured, we sit here deliberating in cold debate whether or not his widow shall have her just proportion of the prize? Why, sir, is it not her property? Have you a right, in equity, to withhold it from her? Did not her gallant husband recapture the frigate? and does not your prize act expressly award that all vessels taken, and all property connected with them, when of equal or superior force to the vessel by which they are taken, shall be the sole property of the captors? What was Decatur's force? A ship of the line? No, sir! A frigate of equal class? No, sir; nor even the ketch in which he went upon the enterprise. He took her himself, sir: yes, he took her himself, with a few daring comrades, into whom he had infused his own heroic spirit. And was not the property his? Does not your law make it his? Is not your law a contract with your officers, that if a vessel taken be of equal or superior force to theirs, it shall be the sole property of the captors? Will you violate that contract? Will you take from Decatur what the law allows him, and what has been paid to every other naval commander in your service? Shall I be told that the property was not his, because the vessel was not brought into port, and regularly adjudged and condemned? Why was it not brought in? Who hindered him from bringing it in? The Government itself, sir. He was ordered by his commanding officer to burn her. In obeying his commander, he obeyed his Government; for the order to him was as much an order of the Government, as if it had been given by a vote of Congress. And shall this Government take advantage of its own act to defeat a just and legal claim? Shall it take his prize from him, forbid his bringing it in for adjudication, order him to destroy it, have it destroyed, and then refuse to pay him? Sir, I have done. I can only say, that I think the Government bound, both legally and morally, to pay this debt; and that while we have liberally paid other officers of the navy for captures made in the regular performance of their duties, we should not hesitate to compensate the widow of Decatur for an act which it was not his duty to have done, but which has crowned our navy with imperishable glory, and conferred lasting and incalculable benefits both on our Government and country. Pay him, sir, what you owe in money, (for you never can pay what you owe in gratitude,) and there may be some inducement to another Decatur to attempt the recapture of another Philadelphia. But, refuse to pay him, and we certainly can have no right to expect that our officers will do more than their duty, when Government tells them that, however they may be paid for doing their duty, they shall not be paid for doing more than their duty, however daring and perilous the act may be in itself, or however honorable or advantageous to their country.

When Mr. P. had concluded—

Mr. **HARDIN** addressed the House in a long and very earnest opposition to the bill. He went into the legal question, whether the Philadelphia, by the capture for the purpose of destruction, became the property of Commodore Decatur; and insisted on the negative of that question; in support of which, he quoted legal authorities.

On motion of Mr. **HUBBARD**, the committee then rose, and reported progress, and had leave to sit again.

The House then, on motion of Mr. **WAYNE**, suspending the rule for the purpose, (ayes 115, noes 39,) received a motion to adjourn over; and, thereupon,

The House adjourned to Monday.

Monday, March 3.

PENNSYLVANIA MEMORIALS.

This being petition day, as soon as the journal was read—

Mr. **HIESTER**, of Pennsylvania, rose and said: I have had transmitted to me, for presentation to this House, the proceedings of a meeting held on the 22d ult. in the city of Lancaster, Pennsylvania. On the authority of a number of gentlemen of the first respectability, I take occasion to state, that it was a meeting as numerously attended as any ever held in that populous and highly favored agricultural county; that it was principally composed of the bone and sinew, the yeomanry and business men of the county; and it may be proper to state, further, that the meeting was, as it purports to have been, a "union meeting," composed of a very respectable proportion of the original, and many of the continued friends of the present Chief Magistrate, down to the time of his unfortunate interference with, and direction of, the removal of the public deposites, which, in one of the resolutions, is so justly characterized "as an act in itself unwise, the effect not having been duly considered, not called for by the exigency of the times, adverse to the real interests of the country, and derogatory to the national character of the United States."

On this all-important and interesting subject, I have not, for one moment, doubted what course, not only the interests of my immediate constituents, but the great interests of the whole country, required me, as an humble member of this honorable body, to pursue; and it is no small gratification to me to be so strongly and creditably sustained in what I had conscientiously conceived to be my duty.

The resolutions present the views of the meeting in such a clear and strong light, and accord so fully with those I entertain, that I deem it unnecessary to extend my comments, and shall be content by expressing my deliberate conviction, that, after the "experiment" now making by the Executive branch of the Government shall have ruined its thousands of worthy and enterprising citizens, the advancement of both our public and private prosperity will imperiously demand either the continuance of the present, or the creation of a new national bank. And although I am not wedded to the existing institution in preference to another, yet I cannot but think that many advantages would accrue to the community from rechartering it, with such modifications and restrictions as experience has shown to be expedient and necessary. The drawing in of so large an amount of discounts as would become necessary in closing the concerns of the bank, would, under the most favorable circumstances, produce much inconvenience and embarrassment. And, judging from what occurred in getting the vast machinery of the present bank to work harmoniously and smoothly throughout our widely extended country, similar difficulties may be expected to attend the organization and establishment of a new institution: to avoid which, I should prefer a recharter to the creating of a new bank; especially as there exists no obstacle to imposing any restrictions in the extension of the charter, which might be deemed salutary and proper in creating a new institution of this kind.

[The proceedings were read and ordered to be printed.]

Mr. H. continued. Mr. Speaker: In corroboration of what the sentiments of the great mass of the citizens of Lancaster county are, on the present exciting subject, I have the honor of presenting twenty memorials—a part only of those put in circulation—with two thousand eight hundred and forty odd signatures, praying for the restoration of the deposites, and the rechartering of the Bank of the United States. Sir, the citizens of that county, being among the principal tax-payers in the State, have a deep stake in the "experiment" now carrying out under the direction of the Chief Magistrate of the Union.

From a late official communication, emanating from a high source, it appears that there was not a solitary bid obtained for the Pennsylvania State loan recently offered; and "that an immediate suspension of the works on the several lines of improvement, until the loan shall have been negotiated, will be indispensable." The consequences of which must necessarily be most deleterious to the general interests of the State, and are well calculated to alarm those who, in addition to their present private pecuniary embarrassments, are bound to bear the burdens of a heavy State debt!—with a "deferred hope" of soon realizing an income from those improvements, to aid in its liquidation, or the payment of interest.

The memorials were referred to the Committee of Ways and Means, and ordered to be printed.

Mr. **BINNEY** presented a petition of about seventeen hundred of the inhabitants of Northampton county, Pennsylvania, praying for a recharter of the Bank of the United States, and for the restoration of the deposites.

Mr. B. observed, that he had had no communication whatever with the signers of this memorial, but presumed that the reason why the paper had received what seemed not a natural destination was to be found in the apprehension that, if sent to their own representative, remarks of no pleasant nature might be made, as had been the case in other instances, against the character and conduct of the petitioners; but he felt confident that, in the present case, all such apprehensions were unfounded. From a personal conversation with the gentleman who represented the district from which this petition came, as well as from his own knowledge, he was induced to believe that this paper contained an impartial expression of public opinion there. He knew many of the memorialists, and knew them to be of the highest respectability, perfectly competent to speak with knowledge as to the existence and extent of public distress, and to judge of the cause. He could say of this county of Northampton, as of that of Lancaster, that no county in the State contained a greater body of distinguished patriotism. It was, indeed, true that they had both, at one time, been under the strong influence of party; but the present measure contained the proof that nothing of that nature had power to deter them from action where they believed the public good called for it; but that they could renounce every bond of party, when it would withhold them from promoting the true interests of their country.

The memorial was read, and received the same destination as the preceding.

The **SPEAKER** laid before the House the proceedings of a public meeting held in Chester county, on the subject of the removal of the public deposites from the Bank of the United States, and the rechartering of that institution.

Mr. POTTS called for the reading of the resolutions; which being done, Mr. P. addressed the House as follows:

Mr. Speaker, before any disposition is given to the paper which has just been read, I must bespeak the indulgence of the House whilst I submit a few remarks in relation to it. It comes, sir, from the county in which I reside, and it expresses the opinion of its citizens on a subject of great public moment. This meeting, as I understand both through the public newspapers and from private letters, was emphatically a meeting of the people, without reference to, or distinction of, party. It was composed of persons belonging to all parties, cordially uniting in the great and patriotic purpose that brought them together, viz: "to take into consideration," as expressed by the meeting, "the existing state of the currency of the country, and the evils arising from the pressure now felt by the people." From both the sources before indicated, I learn, also, that it was among the largest and most respectable meetings ever held in that populous and hitherto flourishing county. That it was of a character most highly respectable, is evidenced, too, by the fact of the persons who took part in its proceedings. The presiding officer is the immediate descendant of a man whose name stands proudly conspicuous on the page of his country's history. The name of Wayne, sir, is associated with all that is daring in valor, lofty in patriotism, and spotless in honor. As the sire, so the son. Distinguished by the same chivalrous spirit, the same devotion to his country's good, the same unsullied purity of character and of fame, his name alone would be sufficient to give respectability and weight to any meeting over which he might preside. With the gentlemen who were associated with Colonel Wayne on that occasion, and with all the gentlemen named in the proceedings, (with, perhaps, a single exception,) I am personally acquainted, and can bear the fullest, as I do the most cheerful, testimony that they are among the most intelligent, high-minded, and honorable men in the county. They are attached to different political parties, and stand high in the confidence and esteem of those parties. This, therefore, was no party meeting, nor was it got up to subserve party purposes; but was truly what it is represented to be—a meeting of the people upon great national and patriotic grounds; that they might, by unity of purpose, and determined action and co-operation, endeavor to avert the threatened danger to the safety and stability of the Government. Believing that the distress that pervades the country has been brought on by the fatal error committed by the President, in directing the public deposites to be removed from the Bank of the United States, they see no hope of speedy relief except in their restoration. And looking back to the condition of the country after the dissolution of the former Bank of the United States, and at the close of the late war, and contrasting the deranged and unsettled state of business, and the debased condition of the currency at those periods, with its sound and uniform value, and the general prosperity of the country, since the present bank went into operation, they come to the conclusion that the best interests of the community imperatively require the recharter of that institution.

To this, Mr. Speaker, we must come at last—either to recharter the present bank, or to charter a new bank. Without a bank—a national bank—I think the experience of the country has demonstrated that we cannot conveniently get along. The "experiment," so called, that is now making, in my poor judgment, must fail. How long it is to be tried, sir, I know not; nor do I know what amount of distress and calamity, brought upon the country by its trial, is to satisfy its authors of its futility. To me, sir, it would seem that the prosperity, well-being, and happiness of the people, are the last things which should be made the subjects of "experiment." For my own part, I cannot, with indifference, see labor—honest, honorable labor—deprived of its hard-earned pittance. I cannot, with unconcern, see the fruits of years of laboring, persevering industry, swept at a single blow from its lawful owners; nor can I see ruin and desolation stalking over the land, and prostrating alike the highest and the lowest, without feeling some touch of human sympathy for the sufferings of their victims.

There may be those who, "accustomed to look on scenes of blood and carnage with composure," can stand unmoved at such spectacles of distress and ruin. I will only say, Mr. Speaker, that, if there be any such, I envy them not their stoicism, though it may be dignified with the name of Roman firmness.

The hope is delusive that leads any one to suppose that trade and industry will by degrees accommodate themselves to the new order of things, and that the people and the country may prosper, though the course of the Executive should remain unchanged. Bad as is the present condition of affairs, it must become still worse, unless the Executive should retrace his steps; and, by directing the restoration of the public deposites to the Bank of the United States, and by bringing back that harmony and good-will that heretofore existed between the Government and the bank, he shall heal the deep wounds inflicted upon the public confidence. Can any rational hope be indulged that the President will change his course? or, rather, is it not reduced to a moral certainty that he is determined to persevere at all hazards? What, then, becomes, in that event, the duty—the imperative duty—of all who seek their country's good?

They should stand boldly forth to meet the crisis; and I rejoice to see, sir, in the temperate though firm and decided tone of the resolutions adopted by the citizens of Chester county, a fixed determination to stand fast by their country in this her hour of peril. Could my voice cheer and animate them in the great cause, I would say to them, Go on; persevere in the course you have taken; it is the course of patriotism and of duty. The time has come when freemen must prove their title to the name, or lose it forever.

Relating to the same subject, and expressing the same views as contained in the proceedings of the meeting in relation to the great questions of public concern embraced therein, and signed by three hundred and eleven of the same county, are the memorials which I now hold in my hand. To show the near approach to unanimity among the people on these interesting subjects, I am instructed to say, that in one of the townships from which these memorials come, embracing between two and three hundred voters, a majority of them friendly to the present administration of the General Government, but four have not signed. I am further instructed to say, that, in the townships embraced in the other memorials, but two or three have not signed. Of the state of political parties in these, I am not informed. I move the reference of the proceedings of the meeting, and the memorials, to the Committee of Ways and Means, and also the printing of the proceedings of the meeting.

The SPEAKER laid before the House a memorial from citizens of the city and county of Philadelphia, friendly to General Jackson, but disapproving of the removal of the deposites, and praying for their restoration.

Mr. SUTHERLAND called for the reading of the memorial, and it was read accordingly.

Mr. S. said he had called for the reading of the memorial because he was well acquainted, especially with the gentleman who presided at the meeting. He owed it to the House to say that most, if not all, of those who had signed the memorial, had long acted with himself in the democratic party. The memorialists declared in this paper that it was their right to express their opinions; and he admitted that freemen ought to do so. One of the resolutions adopted at this meeting showed that those who passed it were still the friends of the administration. He could vouch for all, or nearly all of them, that they had not abandoned the administration because they had sent such a paper to the House. If ever they should do so, he was well assured it would be because they thought it their duty to do so.

Mr. HARPER, of Pennsylvania, agreed with his colleague in bearing testimony to the political character of these memorialists. The meeting at which this memorial had been adopted had been called, in the first instance, by three or four hundred of the friends of General Jackson. The meeting itself consisted of from six to eight thousand persons, and the memorial was adopted with scarcely a dissenting voice. Suffering must be deep, and must be severely felt, when men would go so far. Through every step they took, might be perceived the caution and the reluctance of their movements. If there was any thing that went to show the sufferings of the people of Philadelphia, it was a paper like this, every line of which showed with what a lingering look they parted from those with whom they had so long acted; and should they in the end be driven to a separation, it would be the result of dire necessity. The memorial was referred.

Mr. KING presented certain resolutions adopted at Limebrook, in Pennsylvania, approbatory of the course of the administration in the removal of the deposites. They were read.

Mr. COULTER inquired of his colleague whether these proceedings had any thing to do with the House? There was no reference to the House in them, and nothing asked.

Mr. KING replied, that there was no resolution requiring that the paper be laid before Congress; but it had been sent to him by the secretary of the meeting, with a request that he would present it to the House.

Mr. K. then presented two memorials, of a similar tenor, from Schuylkill county, Pennsylvania, and one of an opposite character. They were all referred.

Mr. SUTHERLAND presented the proceedings of what was said to have been a great meeting held at Roxbury, in favor of the restoration of the deposites.

He next presented a number of memorials, said to have been signed by four thousand of the working men of the third district of Philadelphia, praying that the deposites might not be restored, and protesting against the recharter of the bank.

The presentation of this memorial led to a conversation between Mr. SUTHERLAND and Mr. WATMOUGH; the latter gentleman having inquired respecting the memorial, and the former replying, and both glancing, in their remarks, at the state of opinion in the district referred to, and its bearing on the approaching congressional election. It ended in an order to print the memorial and signatures.

Mr. WATMOUGH next addressed the House as follows:

Mr. Speaker: I have received from the hands of my constituents the two memorials I am about to present to the House. They come fresh from the people, and are intended to convey a faithful picture of the existing state of the country, and of the grievances under which the memorialists, in common with the whole community, labor. They propose the only remedy which the memorialists believe can have the least effect in alleviating their present miseries, and averting the portentous evils of the future. They speak the calm, bold, and decisive language of freemen, conscious of the blessings they have hitherto enjoyed, and determined, at all hazards, to transmit those blessings unimpaired to their posterity. Their language is not the language of despair, nor is it the language of licentiousness, or of levity. It reaches you, Mr. Speaker, in the deep and solemn tones of unalterable and determined resolution.

Sir, we have reached a solemn crisis in the affairs of our republic. From a state of unrivalled prosperity, of general confidence, of the most active business confidence, the memorialists inform you they are plunged into distress unparalleled, and altogether unanticipated. They clearly state to you what they are suffering, and their convictions of the only remedy which can relieve them. But, sir, they go further: they nobly forget the ills which press upon themselves and their children, and appeal to their representatives in Congress to save their country, and its once happy constitution, from a high-handed usurpation of executive power, and restore them both to their original purity. Sir, their appeal must not, and cannot be refused.

I now present you, sir, the memorial of the mechanics and working-men of the Northern Liberties. The meeting, the proceedings of which are here recorded, was one of the largest ever held in the district of the Northern Liberties; it was entirely unanimous in all its actions, and it represented, as I believe, fully and completely, the classes of intelligent and industrious and upright citizens whose names and occupations are therein stated. Under these circumstances, therefore, Mr. Speaker, I confess I have experienced no small degree of surprise at what has this morning proceeded from my colleague. He has presented a memorial, purporting to be signed by four thousand of the very individuals who now present themselves before you, and whose bold and animated language will find a response in the bosom of every freeman, in terms diametrically opposite. Sir, I make no imputations here; but that there is a discrepancy altogether unaccountable and strange, is quite manifest. I leave it for the present. My constituents are at work; they always do their work well, and they will entirely clear the whole matter up. I ask, sir, that the proceedings be read, and referred to the Committee of Ways and Means, and printed.

All which was accordingly ordered.

This memorial having been disposed of—

Mr. WATMOUGH rose and said: Mr. Speaker, I now present to the House the other memorial to which I have alluded. It comes, sir, from those who reside beyond the incorporated parts of the city of Philadelphia--the farmers, manufacturers, and mechanics of the adjoining districts; the townships of Oxford and Dublin, Byberry, Moreland, and the unincorporated Northern Liberties. Sir, it was my intention, in presenting these memorials, to have expressed at large my own sentiments in reference to the great principles which are so clearly and ably exposed in the memorial before you. Sir, I am proud to be sustained, as I find myself to be, by the voice of my constituents. That voice is of the most exalted character, and altogether worthy of the freemen from whom it emanates. But, sir, the occurrences of this morning, and the reply likely to come from the third district, in reference to them, will make it imperative upon me to trouble the House once more. I will therefore await that reply, and forbear to do more at present than move the reading of the memorial, its reference to the Committee of Ways and Means, and that it be printed, with the names attached to it.

The motion was agreed to.

NEWCASTLE (DEL.) MEMORIAL.

Mr. MILLIGAN, of Delaware, rose and said, that he had been requested to present to the House a memorial, signed by a numerous body of the citizens of Newcastle county, in the State of Delaware, praying that the public deposites may be restored to the Bank of the United States. Before moving the reference of this paper, I will beg leave (said Mr. M.) so far to imitate the usage which has obtained here, as to say a few words in relation to its contents. But while I follow the example of other gentlemen in this particular, I will endeavor to avoid a violation of those rules of order, the salutary influence of which, in guarding the rights of minorities, was so happily alluded to the other day by my honorable friend from Pennsylvania, [Mr. BINNEY,] when in the discharge of a similar duty. I shall not, therefore, at this time, go into an argument on the general question, which so lately occupied our attention, and which, by a sort of parliamentary *coup de grace*, was transferred to the safe-keeping of the Committee of Ways and Means. Whenever that committee shall do us the favor to report, and the subject is again fairly before the House, I may possibly then feel constrained, by the interest which my constituents, in common with the whole country, take in this measure, to throw aside the character of listener, in which I have hitherto been contented to appear, and embark in the discussion. At present, my object is briefly to indicate the source from whence this petition comes, and to bear my testimony to the respectability, standing, and moral worth of those who have affixed their signatures to it.

In the first place, then, (said Mr. M.,) it comes from what hitherto has been one of the most flourishing manufacturing districts in the United States; indebted, perhaps, in part, for its success, to its unrivalled water power and its vicinity to navigation, but mainly to the skill, enterprise, and capital of its citizens. It comes from a district which is also highly agricultural, possessing but little if any foreign commerce, and which, after supplying its own wants, sends nearly all of its surplus productions to Baltimore, New York, or Philadelphia; and, of course, whatever affects the money concerns of these commercial emporiums, affects it. In the next place, sir, it is signed by upwards of sixteen hundred inhabitants; which number constitutes a decided majority of all the voters in the county where the petitioners reside.

From what, I fear, will be considered a misplaced partiality, my fellow-citizens have been pleased to assign me a trust which, of necessity, brings me into very general intercourse with the community alluded to. Accordingly, I recognise, appended to this memorial now offered to the House, the names of very many individuals with whom I am personally well acquainted; of others, again, whom I know but partially; and of some few who are known to me only by report. But I think I may safely affirm of them all, that, for sagacity in the pursuit of business, for activity, enterprise, public spirit, and general intelligence, they may challenge a comparison with the same number in any part of the United States. They are men, sir, whose character for honor and probity was never stained with a suspicion, and who would shrink in public, as they would in private, from the utterance of what they did not believe to be true. They belong to every calling, profession, and pursuit—farmers, manufacturers, merchants, lawyers, traders, mechanics, laborers, and citizens who have retired from all participation in any active business. They consist of men of all degrees of wealth—from those who, so far as it relates to property, were supposed almost beyond the reach of accident; to those who, under the universal penalty pronounced on fallen man, "earn their daily bread by the sweat of their brow;" men, sir, give me leave to say, of honest hearts, though of hard hands—who have constituted in all times past, and must constitute in all times to come, the largest and most important portion of society, and who, in this free country, possessing a knowledge of their rights, mean to stand by them to the last. But, above all, Mr. Speaker, in running my eye over this paper, I perceive a still more remarkable feature, and one which speaks volumes at the present crisis; I witness that which could only have been effected by some great revolution in public sentiment; I perceive something which approaches to an amalgamation of parties. The petitioners themselves disclaim all party object in this proceeding; and I believe them. I see here, it is true, those who raised their warning voices against the elevation of the present Chief Magistrate, and predicted many of the very evils under which the country is now groaning; but I see, in juxtaposition with them, men who, from the outset, were among his firmest supporters, and, in a moment of mistaken gratitude for his military services, contributed their aid to lift him into power. I rejoice at this indication of returning harmony; it proves that a spirit of enlightened patriotism is awakening among the people, and that love of country, when strongly excited by impending danger, can triumph over the despotism of party.

And what, sir, do these individuals, thus composed of all classes, of all pursuits, of all grades of wealth, and of all parties, tell us? They state that they are suffering under a pecuniary embarrassment which is almost without a parallel; they state that this difficulty has come upon them within the last three months; that it has overtaken every species of business; that it has palsied industry—arrested the arm of enterprise—locked up capital—destroyed confidence—banished credit—depressed the price of produce—carried misery and want into abodes where, before, contentment and plenty reigned; and, unless a speedy remedy be applied, will soon overwhelm them in one undistinguishable ruin. Yes, sir, if the present state of things continue much longer, the farmer must abandon his plough, for he will have no market for his productions; the manufacturer must stop his spindles, and turn the key of his mill, for he cannot raise money to pay his workmen; the merchant must dismantle his ships, for there will be no freights to transport; the laborer must starve, or depend upon charity, for the sources of employment will be dried up; the mechanic and trader must close their concerns, for, without money, people can neither buy nor sell.

In looking around them for the cause of this sudden and wide-spread disaster, the petitioners declare that they can find none which, in their judgments, so adequately accounts for it as the removal of the public deposites from the Bank of the United States, where they were safe and available, to a place or places of doubtful security, and where they are of no use to any one. In illustration of this fact, they state (and, according to my apprehension, they state truly,) that, up to the time when this blow was struck by the hand of arbitrary power, all was prosperous and well—capital abundant and actively employed—enterprise everywhere beckoning to labor; and that, when money was not to be obtained, they had that at least which, in times of prosperity, is equivalent to money—credit. But, sir, the whole picture is now reversed: credit, confidence, money, have all disappeared, as if by the order of a magician. And when they see it following so immediately upon the late act of the Executive, can you wonder they ascribe it to that cause? For myself, I do not entertain a doubt as to the correctness of their opinion. The cause is fully competent to produce the effect; but I cannot, at this time, without overstepping the boundaries I promised to observe, and without subjecting myself to the just reprehension of the Chair, attempt to illustrate and enforce its truth, and shall therefore be content with simply declaring my unqualified conviction of it.

The memorialists having thus stated affirmatively what they believe to be the true cause of the distress, next assume a negative position. They deny that it has proceeded with them, as it has been alleged with regard to other places, from the fault of over-trading: they are essentially a manufacturing and farming people, who sell more than they buy. They deny that it has proceeded from any extension of credits beyond what was justified by the nature of their business. They deny that it has grown out of any improper action or want of solvency in the local banks in their vicinity; and, in connexion with this subject, they assert a fact which comes within the range of my own personal observation, viz: that the banking institutions in Delaware are as sound as any in the Union. They might have added, that their affairs are as prudently conducted, and that their issues have been as moderate, in proportion to their capital. But they have added, what is a very material fact to be known, that the curtailment in their discounts, which they have lately been compelled to make, has not been occasioned by an undue pressure of the Bank of the United States upon them, but has originated solely from the general destruction of confidence in the trading community, which, creating a universal panic, began by making men doubt their own solvency, and ended in rendering them skeptical as to that of every one else.

Finally, sir, conscious that they are suffering very great embarrassment in their pecuniary affairs, and believing that the withdrawal of the public deposites from the Bank of the United States, after the manner in which they were withdrawn, is a cause, if not the sole cause, they come to this House, the proper guardian of the rights of the people, and firmly, but respectfully, petition for relief. That relief, in their opinion, can be obtained by immediately retracing the false step which has been taken; in other words, by restoring the public money to that custody to which the public law had confided it. But while they ask this course, they, at the same time, leave it to your superior wisdom to adopt any other which, in your judgment, you think calculated to fit the exigency of the case. They come to this House, and not to the executive branch of the Government, for aid; because, independently of the edict which has gone forth, that an experiment must be first tried before this controller of the public destinies will vouchsafe to listen to a suffering people, my constituents have been nurtured in a different reading of the constitution. Looking to the provisions of that great charter of our freedom, they conceive that the whole power over the currency and the fiscal concerns of this Government is a legislative power, and has been intrusted exclusively to Congress. They believe, in the language of that much abused and neglected instrument, that Congress alone "has power to coin money and regulate the value thereof;" and, consequently, when the monetary system of the country is assailed and deranged, it is through that organ alone that they look for an adjustment of the difficulty.

And, sir, alive, as I hope I ever shall be, to every thing which touches their interests, and sympathizing, as I sincerely do, in their present embarrassment and distress, so long as I am honored by them with a seat upon this floor I will endeavor to sustain their appeal. I will exert my feeble aid to resist the assaults upon the constitution, and, through it, upon the liberty of my country, come from what quarter they may. I will do all in my power to break down this odious and new-fangled doctrine of Executive "responsibility," in matters that do not rightfully appertain to his office. I will combat, likewise, that political empiricism which seeks to introduce what is called a hard money system, in place of that system of paper credit founded upon a specie or a metallic basis, and which, I firmly believe, was the very soul and life-blood of our past financial prosperity.

The idea of driving an intelligent community of freemen into the condition of Russian serfs, or Italian lazaroni, who, from the circumstance of not knowing how to read or write, require a hard money currency, is too preposterous to be maintained. It does not suit our hemisphere. We are essentially a commercial people, who live and breathe by paper and credit; and, although we may suffer loss by it occasionally, yet, in the main, we are a whole century in advance of what we should be without it.

In conclusion, sir, keeping the objects I have just indicated in view, I am ready to join in the support of any measure which will have a tendency to afford relief to the country, to cicatrize the wounds inflicted on the public weal, and restore tranquillity to the public mind. I now move that the memorial, together with the proceedings of the county meeting where it was adopted, be read, referred to the Committee of Ways and Means, and printed.

The motion was agreed to.

BALTIMORE MEMORIALS.

Mr. McKIM rose and said: I am requested to present two memorials, signed by 3,624 citizens of Baltimore, stating that they approve of the course of the administration in relation to the Bank of the United States, and praying that the charter of said bank may not be renewed. I shall not, Mr. Speaker, trespass on the time of this House by detailing the various trades and professions of the signers to this memorial; it is sufficient for my purpose to say they are American freemen, and, as such, entitled to be heard, and to have equal weight and consideration, in proportion to their numbers, with any memorial yet presented to this House.

On motion of Mr. McK., the memorial was read, ordered to be printed, and referred to the Committee of Ways and Means.

VIRGINIA RESOLUTIONS.

Mr. GORDON, of Virginia, presented to the House the following resolutions of the Legislature of Virginia:

Whereas it is deemed essential by the General Assembly of Virginia, that the power to levy taxes, to appropriate money, and to control the public revenue, should be made to abide, in practice, where alone it has been confided by our constitution—in the immediate representatives of the people; and whereas all experience of the actual operations of Governments demonstrates that the assumption and exercise by them of unauthorized powers become precedents, if silently acquiesced in, for progressive and still greater encroachment:

Therefore, *Resolved*, That the recent act of the President of the United States, exerting a control over the Federal revenue, by causing the same to be removed, on his own responsibility, from the United States Bank, where it had been deposited under authority of an act of Congress, is, in the opinion of this General Assembly, an unauthorized assumption, and a dangerous exercise of executive power.

Resolved, That while this General Assembly will ever sustain the President of the United States in the exercise of such powers as the constitution has clearly confided to him, it nevertheless contemplates with anxiety and dismay the disposition evinced of late to extend those powers beyond the proper limitations of that instrument; a disposition clearly evinced in the recent subjugation of the Treasury Department of the Federal Government to Executive control, in the exercise of an important discretion, for which it was made solely responsible to Congress. Deploring, as this General Assembly does, that interference as illegal and unconstitutional, and firmly persuaded that no nation can long maintain its freedom, which surrenders to, or permits to be grasped by the same hand, a power over the purse and the sword:

Resolved, That our Senators be instructed, and our Representatives be requested, to adopt prompt and efficient measures to vindicate the constitution, and to redress the evils occasioned by the late unauthorized assumption of power by the President over the public moneys of the United States.

Resolved, That the General Assembly of Virginia cannot sanction the power which has been claimed by Congress to establish a United States Bank, the power not being given to Congress by the constitution of the United States, as has been frequently and solemnly decided by the General Assembly of Virginia.

Resolved, That the General Assembly does not intend, by the declaration of its opinion in regard to the constitutionality of the Bank of the United States, to qualify, or in any manner to impair, the force of its disapprobation of the removal of the deposites.

Resolved, That the Governor of the Commonwealth be requested to transmit a copy of these resolutions to each of the Senators and Representatives of Virginia in the Congress of the United States.

In offering these resolutions—

Mr. GORDON said he rose for the purpose of presenting to the House resolutions passed by the General Assembly of the Commonwealth of Virginia, on the subject of the removal of the public treasure from its depository, the Bank of the United States, where it had been placed by law. The General Assembly of Virginia have been deeply impressed with the importance of the principles involved in this question; and, after the most deliberate consideration, have come to resolutions condemning the course of the President of the United States, instructing their Senators, and requesting the Representatives from the State of Virginia, to use their efforts to restore the deposites to the Bank of the United States. The General Assembly have considered this as a question of liberty, in which the principles of a limited constitution have been violated, by the practice of the Chief Magistrate, in assuming authority properly to be exercised by other departments of the Government. The General Assembly of Virginia, and the people of Virginia, have heretofore yielded to no portion of this confederacy in respect and affection for the present Chief Magistrate of the United States; but the General Assembly and the people, standing on their long-cherished and oft-defended ground of constitutional construction, and their own estimation of the principles and practices of government best calculated to secure the blessings of freedom, have spoken on this occasion in a language not to be misunderstood. The General Assembly consider the removal of the deposites from the Bank of the United States, in the manner it has been effected, on the responsibility of the President, as a "dangerous and alarming assumption of authority," tending to concentrate in that officer all the powers of Government. The legislative functions of Congress, and the judicial authority of the courts, have both been invaded. The province of the courts, patiently to examine and correctly to ascertain facts, and the consecrated trial by jury, have been utterly disregarded; and the Chief Executive officer of this Government, although directed by law, if he deemed there had been an infraction of the bank charter, to direct a *scire facias* to issue, in order to a trial by a court and jury, has himself adjudged the question, on *ex parte* testimony, and determined that the bank has forfeited its charter--thus, in his own person, deciding the question of the violation of the charter, involving high penalties on the part of the bank, without sending it for adjudication to the tribunals marked out by the constitution and laws. The first clause of the constitution declares that "all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." This legislative power had vested in the Secretary of the Treasury an important discretion, to remove the deposites from the Bank of the United States. The President, consulting with his then Secretary of the Treasury, found that the Secretary did not think there was any good cause for the removal of the deposites from the Bank of the United States; and, notwithstanding a divided cabinet on the subject, dismissed the Secretary of the Treasury from office, and replaced him by one whose opinions were known to concur with his will on this subject—thus abusing his power of removal, and interfering, injuriously, with that discretion which the law had confided to the Secretary of the Treasury. By these assumptions and indirections, the President has done what he had no power to do directly, under the constitution and laws of the country.

There is not a man in America who will not deny to the President the power directly to control the public revenue, unless he derives his authority from appropriations made by law.

We, the representatives of the people, hold in our hands the pursestrings of the people's money; and fatal to their rights, and interests, and freedom—most fatal—will it be, whenever they are surrendered into the hands of any Executive Magistrate. He has no direct authority either to raise, appropriate, or in any manner to dispose of or use the public revenue.

The General Assembly do not deny, nor did he, (Mr. G.,) the power of the President, under the law, to remove from office an unworthy officer; but they do deny to the President the right to remove a faithful officer, to effect that which he had no rightful authority to effect in any way. This abuse of the power of removal, and assumption of power over the treasure of the country, was a dangerous enlargement of the power and patronage of the President, already endangering the purity and independence of the other departments of the Government, and calculated to enable the Executive Magistrate successfully to appeal to the worst passions of his partisans, instead of a reliance on the purity and wisdom of his administration.

The patronage of this Government, wielded by one man, with the power of putting in and putting out, at his will and pleasure, some forty thousand officers and agents, great and small, to whom the immense revenues of this country are distributed, is a power, in his (Mr. G.'s) view, utterly inconsistent with the genius of a free constitution.

Men are not angels. "Lead us not into temptation," was the wise and meek prayer taught by the Redeemer to fallen man. Human virtue is too frail to withstand the temptations and influence which an ambitious and reckless Chief Magistrate might wield; and the Executive Department of the Government, absorbing all the vital and essential powers of the other departments, would reduce us, in fact, with the forms of a free constitution, in effect, to a simple monarchy.

There is already a fearful proclivity of power towards the Executive Magistrate; and if a construction be given to the constitution by which the President would have the power to appoint and displace, at his mere will, or under the pretext of seeing that the laws are faithfully executed, I should feel that the power given to the Legislative Department of the Government was absorbed in the pretended execution of the laws, and the representatives of the people had as well depart to their idle homes. He did not admit that the power of removal gave a right to the President to control all the functionaries of the Government, in the estimate which they might make of their duties under the law; nor did a faithful execution of the law mean, in all cases, that there should be a wise administration of the law. A judge may make a faithful execution of his office, and so may a Secretary of the Treasury, without carrying any great degree of wisdom into their administrations. Indeed, with a few illustrious exceptions, if a contrary doctrine is to prevail, the officers of all our Governments, State and Federal, might tremble for their places. Would a judge be dismissed who gave an erroneous but conscientious judgment? Would the Legislature of Virginia, two-thirds of which have the right to remove a judge, exercise that high power, because he had pronounced a judgment at variance with their own? If this new version of the President's power be admitted, then, indeed, he may be considered as holding in his hand, and exhibiting to the people and functionaries of the Government, a golden ladder of preferment, with forty thousand rounds, to which so many climbers up are perpetually turning their anxious and longing eyes, the elevation or disgrace of each depending on the will of the President, from the minister who represents this great confederacy in foreign courts, down to the most inconsiderable postmaster. With such an appeal to the hopes and fears and interests of our citizens, used to effect any purpose on which the President is intent, all opposition, in the nature of things, must be fruitless, unless the people can be aroused to redeem their institutions from the exercise of a power inconsistent with their freedom and peace. The power of appointment and removal, even when most discreetly and forbearingly used, is a fearful discretion to confide to any one man.

Mr. G. said he did not himself believe the President of the United States had an intention to usurp the liberties of his country, but he did believe his present course of action would be recorded as a monument, and some future man of ambition might become, by his example, master of the confederacy.

The General Assembly of Virginia have considered it as a question involving the separation of the powers of a free constitution, and not as a question of bank or no bank.

The constitution of Virginia contains a provision, that the Executive, Legislative, and Judicial Departments of Government should be kept separate and distinct, so that neither should exercise the powers properly appertaining to the other. In the Federal constitution, the demarcations of the several departments are distinctly made. The legislative, executive, and judicial powers are assigned to their appropriate organs.

The legislative power is vested in Congress—there was none given to the President. He is not a representative of the people; he is the executive officer, appointed by the people. His power of veto is not a legislative power; it ought to be, as it is, a mere negative. No money shall be drawn from the treasury without an appropriation by law; and the question was submitted to the House, as the guardian of the treasury—if large sums of the public money have not been withdrawn from the bank without an appropriation made by law? It seemed to be contended by those who justify the course of the President, that he, and the officers under him, had the right to use the money of the public as they pleased, in the interval between the time of its collection and the time of its appropriation; that they can place it where they will, and loan or deposite it to whom they will; and contract what those receiving it shall do in return. Let us put this to the test of ordinary transactions in private life. An agent has power to collect money for his principal; does it, therefore, follow that he has the power to use it for his own purposes, lend it out, or make contracts on it? Has he any other power than to collect and keep it, and pay it over to his principal as soon as possible? Try the President by this simple test, and it will be found he has used millions of the public treasure in a manner not sanctioned by the authority under which he acts. The public revenue, on deposite, I suppose usually amounts to between $7,000,000 and $8,000,000, and the fair interest for its use is worth nearly half a million of dollars annually. Can any one be so blind as not to see the influence and power which such a use of the revenues of the country must add to the already too extensive patronage of the President? Is it deemed that the President, or those who surround him, have a right to remove the revenue from the places appointed by law, except in a manner prescribed by law? In this whole matter the President has no direct authority to act.

Mr. G. said there was another great principle of freedom invaded, which he never would surrender. He claimed, as a freeman—as a citizen of Virginia, one of the members of this great confederated Union—either by himself, or his representative, to tax himself. It was a great principle of English liberty, that taxes were the free gift and grant of the Commons: and he believed, if the King of England should at any time invade or impair this right, he would hear from his indignant subjects that no more taxes would be paid until there was a reform. He insisted that, as Congress only could raise revenue, so also could they alone direct every thing appertaining to the revenue, both as to its preservation and distribution.

Mr. G. said he claimed, as a representative of the people—of those who gave him public leave to speak in in their behalf—to act as sentinel over the public treasure; a post he would never yield, so long as he was worthy to speak in the name of those who sent him. He greatly regretted it; he considered it one of the evil omens of the times; and high as was his respect for the distinguished body of which he was a member, he could not but deeply lament that, on such a question—on a question of taxation—of liberty—a majority of the immediate representatives of the people are seen rallying on the side of power. He was deeply mortified that the Congress of the United States had not, unanimously, instantly reproved this perversion of executive authority; and although he had no intention to make any illiberal imputation on the members of Congress, who were, he doubted not, as honorable a body, as could any where be found, yet he would say that, if the people of the country sustained their representatives in yielding to this overwhelming executive power, he should consider that the liberties attempted to be secured by this constitution were gone forever.

Mr. G. said the occasion was a fit one to take a rapid glance at the past course of the ancient Commonwealth of Virginia in relation to this Government. She had ever contended for a strict construction and faithful execution of the limited, though extensive, powers delegated by the compact to Federal functionaries. Jealous of power every where, diffusing and limiting it in her own Government, she has looked always with apprehension on its too great accumulation in any of the departments of this Government. Her warning voice has often been heard on this floor in reproof of undelegated authority in the Legislative Department of Government. During the administration immediately preceding this, she thought she perceived in the assertion of powers in this Government by the then Chief Magistrate an alarming tendency to consolidation of all the powers of the States in this Federal head; and, although these assertions of authority were not carried out into action, she rallied in opposition to their bare assertion, and gave her support to the present Chief Magistrate, under the confident hope that he would administer the Government in a spirit of moderation, according to the constitution, and bear himself with a meekness and simplicity in his high office congenial to the spirit of our institutions, and thus adorn the high military reputation by which he had attracted the admiration of his countrymen. By her powerful aid, the present Chief Magistrate was elected; and, for the first years of his administration, she stood almost in solid phalanx, supporting all his great measures.

But it has been with feeling of deep mortification that she perceived, after the second election of the present Chief Magistrate, in which she so heartily co-operated, a disposition to enlarge his authority, and to administer the powers conferred on him in a harsh and overstrained manner.

Those of us who stood here last year well remember the universal satisfaction which the message of the Chief Magistrate, at the opening of the session, diffused over the entire South. It conformed, more than almost any paper ever sent to this House, with the feeling of moderation and principles of government always cherished by the Commonwealth of Virginia. In some of its recommendations, it recognised the principles of the nullification of South Carolina, the *ultima thule* of State rights. It was calculated to destroy nullification itself, by curing all those evils for which its advocates contended it was the rightful remedy.

But what are mortal hopes? The smoothness produced in our affairs by this message in six short days was ruffled by the storm engendered by that fatal proclamation, so hateful to all lovers of a free confederacy of the States;

denouncing as traitors those who professed and paid allegiance to the laws of the State that gave them birth, when in contact with the Federal authority; and that proclamation followed up by a special and argumentative message, claiming for this Government of delegated and limited authority unlimited power over the States, as parties delegating that authority; and this message sustained and ratified by the Legislative Department, by a grant of the whole military and naval and fiscal power of the Government, to prostrate a gallant and talented State of this confederacy, who had dared to stand for the restoration of long lost rights, and remonstrate against unconstitutional taxation! When we saw a majority of this House and the other voting that declaration of war against all the States, which throws the sword before the judgment of the courts, and subjects this once free confederacy to martial law at the will of the President and his collectors, the Commonwealth of Virginia, whose constitution consecrates the trial by jury, by declaring that it should be held sacred; when we saw and felt these things, it was impossible not to recoil from them; and now, after having compromised, and, for a time, settled the conflicts of interest and opinion which gave rise to these hateful measures, and the country had become, in a great degree, composed and at peace, the President of the United States, in the wantonness of power, has struck a blow on the financial affairs of this country, the fearful vibrations of which are heard and felt to the extremities of the confederacy. He had given the death-blow to the Bank of the United States by his veto; it would have died—it must have died—because the President's tenure of office was longer than that of the charter of the bank. But the President, sixty days before the meeting of Congress, without any public necessity, had done a deed of fearful note. In a community of five hundred banks, with a paper circulation interwoven with every interest of society, and affording the actual currency of the whole confederacy; carrying on all the exchanges, foreign and domestic, of this great continent of States; ministering to the commercial, manufacturing, and agricultural industry and enterprise of the country—over the varied and complicated strings of such an instrument he has thrown his gigantic but unskilful hands; and the dissonant and jarring sounds which he has produced return upon his ear, and discompose the nerves of the whole community.

These resolutions of the General Assembly deny to Congress the constitutional power to make a Bank of the United States: in which he entirely concurred; for on a former occasion he had voted against rechartering the bank, and at the last session he had voted against the resolution in reference to the safety of the deposites in the Bank of the United States; not because he considered them unsafe, but because he had no opportunity, from the late period of the session, to examine the subject; and he feared the resolution would aid the bank in a future effort for a charter: on his part, that was a mere negative vote. He felt that, on presenting these resolutions, and delivering his own views of the powers of this Government, he was performing no very acceptable service to a very large party in this House. He believed the question of bank or no bank must arise before the session terminates, and, when it does, he would be found standing by his native State, on the narrow isthmus which she occupied, in strenuous though unavailing efforts to roll back the waves of legislative or executive encroachment on the constitution and liberties of his country. But whilst he believed that Congress had no constitutional power to incorporate a bank, it should not, and does not, mitigate the conduct of the President for an unconstitutional violation of its chartered and vested rights. He confessed that the doctrines and practices of the Chief Magistrate had greatly alarmed his mind; he believed that, if the President had properly construed his right of removal, and that by its exercise he could control all the officers of Government in the discharge of their duties under the law, and that a difference of opinion with him is a just cause of removal from office, all the other departments of the Government must fade away under the gigantic powers given to the President, and the people awake from their dream of liberty, and find that, instead of an association of free and confederated States, they had, in fact, erected a despotism, whose horrid features had not been visible until the veil was withdrawn by the President.

But it cannot be; the power of removal does not rightfully imply a power of control and direction; otherwise, the President, to all intents and purposes, would be the Government; and there is no effective limit to his authority, either under the law or the constitution. He knew that the advocates of power were never at a loss for precedents; they are an inclined plane, down which every Government has slid into despotism; and it was the duty of Congress to inquire whether this power of removal was a power conferred by the constitution, or implied, and given by the Legislative Department; and, in either case, to curb and keep it within strict limits. Mr. G. trusted that good would arise out of evil; that this rash and inconsiderate conduct, on the part of the President, would ultimately tend to place the Government on surer and safer foundations; and when it was found, in practice, that there had been an unequal share in the distribution of the powers of this Government given to, or assumed by, the President, that those for whom the Government was established will, in either case, apply the remedy. Mr. G. said that, in regard to the present expediency and wisdom of the course of the administration, there would, amongst all those who would extend their view to the whole circle of our affairs, be but one opinion. In this young and growing country, comprehending a territory as large as Europe, in rapid career of advancement, deficient in nothing but capital and labor, and the efforts to increase both have eventuated in giving to the United States that most extended system of banks and paper circulation, said to amount to five hundred banks, and nearly one hundred millions of paper circulation; and the credit of these banks and this currency, dependant entirely upon public confidence, was as delicate as the sensitive plant, and had shrunk from the rude touch of the hand of unauthorized power. The President had destroyed the public confidence in the public currency; and the consequence was, universal clamor and almost universal despondency.

He said he felt proud of the position which the Commonwealth of Virginia occupied; he trusted her continued efforts in the cause of constitutional liberty would redound to the peace and honor of this confederacy; asking nothing for herself, her most fervent wish was to see this part of the Government guided according to those constitutional landmarks, in the establishment of which she had some agency; and, in conclusion, he trusted that he might be permitted, without offence to any, to say that the Commonwealth of Virginia was happy in the purity of her own principles and purposes, sufficiently rich in the spontaneous gratitude which, on all great occasions, she had excited in her sisters of the confederacy, and glorious in being the disinterested creditor of mankind, in the large advances and generous examples she has made in the cause of freedom.

When Mr. G. had concluded—

Mr. PATTON, of Virginia, rose and said, that, by one of the resolutions, the Governor of the Commonwealth of Virginia was "requested to transmit a copy of these resolutions to each of our Senators and Representatives in the Congress of the United States." That the Governor, in compliance with this request, had sent to him a copy of these resolutions, accompanied by a letter. He believed a similar letter, addressed to his honorable colleague and friend, by whom the resolutions had been presented to the House, had been sent to the Chair. He wished that letter, as being the official evidence of the authenticity of the resolutions, and as being a part of the "*res gestæ*," to be read; after which he desired, with the permission of the House, to make some remarks, both in relation to that letter and the resolutions of the Legislature.

[The letter was then read as follows:]

"Executive Department, Virginia,
February 13, 1834.

"Sir: In compliance with the request of the General Assembly of the Commonwealth, it gives me great pleasure to transmit to you the accompanying resolutions adopted by that body, disapproving the recent act of the President, in withdrawing and withholding the public deposites from the bank, where they had been placed by the law.

"This dangerous and alarming assumption of power has already inflicted deep and lasting misery upon the citizens of this Commonwealth, which your efforts and exertions in the Congress of the United States, it is hoped, will aid in alleviating, as far as practicable, and restraining the disposition which the President has manifested to extend his official authority beyond its just and proper limits, which he has clearly manifested in his recent interference with the Treasury Department of the Federal Government.

"I am, sir, with respectful consideration,
"Your obedient servant,
"JOHN FLOYD."

Mr. P. again said that he had to perform the somewhat ungracious duty of showing that the Governor of Virginia, in the letter just read, had—he would not say "manifested a disposition to extend his official authority beyond its just and proper limits," for he meant to impute no improper dispositions to the Governor—"extended his official authority beyond its just and proper limits." And, although he regarded it as an assumption of power neither "dangerous nor alarming," yet as, in the language of the preamble to the resolutions of Virginia, (in which, so far, he entirely concurred,) "all experience of the practical operations of Governments has proved that arbitrary assumptions of power by them, or any officer of them, if silently acquiesced in, become precedents for further and still greater acts of usurpation," he felt it to be his duty to the House, to his constituents, and to the people of Virginia, to protest against the authority assumed by the Governor of Virginia, and thus to prove that his "efforts and exertions" might be relied on to restrain and rebuke all and every extension of authority by the President of the United States, or by any executive officer of this Government, or that of Virginia, whenever manifested to him. And now, sir, I beg leave to ask (said Mr. P.) by what right the Governor of Virginia undertakes, in his official character, to throw the weight of his authority into the scale, for the purpose of influencing the judgment of the representatives of the people of Virginia on this floor? He was simply requested to transmit a copy of the resolutions to each of us—to do the mere ministerial duty of sending the resolutions authenticated by him as the official organ of the Assembly for that purpose. There is certainly nothing objectionable in his giving a description of these resolutions. It would, I think, however, if he thought proper to describe them at all, have been better to have given a more full and accurate description of them. While, however, he says it "gives him great pleasure" (of which I have no doubt) to communicate the resolutions disapproving the "recent act of the President," he omits to notice (and I presume it gave him no pleasure to transmit) the resolution, from which it appears that the Legislature still adhere to the opinion expressed by that State in 1799, repeated in 1811, and now again reiterated, that the charter establishing the Bank of the United States is made in violation of the constitution of the United States, and a "dangerous encroachment on the sovereignty of the States." This omission, however, is of little consequence. But the Governor goes on, after describing the resolutions in his own way, to express to the representatives of the people of Virginia on this floor his hopes that our "efforts and exertions will be used in restraining the disposition which the President has manifested to extend his official authority beyond its just and proper limits, which he has so clearly manifested in his recent interference with the Treasury Department of the Federal Government." Now, sir, this is going beyond what the Legislature thought proper to request us to do. And who gave the Governor of Virginia the official authority thus to express his wishes and expectations as to our course here? I beg leave to say, having respect for him personally and officially, no one would more gladly than myself receive from Governor Floyd, or, indeed, from any other intelligent source, any information, argument, and advice, calculated to assist my own judgment in coming to a correct conclusion on the interesting and important questions now depending. But I cannot recognise his right to do so under the garb of official authority—in a letter missive addressed to us, the representatives of the people, in the style of a high potentate, as if we were ambassadors of the Governor of Virginia "near" the Federal Government. I protest against this unauthorized interference by the Governor of Virginia with the deliberations of the Representatives of Virginia on this floor. I owe no representative allegiance to the Governor of Virginia. I acknowledge no authority to control my course here but the constitution, my constituents, and a sacred regard for the principles of justice and the obligations of public duty.

Do we not all recollect with what general indignation, at least in a large portion of Virginia, the proclamation of the President against the State of South Carolina was received, and particularly that part of it in which he denounced the public authorities of that State as traitors and rebels? I felt and expressed my decided condemnation of this mode of treating the constituted authorities, legislative and executive, of the State of South Carolina, by the Federal Executive, in a paper which I considered not only unsound in its doctrines, as to the character of the confederacy, but unnecessary, as well as unbecoming in its tone and temper. I have no doubt the Governor of Virginia regarded it in the same light; and I expect no one was more ready to disapprove the act of the President, in sending forth to the public his cabinet manifesto of the 18th of September last—a proceeding, in my estimation, unprecedented, unjustifiable, and undignified. How can we object to these things in the President of the United States, and be expected to receive, with silent acquiescence in its propriety, the gratuitous and unauthorized anathema of the Governor of Virginia against the Executive authority of this Government. This Government, as well as the Government of Virginia, derives its authority from the people of the sovereign State of Virginia; and it becomes us, as citizens of Virginia, and, as such, citizens of the United States, to rebuke any wanton and unauthorized official denunciation by the Executive officer of either Government towards the Executive officer of the other. When the Governor of Virginia thus denounces the supposed usurpation of the President of the United States, in a style and form which constitutes neither more nor less than an assumption of power, it brings to my mind a droll story which I lately met with in a newspaper; and, as Dutch anecdotes seem to be in vogue, I beg leave to read it to the House:

"There lived in one of the counties of western Virginia a Dutchman named Henry Snyder, and also two brothers, called George and Jake Fulwiler. They each owned a mill. Henry Snyder was subject to fits of de-

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rangement. He conceived himself to be a supreme ruler of the universe, and, while under the infatuation, proceeded to try all who offended him—he personating both judge and culprit. Some difficulty having occurred between Snyder and the Fulwilers, on account of their mills, he, to be avenged, proceeded one day to try them.

He was heard to pass the following judgments, acting as judge, and yet responding for the accused. He called George Fulwiler:

"Shorge Fulwiler, stand up. Well, Shorge Fulwiler, hasn't you got a mill?"

"Yes, I hash."

"Well, Shorge Fulwiler, didn't you never take too much toll?"

"Yes, I hash; when der water wash low, and mine stones wash dull, I take a leetle too much toll."

"Well, den, Shorge Fulwiler, you must go to der left mid der goats."

He then proceeded to try "Shake Fulwiler" in the same way, and with the same result.

"Now I tries mineself. Henry Shnyder, stand up. Well, Henry Shnyder, hasn't you got a mill?"

"Yes, I hash."

"Well, Henry Shnyder, didn't you never take too much toll?"

"Yes, I hash; when der water wash low, and mine stones wash dull, I hash taken a leetle too much toll."

"But, Henry Shnyder, vat did you do mid de toll?"

"Ah, I gives it to die poor."

(Pausing.) "Well, Henry Shnyder, you must go to de right mid der sheep; but it is a tam tight squeeze."

Now I do really think that if President Jackson is to be denounced, and sent to the left for his proclamation and cabinet manifesto, Governor Floyd may find some apology for his proclamation and cabinet manifesto, which, in the eye of official self-complacency, may entitle him to claim a place on the right; but it must be by a very tight squeeze. I regard the cabinet manifesto, the President's proclamation, and the proclamation and cabinet manifesto of the Governor of Virginia to us, his loyal or disloyal subjects, the representatives of Virginia here, in regard to the right to issue them, and their tone, as papers of the same class, as belonging to the same family, and alike efflorescences of Executive pruriency. I take my leave of them.

It becomes me now, sir, to notice more in detail the reasons on which the Legislature have founded the request they have addressed to the representatives of Virginia. I admit their right and their duty to express their opinions on any supposed violations of the law or constitution by any department, and to accompany that expression of opinion with a request to the representatives of the people of Virginia on this floor; and while that request certainly does not carry with it the force of authority, yet, considering the high source from which it proceeds, it is entitled to the most respectful consideration.

It is known to the House that I have heretofore expressed opinions decidedly and fundamentally opposed to what I understand to be the principles maintained in the resolutions of the General Assembly of the Commonwealth of Virginia. I have, however, as I felt in duty bound to do, from a sincere regard for their wishes, and respect for their opinions, reviewed and examined my own; and I regret to say, that I see no reason to change them.

If I were to consult my feelings rather than my reason, my political sympathies rather than my political principles and opinions; or if I could permit myself to look to my interests, present or prospective, rather than to the obligations I owe to the constitution and my convictions of the truth, I might join in the denunciations about usurpation, tyranny, and despotism, of which we hear so much. But, as I do not believe in these things, I cannot join in the clamor that is raised. Whether the people of Virginia, as has been said, entertain opinions in accordance with those expressed by the Legislature, I do not know. I have no knowledge of the opinions of my own constituents even. The Legislature of Virginia derives its authority, as I do mine, from the people; and we are alike responsible to them. I think the Legislature have adopted sentiments in conflict with the letter and spirit of the constitution. It will be for the people of Virginia to pass between them and those of us here who do not agree with them.

It has been said that one universal cry of indignation has been raised, from the Potomac to the Gulf of Mexico, against the usurpation of the Executive in this matter. This may be so. But believing, as I do, that it is founded upon principles wholly inconsistent with the theory of the constitution, and in conflict with the ancient principles of Virginia, I, for one, am determined to oppose (unless controlled by the mandate of my constituents) this current, and not voluntarily float down the stream, which I believe will at last tumble over into that gulf of consolidation where reigns one eternal gloomy and iron despotism.

I remember well, Mr. Speaker, the time when Virginia stood almost alone on this floor in opposition to the encroachments of the Federal Legislature; when a distinguished son of Virginia, whose unworthy successor I am, and who, I thank God, is yet steadfast in the faith, was habitually sneered at for his straitlaced notions of constitutional law, and, in mockery and derision, was called "*the administrator de bonis non* of State rights."

But that devoted champion of the rights of the States and of a limited construction of the federal constitution, (P. P. Barbour,) neither quailed nor faltered in his course. After a long and doubtful struggle, the present Chief Magistrate was elected. At this time, the unadministered assets of State rights were small indeed; but with the aid of the stern and inflexible firmness of the President, sustained as he has been by the people thus far, we find that "internal improvement," that great source of extravagant expenditures, that system of legislation so hostile to the true construction of the constitution, "lies prostrate," in the language of its great champion, "under the Executive veto." As a means of saving a portion of the protective system from the fate which awaited it—from the hostility of the President—the father of the American system proposed and carried through the compromise bill, which affords a prospect of substantial relief from that oppressive system; and I believe that more immediate and certain relief would have been received but for the rash and precipitate, though gallant and high-minded course taken by one of the southern States, which, together with the proclamation of the President, placed the country on the brink of civil war, and made us all glad to settle the matter upon almost any peaceable terms.

The Bank of the United States, which has been called one of the first-born of federal encroachments, and now more gigantic in its proportions than any of them, whose death struggle now fills the whole country with commotion, has been felled by the same hand, wielding that potent safeguard and check upon the encroachments of the Legislative Department of the Government—"the Executive veto."

I am aware, sir, that great deductions are to be made from this list of benefits, on account of the famous proclamation. I believe no one more readily or more openly and decidedly condemned its unsound and fatal heresies than myself; but shall we, under the influence of excitement on account of that act, unite with those who declaim against the Executive veto of the bank and of internal improvements, and his fatal hostility to the tariff, as evidences of the accumulation of all power in the hands of one man; and, moreover, adopt opinions which not only deprive the executive branch of all the efficiency and responsibility designed by the constitution, but lead to the entire abandonment of the Executive check on the Legislature, and must end at last in the union of all the powers of Government, legislative, executive, and judicial, in the same hand, which is said to be the very definition of tyranny?

In order to determine how far the resolutions of the Virginia Legislature are in accordance with the true theory of the constitution, and the principles which were enunciated at the time of its formation, I will read some passages from the celebrated letters of "Publius," which contain the most authoritative, and, with some prominent exceptions, the most accurate and profound expositions of constitutional doctrine that any country possesses, in relation to its fundamental law. In order to show the light in which Mr. Madison viewed the comparative dangers of the Executive and Legislative Departments, I refer to several passages from the forty-eighth number of "Publius."

"The Legislative Department is every where extending the sphere of its activity, and drawing all power into its impetuous vortex."

Again: it is said that the founders of our republics "seem never to have recollected the danger from Legislative usurpations, which, by assembling all power in the same hands, must lead to the same tyranny as it is threatened with by Executive usurpations.

"In a Government where numerous and extensive prerogatives are placed in the hands of an hereditary monarch, the Executive Department is justly regarded as the source of danger, and watched with all the jealousy which a zeal for liberty ought to inspire. In a democracy, where a multitude of people exercise in person the legislative functions, and are continually exposed, by their incapacity for regular deliberation and concerted measures, to the ambitious intrigues of their Executive Magistrates, tyranny may well be apprehended on some favorable emergencies to start up in the same quarter. But in a representative republic, where the Executive Magistracy is carefully limited, both in the extent and duration of its power, and where the legislative power is exercised by an assembly which is inspired by a supposed influence over the people with an intrepid confidence in its own strength; which is sufficiently numerous to feel all the passions which actuate the multitude, yet not so numerous as to be incapable of pursuing the objects of its passions, by means which reason prescribes; it is against the enterprising ambition of this department that the people ought to indulge all their jealousy, and exhaust all their precautions."

In the fifty-first number of the same work, it is said that "in a republican Government the legislative authority naturally predominates;" and as a remedy for this, the author (Mr. Madison) says: "The Legislature is divided into different branches;" and that, "as the weight of the legislative authority requires that it should be thus divided, the weakness of the Executive, on the other hand, may require that it should be fortified;" and he then refers to the propriety of the qualified veto.

These same general principles are afterwards referred to in a subsequent number, written by Mr. Hamilton; and he says:

"From these clear and indubitable principles results the propriety of a negative, either absolute or qualified, in the Executive, upon the acts of the legislative branches. Without the one or the other, the former would be absolutely unable to defend himself against the depredations of the latter. He might gradually be stripped of his authority by successive resolutions, or annihilated by a single vote; and, in the one mode or the other, the legislative and executive powers might speedily come to be blended in the same hands."

The veto power is also said, in the same number, to be "a salutary check upon the legislative body, calculated to guard the community against the effects of faction, precipitancy, or of any impulse unfriendly to the public good, which may happen to influence a majority of that body."

These are some of the principles which were recognised as leading ones in producing the arrangement and division of powers in the federal constitution, and by which the separation of the several departments, legislative, executive, and judicial was regulated; "the concentration of which powers in the same hands," in the language of Mr. Jefferson, "is precisely the definition of tyranny." How consonant with these fundamental principles were the animated and eloquent appeals which we have been accustomed for several years to hear against the dangers of an irresponsible, unchecked, and interested majority in Congress! They constitute a part of the faith in which I was bred; and now let us proceed to inquire how far they are sustained by, or in conflict with, the preamble and resolutions of the Virginia Legislature.

The preamble is in these words:

"Whereas, the General Assembly of Virginia deem it of the utmost importance that the power to control the public revenue should be made to abide, in practice, where it has been vested by the constitution—in the immediate representatives of the people and of the States in Congress assembled," &c.

Now I confess I have been at some loss to understand precisely what it is that the Legislature mean to affirm. Do they mean to assert merely that Congress, in the constitutional sense, with the approval of the President, or without his approbation, by a vote of two-thirds of both Houses, are vested by the constitution with authority to make laws concerning the public revenue, or for "the control of the public revenue" after it is raised? If so, then they affirm what no human being ever controverted or questioned. But it seems to be wholly immaterial to the present controversy, especially as it is a proposition equally true of every other subject of federal legislation; and, after all, amounts to nothing more than that Congress have a right to pass all laws within the scope of their legislative authority under the constitution. To suppose this to have been their meaning, would be to impute to the Legislature a degree of solemn trifling only equalled by that of a member of Parliament, who rose in the House of Commons, in great indignation at some supposed misconstruction of a law, and said, "Mr. Speaker: We have laws, or we have not laws. If we have laws, and they are not obeyed, to what purpose have we laws?" To which Mr. Sheridan promptly and very wittily replied as follows: "Mr. Speaker: The gentleman has spoken to the purpose, or he has not spoken to the purpose. If he has not spoken to the purpose, to what purpose has he spoken?" It is wholly inadmissible, consistently with the respect which I most sincerely entertain for the wisdom and gravity of the Legislature of Virginia, to suppose that they meant to assert a proposition so general and irrelevant. Then there are only two other interpretations which can be put upon their language.

Do the Legislature mean to affirm that a control over the public revenue can be exerted by laws passed without the concurrence of the Executive, and by less than a majority of two-thirds of each House of Congress; or that a control over the public revenue can be exerted by Congress in some other way than by a legislative act or joint resolution? Surely, the assertion that any such control "abides in practice, or is vested by the constitution in the immediate representatives of the people and of the States," is wholly unfounded. There is nothing in the constitution, that I have been able to perceive, which gives the slightest countenance to the opinion.

Can the Legislature mean to say that "the control of the public revenue," in relation to the execution of the laws concerning revenue after it is raised, belongs to the Legislative Department, to the exclusion of the Executive Department? If this be what is meant, then it is obvious that, so far from such a control being vested by the constitution, it is directly in conflict with the express provisions of the constitution, by which the execution of the laws is committed to the Executive Department. The Legislature has the power and the right to make what laws it may judge best concerning the revenue, as well as every other matter within the sphere of federal legislation. They may alter and amend those laws at pleasure; but it devolves on the Executive to see them faithfully executed, and to exert all the powers which belong to him to insure their faithful execution.

One or the other of these three propositions must be embraced by the preamble. Which was intended, I do not know. If the first, then it appears to be wholly immaterial to any question now in controversy; and if either of the two last, they seem to be entirely unsound and fallacious. In the outset, then, it seems to me the Legislature have fallen into error. Having begun with wrong premises, it is natural to suppose that their conclusions should be equally unsound. The foundation of their reasoning resting upon assumptions, not of power, but of principle, it is not to be wondered at if the superstructure should be unsteady, and unable to stand the touch of investigation.

The first two resolutions, according to my understanding of them, affirm, substantially, the same principle. They differ in only one feature, which, although not at first view very striking, gives an important expression to the whole. But at present I have to do with the general principle maintained in both these resolutions, viz: that the act of the President, in causing to be withheld and withdrawn "the public deposites from the Bank of the United States," by "his recent interference with the Treasury Department of the Federal Government," has been guilty, "in the judgment of the General Assembly, of a dangerous and alarming assumption of power," which cannot be too strongly condemned.

The act of the President in interfering with the Treasury Department is what is denounced. The act of the President was the removal of Mr. Duane from office; and I am willing to take it for granted that his removal from office took place because he would not conform his official action, as to the deposites, to the judgment of the President as to what was justified by the true interpretation of the law, and required by a due regard to the public interests; and, moreover, that his successor was chosen because, among other reasons, his opinion was known to be in accordance with that of the President as to the necessity and propriety of the removal of the deposites.

And the inquiries presented are, "Has the President the power of removal? and what are the principles on which that power may be rightfully exercised?"

In every constitution there must be some provision made for carrying into effect the laws of the society; some officer or officers who are to execute the laws. These officers, whosoever they are, must *quoad hoc* be executive officers; and, from the very nature of executive duties, there must be a certain degree of promptness and energy in those who have the execution of the laws, in order to secure their efficient execution; and, at the same time, the greatest possible degree of responsibility ought to be preserved, in order that the safe and faithful execution of the laws may be insured. While these general principles have been recognised by the framers of all our republican constitutions, a great variety is found to exist in the forms adopted by them. In some, the jealousy of the Executive branch has been pushed to excess; in others, an apprehension of danger from the usurpation of power by the Legislative Department seems to have prevailed to a great extent; and in some, the Judicial Department appears to have been regarded as most formidable, and this feeblest of all the departments made entirely inefficient as a check on the others, by being made wholly dependant on one or the other of them. In the federal constitution, the effort was made to separate the three departments to a great extent, and at the same time to preserve in the hands of each some check or control over the others. In this distribution of powers, "the executive power is vested in the President of the United States." What is "executive power?" The execution and seeing to the execution of the laws which the Legislative Department make. When officers are created by law, it then becomes the duty of the Executive branch to appoint, and, where necessary, to displace an officer previously appointed. The power of appointment is, by the express terms of the constitution, qualified by the requisition of the concurrence of the Senate; but the power of removal, not being thus qualified and restricted, resides in the President, where it is vested by the constitution, as a part of the executive power. It is in vain that the constitution has said in express terms that the executive power shall be vested in a President of the United States, if by law it may be placed elsewhere; if a part may be, the whole may be placed elsewhere by law, and thus the constitutional distribution of power utterly abrogated. It is a power confided to a responsible officer elected by the people, and whose term of service is limited. If, instead of relying on his responsibility, you have no other protection than the power to impeach an officer, every one must see how unsafe, how insecure would be the public interests. If the power of removal (except by impeachment) is not conferred by the constitution on the President, it is not provided for at all, for it is obviously not a legislative or judicial power. This right of removal was fully considered, discussed, and decided by the Congress of 1789, as well as the grounds of constitutional authority and political expediency on which it rested; and although it was strenuously resisted and denied at that time, yet it has ever since been regarded as settled, and has been universally acquiesced in. No one contends—I surely do not—that this power of eviction from office may be exercised wantonly and capriciously; but *bona fide* and honestly, for promoting the prompt and correct execution of the law. This is necessarily and essentially, in its very nature, an executive duty. It is idle to talk of it, or any part of it, as a legislative duty. There is a moral as well as a constitutional impossibility and prohibition to the Legislative Department engaging in the execution of laws in such a Government as this. The constitution, it is true, gives the Senate a participation in the power of appointment, as it also gives the President a participation in the making of laws; these cases present exceptions to the general rule. But why discuss this as a question of power? The Legislature, "the immediate representatives of the people and of the States in Congress assembled," have recognised it as a constitutional power, in the most solemn form, both in the law establishing the Treasury Department, and in the laws establishing all the other departments; so that the President undoubtedly has the power—whether by the law or the constitution, is, as to this, unimportant. But, Mr. Speaker, this whole matter was debated more than forty years ago, much more ably than I can, and by men not inferior even to any of those who now grace the halls of legislation in this country. I will trouble the House with some extracts from the debates of that day, and I select especially from the various speeches made by Mr. Madison, whom I am proud to acknowledge as a political apostle of the faith in which I was bred, whose countenance I have enjoyed as my guide and counsellor on many occasions, and, I hope I may say, my friend always.

It having been contended, in the debate in 1789, on the power of removal, that no officer could, under the constitution, be removed but by impeachment, Mr. Madison said (I quote from Lloyd's Debates)—

"Such a construction of the constitution would, in effect, establish every officer on the firm tenure of good behavior; not the heads of departments only, but all the inferior officers of those departments, would hold their offices during good behavior."

After stating that the power of impeachment was given to reach cases in which an officer might deserve impeachment whom the President would not remove, and that it might sometimes be necessary to impeach the President, he proceeds--

"I think it absolutely necessary that the President should have the power of removing from office: it will make him, in a peculiar manner, responsible for their conduct, and subject him to impeachment himself if he suffer them to perpetrate with impunity high crimes and misdemeanors against the United States, or neglect to superintend their conduct, so as to check their excesses. On the constitutionality of the declaration, I have no manner of doubt."

Mr. Madison again:

"It is one of the most prominent features of the constitution, a principle that pervades the whole system, that there should be the highest possible degree of responsibility in all the executive officers thereof," &c.

"Now, if the heads of the executive departments are subject to removal by the President alone, we have in him security for the good behavior of the officers. If he does not conform to the judgment of the President, in doing the executive duties of his office, he can be displaced. This makes him responsible to the great executive power, and makes the President responsible to the public for the conduct of the person he has nominated and appointed to aid him in the administration of his department."

It having been asserted that the power of removal was incidental to the power of appointment, and, consequently, that the concurrence of the Senate was requisite, Mr. Madison replied:

"If you take this construction, and say an officer of the Executive Department shall not be displaced but by and with the consent of the Senate, the President is no longer answerable for the conduct of the officer. All will depend upon the Senate; you destroy a real responsibility, without obtaining even a shadow."

"But why, it may be asked, was the Senate joined with the President in appointing to office, if they have no responsibility?" "I answer," says Mr. Madison, "merely for the sake of advising; being supposed, from their nature, better acquainted with the character of the candidates than an individual."

The declaration of the removability of the heads of departments was then carried by a vote of nearly two to one. The debate was subsequently resumed in the House; and some very animated and glowing pictures having been drawn of the danger to liberty and the evils of an abuse of the power of removal, (the models after which many of the speeches of the present day seem to be fashioned)--

Mr. Madison, in reply, said:

"I believe the power here declared to be a high, and, in some respects, a dangerous one; but, in order to come to a right decision on this point, we must consider both sides of the question.

"When we consider that the Chief Magistrate is to be appointed by, at present, the suffrages of 3,000,000 of people, and, in a few years time, by double that number, it is not to be presumed that a vicious or bad character will be selected.

"Under these circumstances, although the trust is a high one, and, in some respects, a dangerous one, I am not sure but it will be safer here than placed where some gentlemen suppose it ought to be.

"It is evidently the intention of the constitution that the First Magistrate should be responsible for the Executive Department; so far, therefore, as we do not make the officers who are to aid him in the duties of that department responsible to him, he is not responsible to the country."

Here permit me to remark, that I regret that the honorable gentleman from Pennsylvania, [Mr. Binney,] whose course here has been as conspicuously marked by the dignity of the accomplished gentleman as his speech was characterized by great ability and candor, should have singled out the last paragraph from the whole debate in 1789, and placed it in such a connexion as to produce the impression that he had Mr. Madison's authority in support of his argument that the Secretary of the Treasury was responsible to Congress, and not to the President; when, in truth, it was part of an argument used by Mr. Madison to prove that all the executive officers were, by the constitution, responsible to the President, and in favor of a clause in the law designed to declare that responsibility, and which clause was inserted and now stands in the law establishing the Treasury.

Mr. Madison proceeds to show that there is much danger that an officer appointed by the concurrence of the Senate, if he were removable, too, only by their concurrence, might rely more on the favor of that body than "on the discharge of his duties to the satisfaction of the Executive branch, which is constitutionally authorized to inspect and control his conduct. And (says he) if it should happen that the officers connect themselves with the Senate, they may naturally support each other, and, for want of efficacy, reduce the power of the President to a mere vapor; in which case, his responsibility would be annihilated. The high executive officers, joined in cabal with the Senate, would lay the foundation of discord, and end in an assumption of executive power only to be removed by a revolution in the Government."

This is the warning voice of wisdom. God grant that it may not be prophetic!

There is another most striking passage in this debate. I commend the whole of it to the dispassionate consideration of gentlemen, as delineating with a master's hand the line of demarcation between the Executive, Legislative, and Judicial Departments. I will only trouble the House with a small part of it.

"The constitution (says Mr. Madison) affirms that the executive power shall be vested in the President. Are there exceptions? Yes, there are. The constitution says that the Senate shall be associated with the President in appointing to office, unless in cases of inferior officers, &c. Can we extend this exception? I believe not.

"If the constitution has invested all executive power in the President, I venture to assert that the Legislature has no right to diminish or modify his executive authority.

"The question now resolves itself into this: is the power of displacing an executive power? I conceive that if any power whatever is, in its nature, executive, it is the power of appointing, overseeing, and controlling those who execute the laws.

"And inasmuch as the power of removal is of an executive nature, and not affected by any constitutional exception, it is beyond the reach of the legislative body."

About the close of the debate, after referring to the clause of the constitution which makes it the duty of the President to take care that the laws be faithfully executed, Mr. Madison further said: "Now, if the officer, when once appointed, is not to depend on the President for his official existence, I confess I do not see how the President can take care that the laws be faithfully executed.

"Vest this power jointly with the Senate, and you abolish at once that great principle of unity and responsibility in the Executive Department, which was intended for the security of liberty and the public good."

And again:

"You may set the Senate at the head of the Executive Department, or require officers to hold their places during the pleasure of the House of Representatives; and by this means you link together two branches of the Government, which the preservation of liberty requires to be constantly separated."

I have troubled the House by reading these passages, not merely as authority, but for the cogent arguments they contain in support of the general power of removal, and the principles on which it may be exercised. They come from him who is the patriarch of the constitution, who has been appropriately called the author and finisher of the faith of State rights; and of whom I hope I may be permitted to say, that if there has ever lived a more enlightened statesman, a purer and more single-minded patriot, and a wiser or more far-sighted politician, the Muse of History has for once been unfaithful to her duty, and omitted to record his name. It is in the faith taught by Madison—*clarum et venerabile nomen*—that I have been bred; and I am not now going to be seduced from that faith by the plaudits which the doctors of the new political church are constantly pouring forth upon the course which they see, or think they see, Virginia is going to pursue, and which they know is to place her in their wake. When we can be made to disregard the genuine chronicles of political doctrine which Madison and Jefferson have given us, I know not where to look for the canonical book of political scripture.

It must sound somewhat curiously for Virginians to hear that State praised for her devotion to principle, her regard for the constitution, by those who until now have habitually sneered at and ridiculed her notions of constitutional construction as metaphysical refinements. When that ancient and venerable Commonwealth, "Virginia, the blessed mother of us all," finds herself suddenly in favor with our new allies in the cause of State rights—the force bill—democratic-Jeffersonian-United States Bank republicans, who present memorials here from all quarters—she may well exclaim, "What has thy servant done that mine enemy should praise me?"

I maintain, then, that the President has his general supervisory control over the executive officers—to be enforced, if necessary, by removal. While I maintain the power and right of removal, that if an officer pertinaciously neglect to perform, or misconstrue the law, so as in the judgment of the President to disappoint the intention of the law, it is his constitutional right and official duty to displace him, I deny that he has a right to do so without cause. I am utterly opposed to what has been called the proscriptive system—the removal of officers for opinion's sake. The principle of punishing enemies and rewarding friends through the instrumentality of the removing power, I regard as a gross and flagrant abuse, and, whenever I shall be called on to act in any case of the sort, no one will go further than I will in condemning it. I hate and detest the principle, and will justify no man who avows it and practises it. It poisons the fountains of public purity, and degrades our political contests into a miserable scramble for power and plunder, in which the honors and offices of the country are converted into mere "spoils of the vanquished, to be divided among the victors."

It is contended that, however true all this may be as to the other departments, it is not true as to the Treasury Department and the Treasury officers, and that they are not executive. "Where," it is asked with some triumph, "is the law making the Treasury an executive department?" All the reasoning which I have quoted from the debate in 1789, as well as the whole debate, was just as applicable to the Treasury as to any of the other departments; and was applied to it, as any one will see by examining it. It is true there is no law, or rather no legislative act, which declares the Treasury to be an executive department. Nor is it the calling it so, or the not calling it so, which makes it more or less an executive department. But there is a law—the fundamental law—which in several clauses recognises the great departments as executive departments. Their character of executive is derived from the nature of the functions they perform. The constitution authorizes the President to "demand from the principal officer of each of the executive departments his opinion, in writing, upon any subject relating to the duties of their respective offices."

Was it ever supposed, until now, that the Secretary of the Treasury was not comprehended in this provision?

We know that the uniform practice and understanding have been otherwise. But if it be not an executive department, what sort of a department is it? There are, and can be, but three kinds of political power—executive, legislative, and judicial. The execution of the laws relating to the finances, as well as the execution of all other laws, is an executive function; and the department to which is assigned their execution must necessarily be an executive department, no matter what name you give it.

There is, however, a law which entirely dispels the idea that the Congress of 1789 intended that the Treasury should not be an executive department. The law establishing the Treasury Department passed the 2d September, 1789, and on the 11th of the same month another law passed, and stands in the statute book next in order to the law establishing the Treasury Department. The title of this act is "An act for the establishment of the salaries of the executive officers of the Government." The first officer named in the law is the Secretary of the Treasury, and afterwards the Treasurer, Register, Comptroller, Auditor, &c., besides other officers of the War and State Departments.

Now, a department, all the officers of which are executive officers, and is not itself an executive department, is a nondescript, which I leave to more acute political metaphysicians than I am to classify. It is true the law does not in terms call it an executive department, which I imagine was merely accidental; nor does the law define the duties of the several officers of the War, State, and Navy Departments, as it does those of the Treasury. The reason of that is to be found, not in the idea that those officers were to be less responsible to the President, but to preserve a greater security to the people and their money, by preserving the responsibility both of the President and officers of the Treasury, by compelling the officer of the Treasury to act on his responsibility, and the President to meet his responsibility, if he controlled him improperly. And here I remark, that I do not censure Mr. Duane for not resigning: on the contrary, I think he was right to compel the President to "take the responsibility" of removing him. If censurable at all, it was for giving a pledge to resign in the first instance.

To proceed: another reason is to be found in the peculiar functions of the Treasury Department, and the wish that the several officers of the Treasury, having distinct duties to perform, should mutually constitute checks on each other, without at all impairing the constitutional right and official duty of the President, as Chief Executive Magistrate to supervise the whole, and take care that each and all faithfully execute their respective duties. He appoints all these officers; he has the power of removing them all, given to him, as I have already shown, that he may "supervise, oversee, and control them;" that they may be displaced, unless "they conform to his judgment of the requisitions of the law." They are commissioned by him, and during his pleasure. He is required by the constitution to see that the laws be faithfully executed; and if he did not "take the responsibility" of having them faithfully executed, when these officers neglect, or misunderstand, or pervert, or omit to perform their several duties, he would be recreant to his trust, and betray the confidence which had been reposed in him by the people.

You will observe, sir, that I am arguing on the supposition that the President honestly believed that the occasion for the removal of the deposites under the charter existed, and that the public interests required the exercise of this authority; and here I beg leave to offer an authority, which is from a high source. It is an extract from the speech delivered on this subject by a gentleman of very great talent—of whose character I entertain a high opinion, although I differ with him very decidedly on some political subjects; am not his advocate in the great contest for the succession, which it is said mixes itself with all questions of power and principle here, and perhaps may not ever be so, though it is not impossible. I read from the speech of Mr. Calhoun: "I cannot doubt that the President has, under the constitution, the right of removal from office; nor can I doubt that the power of removal, wherever it exists, does, from necessity, involve the power of general supervision; nor can I doubt that it might be constitutionally exercised in reference to the deposites. Reverse the present case: suppose the late Secretary, instead of being against, had been in favor of the removal; and that the President had been against it, deeming the removal not only inexpedient, but, under circumstances, illegal: would any man doubt that, under such circumstances, he had a right to remove his Secretary, if it were the only means of preventing the removal of the deposites? Nay, would it not be his indispensable duty to remove him? and had he not, would he not have been universally and justly held responsible?"

I answer, that I have no doubt of it. I have no hesitation in expressing the belief that, if such had been the case, but for the infusion of political prejudices, party influences, and pecuniary interests, which would then, as in all other cases, influence human opinions, there could not have been found ten intelligent politicians, or ten intelligent men of any sort, who would have denied the President's right to remove his Secretary for not executing the law in conformity to the judgment of the President. Mr. Calhoun, it is true, condemns the President's course in this case, because he apprehends that the President has acted for other reasons than those he has alleged, and for purposes which he thinks unwarranted and unconstitutional; and, therefore, he considers the removal of the deposites an abuse of power. Now, sir, if it be true that the President has been actuated by any indirect motives; if he has used the alleged reasons merely as pretexts for gratifying a vindictive resentment and hostility to the bank; if they are employed merely as signs to denote a foregone conclusion; then I would not split hairs between abuse and usurpation, but would say that the President had been guilty of a high misdemeanor in office—and this whether the alleged reasons of his conduct are good or bad in fact. I, for one, will give every facility to any gentleman, who entertains this opinion as to the President's motives for his conduct, my aid for the freest and fullest inquiry into the facts; and, after examining them, with a mind perfectly free from all desire either to hold up or to break down the administration, if I am satisfied that the President has committed any official misdemeanor, I will give my vote for his impeachment, fearless of all consequences.

But if, on the contrary, the President has acted in good faith, in conformity with the honest convictions of his judgment as to what was required by the behests of public duty, let us cease this clamor about usurpation. Whether his judgment was right, or his reasons sufficient or not, cannot affect the question of constitutional right and official duty. It is precisely the state of things which exists when a judge, called on to decide a cause within the jurisdiction of his court, decides wrong, but honestly. It would be a sad condition of things if every judge who pronounced an erroneous judgment should straightway be anathematized as a tyrant, usurper, and despot.

The insufficiency of the reasons for the removal would not make a usurpation, if he had the right to interfere. Nor would the fact that the removal of the deposites was produced by an unconstitutional exercise of power by the President make it necessary to restore them, if the reasons for the removal given by the Secretary are in themselves sufficient, or if any sufficient reasons now exist for withholding them.

There is another decisive proof that the Treasury Department was regarded by those who framed it as much an executive department as any other, which, as it has not been adverted to by any one, so far as I have seen, I will now refer to. When the Treasury Department law was under consideration in the Congress of 1789, the clause making it the duty of the Secretary "to digest and report plans for the improvement of the revenue, and the support of public credit," was objected to by several gentlemen, who had denied, be it remembered, the power of removal. Let us hear what they thought of the Secretary being an executive officer. Mr. Page objected to it as being a dangerous innovation on the privileges of the House, and said, "I never can consent to establish by law this interference of an executive officer in the business of legislation." And again: "When the President requires of this officer an opinion, the constitution commands him to give it."

Where, I ask, but in the clause entitling the President to require "the opinion, in writing, of the principal officer in each of the executive departments?"

Mr. Tucker, of South Carolina, said, "It would create an interference of the Executive with the legislative powers." No man who advocated the clause intimated an opinion that the Treasury Department was not an executive department. It was universally so regarded at that day; and so was the President's power of removal then distinctly recognised and established, and has been ever since uniformly admitted until this time, when it is swelled, distorted, and blazoned forth as an enormous stretch of executive power.

But a great deal is said as to the President having seized the treasury; that he has got hold of the purse of the nation, which belongs in an especial manner to the representatives of the people. And in order to give greater weight to the resolution of the last session, which declared that the deposites were safe in the United States Bank, it has been said, (I do not refer to any thing said here,) that the House of Representatives are the peculiar guardians of the treasury, and that the modern Cæsar (Andrew Jackson) has driven away from the door of the treasury the modern Metellus, William J. Duane.

Now, all this may do well enough for a stump speech, or for the columns of a partisan newspaper, but in sober truth scarcely deserves a serious refutation. General Jackson has not seized the treasury; what he has done has been done in compliance with the law. He has assumed no other control over the treasury or the treasure than he was authorized to do by the constitution and the laws; and "the representatives of the people and of the States" in Congress assembled have now the same control over the matter that they had before.

Nor has he got hold of the nation's purse, by reason of any thing he has done, or claims the right to do. So far as I have heard or seen, he cannot get one cent of his own salary even, but by means of an appropriation by law; and then it must be drawn out by the regular warrants prescribed for drawing money out of the treasury, in pursuance of the constitution. Ah! but it is said he may remove the Secretary—remove the Treasurer—turn out the Comptroller, Register, &c., until he gets men that will give him the money for his own purposes, for the benefit of himself and his favorites, and without any appropriations. That is all true; such is his power, as conceded, I presume, by all. But in such cases it would be the exercise of power without right; it would be flagrantly unconstitutional. He would be impeached and turned out of office, and the indignation of an abused and betrayed people would scarcely be satisfied with any punishment short of his decapitation.

The mode in which the President is elected—by the suffrages of twelve millions of people—and the short term of his service, furnish considerable security against his being disposed to perpetrate such enormities; and the responsibility to punishment to which he is exposed is an additional safeguard, in his fears of loss of life and reputation.

But, besides all this, to argue from possible abuses of power so flagrant and atrocious the denial of the grant of power, or the exercise of it when granted, can never come within the scope of fair reasoning. We might just as well say that the Legislature should not have the power of prescribing where the money shall be kept, and how it shall be kept; because, peradventure, we might divide it among ourselves, to be kept until called for; or because we might divide the whole surplus revenue among ourselves, at the end of each session, in the shape of extra and additional compensation. In short, when you have framed a constitution, and given to the President "the executive power," it is just as extravagant to deny his right to exercise that power in some particular case coming within the objects of the grant, because he may use (or rather abuse) the power in other cases for sordid, corrupt, or ambitious purposes, as it would be to argue that the Legislative Department ought not to be trusted to make laws at all, because it may, and does frequently, transgress the prescribed bounds of power. When power is granted by the constitution, we should endeavor to provide all practicable limitations and checks against abuse, and every reasonable penalty and responsibility for its wrongful or corrupt exercise. Power of the kind now spoken of should not be lightly or incautiously interposed; but when it is exercised with due deliberation, and with an honest conviction that the behests of public duty require it, however we may differ as to the sufficiency of the reasons on which it was exercised, we must blame the constitution, and not the agent acting under it.

But it is said "the House of Representatives are the peculiar guardians of the public purse, and they passed a resolution that the money was safe in the Bank of the United States." I think the character of that proceeding has been greatly misunderstood. I was one of the majority that passed that resolution. The message of the President, intimating the propriety of enlarging the means by which the Executive might be enabled to examine into the safety of the Bank of the United States, was referred to the Committee of Ways and Means. On Friday, the 1st of March, the day before the adjournment of Congress, that committee made two reports—one from the majority and one from the minority—accompanied by a mass of documents and evidence. These reports were ordered to be printed; and the next morning, the last day of the existence of Congress, when I suppose no member of the House, except the gentlemen on the committee, knew what was in the reports and documents, the resolution appended to the report of the majority was called up, and the question forced on the House. The gag was applied to the mouth of debate, and we were compelled to vote in the dark. I moved to lay the resolution on the table, pending the call for the previous question, and was overruled. My reason for doing so, which it was not in order then to give, was, that no matter how the House decided on the resolution, it was calculated to produce erroneous impressions on the public mind: to wit, that the judgment of the House as to the safety of the bank was pronounced after a deliberate and full investigation; and, consequently, no matter how decided, injury might be done by producing speculations in the stocks. I remember well that the gentleman from South Carolina, in the course of the very few remarks that were made on the occasion, emphatically said that the question presented was simply whether in our opinion the bank was a safe place of deposite or not; and he did not see how any person who thought it was could refuse to say so. When forced to vote on this naked question, I had no difficulty how to vote. I thought, as an individual founding my opinion upon the general credit of the institution, that it was safe; and I said so.

I never thought of the question whether the deposites ought to be removed; and I am sure that many gentlemen who voted against the resolution did so without intending to express the opinion that the deposites were unsafe, or that they ought to be removed; but for the same reason which induced me to move to lay the resolution on the table. Besides, this resolution is not at all in conflict with the reasons on which the deposites have been removed, and so there is no "contempt" of the opinion of the House.

But what foundation is there for the opinion that the House of Representatives is the peculiar guardian of the treasury? The constitution contains no intimation even of any peculiar control which the House of Representatives has in relation to the treasury or the money in the public fisc. The only clause in the constitution which can be supposed to give any countenance to this idea is that which provides that all bills for raising revenue shall originate in the House of Representatives. This does not touch the matter as to the disposition of the public money after it is raised—where it shall be kept, and when and for what reasons the place of keeping shall be changed. These are all subjects of general legislation; as to which, each branch of the Legislature has the same concern, and the same rights, as with regard to any other laws; and in the execution of the laws concerning which, the Executive authority is as distinct from, and independent of, the House of Representatives, as in relation to any other laws. The people of the United States have, in the constitution, distributed all the powers which they chose to confer on this Government between the several great departments. They have made no one, more than the others, a peculiar guardian, either of their money or any thing else. They have constituted these several departments checks upon each other, and have relied for the guardianship of their interests confided to this Government upon each department keeping within its own orbit, and that thus the whole will move on harmoniously together. This idea about the peculiar guardianship of the purse by the House of Representatives is borrowed from the monarchial constitution of England, and is wholly inapplicable to this country, where all public functionaries derive their authority from the people or the States, and in such modes as to give greater security to liberty. In this Government we represent, each of us, small sub-divisions of the people of each State. The Senators are, respectively, or ought to be, the representatives of their respective States; and the President is the representative of the people of all the States.

It is contended, to be sure, that the chief Executive officer has been shorn of his authority by the bank charter, which, it is said, makes the Secretary of the Treasury the agent of Congress—responsible to them, and not to the President. This idea is founded on the fact that the Secretary of the Treasury is authorized to remove the deposites, and that he is required to report to Congress. Now, this duty is conferred upon an executive officer, as such. I have already shown that, as such, he is by the law and the constitution to execute the duties of his office under the supervision of the President, and bound to conform his judgment to that of the President, or submit to be displaced. It must be intended, then, that when this duty was imposed on him, it was intrusted to him by Congress with the knowledge that such was the law and the constitution; and, of course, his responsibility to the President is just as great as if it had been expressed in the bank charter; and, consequently, it is erroneous to say that this authority "was confided to the head of that department alone." And as to the idea that he is to report to Congress having the effect of making him an agent of Congress, it is not only refuted by what took place in relation to the clause directing him to report plans, to which I have already referred, but is in conflict with the constitution, which, it seems to me, recognises no such political existence as an agent of Congress, in any other sense than that in which all officers are agents of the law and the constitution. In that sense, he is the agent of Congress, who can act upon him by law, and only by law; or, which is the same thing, by joint resolution. In any other way, his responsibility to Congress is a mere shadow. For suppose Congress, and the President too, thought the deposites ought to be removed, and the Secretary of the Treasury should be of opinion (as the present Secretary seems to be) that they are placed in the Bank of the United States by contract; that he alone has the power to remove them; and that the *casus fœderis* did not exist which justified their removal: what is to be done? Can you impeach him for protecting the chartered rights of the corporation? And if you could, the delay necessarily incident to the proceeding might render it entirely nugatory as to the interests of the public. All that could be done, all that you could do, would be to look to the President to exercise that very power which is now denounced as a usurpation. And another answer to this argument is, that if his being required to report the reasons for having done an act to Congress makes him an agent of Congress, one would think that, *pari ratione*, his being bound to give his opinion in writing to the President in relation to the act would make him an agent of the President.

I referred to one discriminating feature in the first two resolutions of the Legislature of Virginia. The first charges the unlawful act—the assumption of power; the second charges the same offence, and, moreover, that it was done from a "disposition to extend his official authority." That charges the act—this the *malo animo*. Now, this is impeachable matter. If the Legislature so intended it, I regret that they did not say so in plain terms; and it does seem to me, that any gentleman who entertains this opinion, and thinks it can be sustained by proof, ought to institute proceedings for the purpose of investigating it. We have the right to make the accusation; but we are not the judges. If the accusation is to be made, let it be made in the usual way—in a mode calculated to bring before us all the proofs on which the charge is founded, as well as the exculpatory testimony. Let us see if the charge is well founded. If it be, the President ought to be impeached; if any gentleman thinks there are sufficient grounds on which to make the inquiry, he shall have my vote in favor of it.

As to the request of the Virginia Legislature that the deposites may be restored, I have only to say, that unless the bank charter is to be renewed, or another Bank of the United States established, I have as yet seen and heard nothing which induces me to think that any substantial and permanent relief from the public distress which exists will result from changing the place of deposite. Upon this point, however, I am willing still to hear more, and to hear all that can be said; and to be governed, in relation to this question of expediency, by all the circumstances which may exist at the time I am required finally to act on it. But I do not concur in the principle on which the Legislature of Virginia seem to found their request, to wit, that the only consideration to be taken into view, in reference to the removal or restoration of the deposites, is, whether the Bank of the United States is a safe depository of the public money.

I am constrained to say, after a careful consideration of this subject, that the authority given to the Secretary to remove the deposites was not given solely with an eye to their safety, and, indeed, that it could not have constituted the chief, or even a prominent motive. The authority given to him is given in terms as broad as the language can afford. Would such language have been used, if there was but one possible contingency in which this unqualified discretion could be exercised? Why not have defined the authority so as to limit it to that contingency? The statute, moreover, requires him to give the reasons; and yet the argument is, that there is but one possible reason which can be given.

But this power of removing the deposites could not possibly be used without entirely prostrating and overthrowing the credit of the institution, if its credit was before so doubtful as to make it the just ground on which the place of deposite was changed; and thus the act done, for the safety of the money apprehended to be in danger, would be the certain means of still more endangering it. And, in addition to all this, another clause of the bank charter directs that all dues to the Government shall be receivable in notes of the Bank of the United States, until Congress shall otherwise order and direct. Now, I cannot comprehend what advantage it would be to the safety of the public money to remove it, as long as this provision existed, as it is obviously a matter of no sort of consequence whether the public money exists in bank credits or in bank notes. These give a promise to pay—those recognise with the same solemnity the obligation to pay. If, then, the safety of the public money had been the only or the chief consideration with the framers of the bank charter, they would have given the Secretary, as the means of making it effectual, the right to refuse the notes of the bank.

This notion, that the deposites can only be removed on the ground that they are unsafe, is generally abandoned here. The Bank of the United States, to be sure, maintains this proposition; but most of its friends here concede that there are other reasons for which the Secretary would be justified in removing the deposites: one is, the failure of the bank to transfer the public money from place to place, as required by one of the stipulations of the charter.

Now, sir, recollect that this last would be a violation of one of the fundamental articles of the charter. And how can those who make this concession use, with so much earnestness as they do, the denunciations against the Secretary for stating, as one of the reasons for the removal of the deposites, that the bank had violated its charter in another important article? It is said, with great plausibility, that the President and Secretary have assumed judicial authority, and have deprived the bank of the benefit of a jury trial, the great palladium of liberty; and when they admit that he may remove the deposites because of an act which would constitute a ground for the forfeiture of the charter, do they not themselves admit that he may protect the interests of the country from the misconduct of the bank, so far as the removal of the deposites is concerned, without waiting the judgment of a court, or the verdict of a jury?

I do not know that there is any other question growing immediately out of the resolutions of the Virginia Legislature, except, perhaps, the idea that the Bank of the United States is made by the bank charter the treasury of the United States; and that, consequently, the removal of the deposites from that bank is in violation of that provision of the constitution which requires that no money shall be drawn from the treasury but in pursuance of appropriations made by law. The obvious answer to this is, that if the bank is made the treasury by the sixteenth section of the charter, the same section gives the Secretary the authority to say that it shall not be the treasury. It is the only clause of the charter from which the idea is derived. It is as follows: "That the deposites of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case, the Secretary shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order and direction."

The truth is, that the public money, no matter where it is, to the credit of the treasurer of the United States, is in the treasury. The public money, while in the Bank of the United States, is in the treasury; and when it is removed thence by the officer who is authorized so to "order and direct," and placed elsewhere, it is still in the treasury. It is said that the Secretary of the Treasury has undertaken to do what the whole Government cannot do, to wit: lend out the public money to support the credit of local banks. I take it for granted the principle is true; but if the deposite of a portion of the public funds in a State bank be a loan to that bank, and therefore illegal, is it not equally illegal, and equally a loan, to deposite it in the Bank of the United States? The deposite of money in a bank is not a loan at all. It is selected as a place for keeping the public money until it is wanted. As to the authority of the Secretary of the Treasury, *ad interim*, and in the absence of special legislation, to select the place of keeping the public money, I have only to say, that it seems to have been the universal construction of the department from 1789 down to the present time—constantly practised on, and frequently brought to the notice of Congress, who have thereby given a silent acquiescence in it. Mr. Hamilton, while he was Secretary, exercised this authority, and detailed, in a report to Congress in 1794, the practice of the department under the interpretation of the law then adopted. When the old Bank of the United States expired, in 1811, Mr. Gallatin was Secretary of the Treasury, and, as such, selected the places of deposite, and prescribed the stipulations which were to be made.

Mr. Crawford, both before and after the establishment of the present bank, pursued the same course. And the bank charter itself, in two of its clauses, recognises this authority. The sixteenth section authorizes the Secretary of the Treasury to direct that the deposites shall not be made in the Bank of the United States. Now, if the Treasurer is authorized, under the law of 1789, to select the place of deposite, he may immediately order them back, which would render nugatory the authority given to the Secretary. Another clause of the bank charter requires the bank to give facilities for the transfer of the public money whenever required by "the Secretary of the Treasury." Thus distinctly recognising that officer as entitled to direct where the public money shall be placed.

I do not mean, Mr. Speaker, at this time, exhausted as is my strength, and worn out as the patience of the House must be, to enter into an examination of the reasons alleged by the Secretary for the removal of the deposites. The reasons alleged by him, if substantiated, are, in my judgment, such as justified the withdrawing and withholding the public deposites, so far as the rights of the bank were concerned; and enough of these charges seem to be admitted or established to my satisfaction, to have warranted the act of removal in point of legal authority. I think, however, that it was effected in a way which was hasty and ill-judged. The sudden and unexpected manner in which the determination to change the place of deposite was announced, without notice to the bank or to the country, was, I think, unwise and prejudicial to the interests of the community. That the bank itself has contributed by its course to increase the evils arising from this proceeding, I can have no doubt. But I think it extraordinary doctrine, indeed, that we are obliged to keep the public money in a bank which has violated a fundamental article of its charter, which, in effect, excludes the Government directors from all participation or knowledge of its important concerns; which, in spite of the express directions of the charter that seven directors shall constitute a quorum to do business, commits to a sub-committee, chosen by the President of the bank, the transaction of business most materially affecting the general interests of the community, and which finally expends large sums of money belonging to the public as well as the other stockholders, for the purpose of controlling the politics of the country.

This last charge it has been attempted to slur over and ridicule, as unworthy of serious notice, as well as untrue in fact. I regard it, however, as important in principle, and it seems to be sufficiently established in proof. The printing accounts of the bank prior to 1829, when General Jackson's first message was issued, had not ordinarily exceeded about seven or eight hundred dollars per annum. From that time, its expenses for printing documents and essays rapidly and enormously increased; and, in 1832, if I mistake not, the amount expended under the resolution authorizing the president of the bank to procure and circulate such documents and pamphlets as were "calculated to enlighten the public mind as to the nature and operations of the bank," (I think that is the language,) swelled up to the amount of $26,000: 1832 was the year of the veto, and of the presidential election. In 1833, the year after the most serious "assault" was made by the President on the credit of the institution, and when, therefore the motive of defending the bank against these "assaults" was strongest, the expense was only $3,000. But the presidential election was then over. "*Res ipsa loquitur.*" The bank declares its determination to go on in this course of expenditure, and, as it claims its right to do it, I presume it is now employing its funds in this way. Perhaps it has the mere corporate right of spending its money as it pleases. But this Government has the right of keeping the public money where it pleases, and I regard such an employment of the corporate powers of the bank as a dangerous and unjustifiable use of its power, and think we may rightfully employ all the powers over the public money which we have not surrendered to the bank to check its career. We have reserved the right to change the place of keeping the public money.

To illustrate my idea as to this abuse of the bank, let me ask what would be said, what ought to be said, if the Congress of the United States were now to pass a resolution declaring that the Bank of the United States was a dangerous institution to the liberties of the country, and that it was unconstitutional, and, therefore, that the President of the United States should be authorized to procure and circulate such pamphlets, essays, and documents as he might think proper, "to enlighten the public mind as to the nature and operations of the institution, and that the whole treasury of the United States should be put under his control for that purpose?" Is there a man who would dare to face his constituents after giving a vote for such a resolution? And yet this is precisely what the Bank of the United States has done with its treasury, to every intent and purpose.

As an authority to prove that this control over the deposites may be used to prevent the bank from mingling in the politics of the country, I will read an extract from a report made to this House in 1830, which has received the sanction of the bank at least; for the printing and circulating some fifty thousand copies of it, constitute one item in the "printing accounts of the bank."

It is from the report of the chairman of the Committee of Ways and Means, (Mr. McDUFFIE,) now, and then, a distinguished member of this House, from South Carolina.

"While there is a national bank bound by its charter to perform certain stipulated duties, and entitled to receive the Government deposites as a compensation allowed by the law creating the charter, and only to be forfeited by a failure to perform these duties, there is nothing in the connexion at all inconsistent with the independence of the bank and the purity of the Government. The country has a deep interest that the bank should maintain specie payments, and the Government an additional interest that it should keep the public funds safely, and transfer them free of expense wherever they may be wanted. The Government, therefore, has no power over the bank, but the salutary power of enforcing a compliance with the terms of its charter. Every thing is secured by law, and nothing left to arbitrary discretion. It is true that the Secretary of the Treasury, with the sanction of Congress, would have the power to prevent the bank from using its power unjustly and oppressively, and to punish any attempt on the part of the directors to bring the pecuniary influence of the institution to bear upon the politics of the country, by withdrawing the Government deposites from the offending branches. But this would not be lightly exercised by the treasury, as its exercise would necessarily be subject to be reviewed by Congress: it is, in its nature, a salutary corrective, creating no undue dependence on the part of the bank."

This seems to me to lay down as broad doctrine as that which is assumed by the Secretary in his report, in reference to some of his reasons.

The opinion that the power to remove the deposites might be employed as a means of checking the excesses, and controlling the misconduct of the bank generally, seems to have been entertained by the committee of investigation raised in 1819, and various members of Congress at that time, and apparently without being questioned by any one. A very strong opinion to that effect is to be found in a speech of Mr. Sergeant, who then represented the city of Philadelphia, and was then the great champion of the bank on this floor. And there is a very remarkable thing to be noticed in relation to his argument. Then the proposition was that Congress should take strong measures against the bank, on account of its general mismanagement, and the misconduct, and perhaps fraud, of some of the directors. Mr. Sergeant contended that the only authority that Congress had was to inquire whether the charter had been violated, and, if so, to order a *scire facias*. That Congress had nothing to do with the control of the bank, except to that extent. And he said, "If we undertake to examine the general administration of the affairs of the bank, or to investigate the conduct of particular directors, we are involved at once in the danger of an interference with the Executive." And so Congress passed it by. Now the executive officer has undertaken to examine the general administration of the affairs of the bank, and employing the means vested in him by law, for correcting what he thought to be misconduct in "the general administration of the affairs of the bank," and justifying himself for so doing, on the ground that the charter being a contract, Congress could not act on the subject until he reported the fact to them that he had removed the deposites, we immediately hear the distinguished gentleman from Philadelphia, who is now the great champion of the bank on this floor, complaining vehemently that he should make such an extravagant construction of the law as excludes Congress from all right to act until he acts.

When the Legislature attempts to control the bank, the bank and its friends say it belongs to the Executive to look to this matter. When the Executive acts, then a usurpation of legislative power is charged. So true is it that

> "The doctrine to day that is loyalty sound,
> May bring us a halter to-morrow."

In conclusion, Mr. Speaker, I have only to say, looking to some of the great principles which have been brought into debate in connexion with this subject, and the whole course of opinion now, and argument heretofore expressed upon the various questions which have arisen, that I regard the inquiry, whether the deposites shall be restored or not, as one of very small importance, comparatively. More important questions and consequences are involved in the debate, if not in the decision of the mere naked practical question. It is to be seen whether the constitution and the law shall be supreme, or whether we shall be governed by a great moneyed oligarchy; whether we shall have the constitution as our fathers gave it to us, or whether it is to be laid prostrate on the "*Procrustes bed*" of this great corporation, and stretched here, or curtailed there; bent, twisted, and fashioned, as may suit its interests. Whether, in short, the Bank of the United States shall prove itself stronger than the constitution, stronger than the Government, and stronger than the people.

It may be, sir, as it has been alleged, that the State of Virginia will be found sustaining the Legislature in the avowal of principles which I regard as directly in conflict with the constitution, and leading, in their tendencies, to the utter demolition of the only remaining constitutional barriers which defend the rights of the States from the overwhelming tide of federal encroachments. If so, so be it. But, I for one, Mr. Speaker, will oppose my feeble strength to this fatal and desolating tide to the last, and when I sink under its force, I will continue to press the constitution of my country to my bosom, and my last shout will be, in the language of the immortal Henry, "Give me liberty, or give me death."

Mr. GHOLSON next obtained the floor, and signified a wish to speak on the subject, but as the hour was very late, he would defer his remarks.

On motion, the House then adjourned.

Tuesday, March 4.

BANK OF THE UNITED STATES.

Mr. POLK, from the Committee of Ways and Means, to which had been referred the letter of the Secretary of the Treasury, giving his reasons for withdrawing the public deposites from the Bank of the United States; the memorial of the Bank, and various other papers on the same general subject, made a report: he moved that it be printed, and its consideration postponed to-morrow week.

Mr. CLAY called for the reading of the report.

Mr. McDUFFIE objected.

The CHAIR decided that it was the right of a member to have any paper read when first presented to the House.

Mr. McDUFFIE moved that the reading be dispensed with.

The CHAIR pronounced that motion out of order, as the reading was of right.

Mr. HARDIN remonstrated against the unnecessary consumption of time in reading a long report, and probably a counter report, both of which would be immediately printed.

Mr. CLAY said that he wished the reading, because he meant to follow it by a motion for printing an extra number of copies of the report.

Mr. HARDIN said he would vote for the extra number without the reading.

The CHAIR stated the grounds on which he had decided that the reading was of right, when called for by a member of the House. He said that the member from Alabama (Mr. Clay) had a right to have the report read before he could be required to vote, and that it was not in order to move to dispense with the reading, nor in the power of the majority of the House so to direct, if persisted in by any member of the House. The rule which declares that, when the reading of a paper is called for, and the same is objected to, that the House shall determine by a vote whether it is to be read or not, does not apply to the case of a paper first presented for the consideration and action of the House. That rule was adopted, no doubt, in consequence of its having been supposed that this right of a member to have a paper read for information, extended to all papers which were on the table, or in the possession of the House, and on which the House might have passed. To guard against the delay and inconvenience which would have arisen from the exercise of such a right, the forty-second rule was adopted.

That rule, however, is only applicable, in the opinion of the Chair, to papers upon the table, or in possession of the House, and does not apply to papers first presented to the House, and on which its action is to be had. When any paper is thus presented for the first time, in the business and proceedings of the House, any member has a right to have it read through once at the table before he can be compelled to give any opinion or vote in relation to it; but, having been once read, it is, like every other paper that belongs to the House, to be moved to be read, if again desired; and, if objection be made, the sense of the House is to be taken by the Chair. This is an important right to each individual member, one of the few that can be exercised by him against the opinion of the House, and which no majority can, as the law now is, deprive him of. It has been so regarded, and held sacred, by the individual who fills the Chair, and he has been sustained by the practice and decision of the House. In 1802 the question was first raised, in relation to a communication from the then Secretary of War: a motion having been made to dispense with the reading of it, was decided, by Mr. Speaker Macon, to be out of order, (no doubt for the reasons now stated, though that does not appear,) and approved by a vote of more than four to one. A difference of opinion had probably arisen on the subject, the Speaker said, in consequence of the rules as laid down in the Manual. The authority of Hatzel, which Mr. Jefferson referred to as justifying the rule, had been entirely misapprehended. The practice of the House of Commons certainly, since the time of Mr. Onslow, was in accordance with the decision now made, and the right in question he had ever regarded as one highly important to each individual member of this House.

The report must therefore be read, if desired by the member from Alabama.

The House acquiesced in the decision of the Speaker, and the paper was read.

The reading of the report was then commenced, and had proceeded some time, when

Mr. CLAY, stating it to be his understanding that no objection would be made to the printing of an extra number of the report, withdrew his call for the reading; and it was thereupon suspended; but, at the request of a member, the resolutions with which the report closed were read, as follows:

1. *Resolved,* That the Bank of the United States ought not to be re-chartered.

2. *Resolved,* That the public deposites ought not to be restored to the Bank of the United States.

3. *Resolved,* That the State banks ought to be continued as the places of deposite of the public money, and that it is expedient for Congress to make further provision by law, prescribing the mode of selection, the securities to be taken, and the manner and terms on which they are to be employed.

4. *Resolved,* That, for the purpose of ascertaining, as far as practicable, the cause of the commercial embarrassment and distress complained of by numerous citizens of the United States, in sundry memorials which have been presented to Congress at the present session, and of inquiring whether the charter of the Bank of the United States has been violated; and, also, what corruptions and abuses have existed in its management; whether it has used its corporate power or money to control the press to interfere in politics, or influence elections; and whether it has had any agency, through its management or money, in producing the existing pressure; a select committee be appointed to inspect the books and examine into the proceedings of the said Bank, who shall report whether the provisions of the charter have been violated or not; and, also, what abuses, corruptions, or malpractices have existed in the management of said bank; and that the said committee be authorized to send for persons and papers, and to summon and examine witnesses, on oath, and to examine into the affairs of the said bank and branches; and they are further authorized to visit the principal bank, or any of its branches, for the purpose of inspecting the books, correspondence, accounts, and other papers connected with its management or business; and that the said committee be required to report the result of such investigation, together with the evidence they may take, at as early a day as practicable.

Mr. McDUFFIE asked whether it would be in order at this time to move an amendment to these resolutions.

The CHAIR replied in the negative, as the question before the House was on the postponement.

Mr. McDUFFIE then requested Mr. POLK to withdraw his motion; but he declined.

Mr. WILDE inquired whether it would be in order to move a reference of the report to a Committee of the Whole on the state of the Union?

The CHAIR replied that the question of postponement had precedence.

The question was put on the postponement and carried; and the report was ordered to be printed.

Mr. BINNEY presented to the House a report from the minority of the Committee of Ways and Means on the same subject, and moved that it receive the same destination with the last paper; which was agreed to.

Mr. CLAY moved that 10,000 extra copies of both reports be printed.

Mr. HAWES moved, as an amendment, that there be 50,000; but it was negatived.

Mr. REED then moved 20,000; but this was also negatived.

Mr. HALL, of Maine, moved 15,000.

Mr. EWING, of Indiana, opposed the printing of so great a number of a report calculated, as this is, to extend the existing panic, by tending to create a wrong belief that no adequate substitute for the existing United States Bank can be created. He contended that the people would not, as they consulted their own and the general good, place reliance upon a local currency that would eventually operate as a severe tax upon the industry of the country. He thought that the committee should have shown and recommended a suitable and proper substitute for the general good, when it is determined the existing corporation bank shall cease. He would oppose the printing of so many thousands of a report that could not fail to extend the existing want of confidence, and consequently increase the existing embarrassment of the country. He would return it with instructions to the committee, or lay it upon the table.

[The SPEAKER here informed the member from Indiana that it was not in order to debate the merits of the question.]

The motion for printing 15,000 copies was agreed to.

Mr. WILDE wished to move that an amendment be printed, which he desired to offer when the subject came up, (the same in substance as the second resolution of Mr. CLAY's motion in the Senate, viz: that the reasons of the Secretary of the Treasury for the removal of the public deposites are unsatisfactory and insufficient,) but the House refused to suspend the rule in order to receive Mr. WILDE's motion.

REVOLUTIONARY CLAIMS.

The House then resumed the unfinished business of Friday last, viz: "a bill to provide for the settlement of certain revolutionary claims," when

Mr. VANDERPOEL, of New York, resumed his remarks in opposition to the bill, as given entire below.

Mr. Speaker: I have examined the details, reflected upon the principle, and have endeavored to ascertain what will be the certain consequences of the passage of the bill upon your table; and after bestowing upon it that attention which is alike due to the amount it would draw from your treasury, and to those good and gallant men for whom it purports to provide, I feel it an incumbent duty most strenuously to oppose its passage. Let no one infer, sir, from the course I am about to take, that I am insensible to the claims of the gallant and veteran officers of the revolution. No, sir, I would freely award to them not only the justice, but the bounty of my country: but in the discharge of the important duties that here devolve upon us, we should remember that there is a point beyond which liberality degenerates into prodigality, and ceases to be a virtue. In the halls of legislation, sir, the general impulses of our nature should always have the checks and balances which sober judgment and reason impose. The purse of the nation is confided to our care, and if, on the one hand, a niggardly and parsimonious spirit is unworthy of the generous and high-minded people whom we have the honor to represent, so, on the other, a system of waste and extravagance, resulting from even the kindest feelings of our nature, would indicate a betrayal of our high trust. Our constituents have given us the power to dispense justice to all who have just claims upon the country; but I cannot find, sir, in the power of attorney under which we act, an authority to vote away the treasure of the people in indiscriminate largesses and enormous bounties, or by any imprudent act of legislation to provoke upon the treasury the vast frauds and peculations which the passage of the bill upon your table would, in my estimation, most inevitably occasion.

Should the bill upon your table become a law, (said Mr. V.,) a million, or more probably two millions of dollars, would be drawn from your treasury under its provisions. This, to be sure, (said Mr. V.,) should not prevent its passage, provided the subjects of it have a just or equitable claim upon the nation; but it should, at all events, inculcate a spirit of caution, and provoke to it the strictest scrutiny of gentlemen; and, above all, it should guard against that precipitancy in its passage through the House with which it was here rushed through the Committee of the Whole. Its total escape of criticism and comment in its passage through its first ordeal, is not at all surprising, when we consider how totally subordinate has been every other subject, in point of interest, to that great question which has so unremittingly engaged the attention of the House during this session. The bank, and the matters connected with the bank, have constituted a mammoth interest, which seems to have swallowed up all solicitude about other, though important concerns; and it would not be wonderful, if, amid all the cries of panic and distress which have been so unceasingly rung through our ears, our accustomed vigilance in relation to other subjects and other interests, had somewhat relaxed. It is only upon this principle, sir, that I can account for the passage of a bill through the committee so important in amount, and, as a general bill, so novel in principle as the one upon your table, without at all breaking that silence which seems to be so rare in this Hall. It is not, however, too late to arrest it, if obnoxious to the objections which it shall now be my task to expose.

In order to understand the provisions of the bill, it becomes necessary to advert to the origin of the obligations which it recognises, and which it proposes to discharge. It proceeds upon the principle, that we owe the officers of the revolution who are embraced in its provisions, a debt which, at this late day, we are under a moral obligation to pay, augmented too by the interest of half a century. The research and reflection which I have bestowed upon the subject have satisfied my mind, sir, that the debts proposed to be cancelled are of too equivocal a character, at this late day, to justify our exposure to the enormous frauds, impositions, and peculations, to which the bill upon your table will most assuredly lead.

The foundation of the claims for which the bill proposes to provide, rests in several resolves of the revolutionary Congress, which the committee who reported this bill tell us have created obligations that have not yet been fully discharged. In order to understand all the points involved in the discussion upon which I propose to enter, it becomes indispensably necessary to recur to the resolves or promises which are said to have created the indebtedness which the bill proposes to provide for.

On the 15th day of May, 1778, Congress, by a resolve that will be found in the journals of the continental Congress, provided that all the officers of the continental line, who should remain in service to the end of the war, should receive seven years' half pay, after the conclusion of the war. On the 3d day of October, 1780, the army was reformed, by which many officers then in active service were rendered supernumerary, and in order to provide for these, another resolve was then passed, that these supernumeraries should be entitled to half pay for seven years from the time of such reform. The officers who remained in service, it seems, were not yet satisfied with the provision that Congress had made for them. They knew not how long the war would be protracted; they had abandoned their civil pursuits already for a long period, and entertaining, as they did, the natural sentiment, that it was a duty which they owed to themselves and to those who depended upon them, either to return to their civil avocations by which they could obtain a competency for themselves and their families before the vigor of youth had passed away, or to procure from the National Legislature some promise upon which they could rely, as an indemnity for the services which they rendered, and the chances of gain which they consented to forego, they pressed Congress for further promises of remuneration; and, accordingly, Congress, on the 21st of October, 1780, passed another resolve, that the officers who should continue in service to the end of the war should be entitled to half pay for life, and in the same resolve were included officers who were rendered supernumerary by certain reforms and new arrangements of the army, or rather those who were not in active service, but who were in readiness to perform it whenever their country called upon them. The promise thus made to the officers by the resolve of the 21st October, 1780, soon became very unpopular and odious. It very naturally awakened a fear and jealousy that it contained the germe of an aristocracy, of sinecures and placemen, to be thus early fastened upon the republic for life, and soon proved repugnant to that anti-monarchical spirit which gave birth to, and which had thus far sustained and prospered the great cause of the revolution. The officers themselves very soon became aware that the spirit of the people did not justify the very liberal provision, for life, which Congress had thus, in the plentitude of its liberality, made for them; that it was calculated not only to bring down the popular odium of the country upon their heads, but to abate the general enthusiasm for the great cause of the revolution, which had hitherto, amid all reverses and difficulties, animated the breasts of the people. The officers, therefore, who came within the resolve of the 21st October, 1780, as well from a natural regard to the estimation in which they desired to be held by the people, as from their patriotic solicitude for the success of that great and momentous cause in which they had so gallantly enlisted, solicited some other mode of compensation that should better accord with popular feeling; and accordingly memorialized Congress to commute their half pay for life for full pay for a number of years. The following extract from their memorial indicates the convictions and the spirit that dictated it:

"We regard the act of Congress, respecting half pay, as an honorable and just recompense for several years hard service, in which the health and fortunes of the officers have been worn down and exhausted. We see, with chagrin, the odious point of view in which the citizens of too many of the States endeavor to place the men entitled to it. We hope, for the honor of human nature, that there are none so hardened in the sin of ingratitude as to deny the justice of the reward. We have reason to believe that the objection generally is against the mode only. To prevent, therefore, any altercations and distinctions, which may tend to insure that harmony which we ardently desire may reign throughout the community, we are willing to commute the half pay pledged for full pay for a certain number of years, or for a sum, in gross, as shall be agreed to by the committee sent with this address."

It is then, sir, impossible to misunderstand the purport of this memorial, or the motives and causes that dictated it. In accordance with its prayers, Congress on the 22d of March, 1783, passed another resolve, providing "That all officers who were entitled to half pay by the resolution of the 21st October, 1780, should be entitled, in lieu thereof, to five years' full pay; leaving it, however, to the option of the lines of the respective States, and not to the officers individually of those lines, to accept or refuse this commutation."

It is for cases coming within these resolves, and more particularly the two last, that the bill upon your table is designed to provide. The obligation created by the resolution of the 22d of March, 1783, commonly distinguished as the "commutation resolves," is certainly imperative, one which no faithful guardian of the national faith and honor would be unwilling to fulfil; but if the national faith which was pledged by it has been redeemed; if, from the best lights and evidences before us, we are justified in the conclusion that all the objects of this resolve must have obtained the provision secured to them by it, it would not only be inexpedient, but rash and extravagant in the extreme, to pass a bill founded on the assumption, that vast numbers did not receive their commutation certificates, and upon this concession providing not only for surviving officers, but also for the numerous heirs and representatives of the dead.

I shall now undertake to show:

1st. That all the officers of the continental line, with very few exceptions, accepted of the commutation proposed by the resolution of March, 1783.

2d. That as to those who did not receive their commutation, the acts of Congress of 1828 and 1832 have already made ample provision for them.

3d. That, if the bill upon your table should become a law, some officers, and particularly a portion belonging to the Virginia line, will be twice, nay, thrice, paid for their revolutionary services.

It will therefore be perceived, sir, that I differ *toto cœlo* from the very intelligent committee that reported the bill under consideration. It is my purpose, sir, to express that dissent in that spirit of deference which is due to the very able and intelligent gentlemen who compose that committee, and of respect for their labors, which we are now called upon to review.

1st. I contend that it is very improbable that, at this late day, there remain any instances of officers who neglected or refused to accept of the commutation provided by the resolve of March, 1783. When I say this, sir, I speak, sir, from book, and according "to the law and the testimony."

In 1826, the attention of Congress was called to this subject, when some testimony was elicited from two of the Departments of the Executive branch of the Government, to which we should, at least at this late day, pay some respect. A resolution was then passed by this House, calling upon the President of the United States to communicate to this House all the information that might be in possession of the Government, relating to the resolves of the revolutionary Congress of the 21st of October, 1780, allowing to the officers of the revolutionary army, who should remain in service to the end of the war, half pay for life, and the resolve of the 21st of March, 1783, offering to the said officers five years' full pay, in lieu of such half pay for life, should they accept the same; and also the manner in which said resolves were carried into effect. The President called upon the Secretary of State and the Secretary of the Treasury for such information or evidence in relation to the subject of this resolution as were within their respective departments. The Register of the Treasury, whose attention was called to this resolution by the Secretary of the Treasury, then reported, "that, from an examination of the records containing the names of the officers who accepted commutation certificates, as evidence of five years' full pay, embraced in the resolves of Congress above mentioned, it appears that, with few exceptions, the whole of the retiring officers under the resolve of 1780, and those who served to the end of the war, under the resolve of 1783, did receive their commutation certificates. Mr. Hagner, the auditor, in whose department most of the records and evidences upon this subject that are left seem to be deposited, also reported on that occasion that there were no records in his office, by which it can be ascertained that any of the officers of the revolutionary war, who, by the resolve of the 21st of October, 1780, were entitled to half pay for life, and subsequently by the resolve of the 21st of March, 1783, did not accept the commutation offered. "Indeed," said he, "it is believed, that there were no instances of this kind, but that all the officers of that army, who served to the end of the war, and who were settled with, received the five years' full pay, instead of the half pay granted by the resolve of the 21st October, 1780. The Register of the Treasury further tells us, in the same report, that agents were appointed for the several lines, who were charged with the responsibility of delivering certificates of commutation to the several officers.

These official reports, sir, emanating as they do from sources which we cannot but respect—yes, sir, issuing from the very depositaries of the records of the revolution—speak a different language from that which is contained in the report of the committee that has reported the bill upon your table. The committee, in support of the idea that it is necessary to legislate upon the assumption that many officers did not accept of their commutation, tell us "that the officers were dispersed at the end of the war; that many of them were at a great distance from the accounting offices, and many of them were ignorant of the commutation accepted by their brother officers." The best evidence which the nature of the case is susceptible of, (that which proceeds from the keepers of the public records,) tells us that agents were appointed for the several lines, who were charged with the duty and responsibility of delivering these certificates to the officers, and that it is believed there are no instances where the officers did not accept of the commutation offered. I fancy, sir, that the committee must have overlooked the evidence contained in the response to the resolution of Congress of 1826, or they would not have hazarded the assertion that there are many instances in which the officers did not accept their commutation, and that, therefore, it is just and expedient to pass the general bill upon your table, which transfers from Congress to the Treasury Department the power of adjudicating upon these cases; and, in order to facilitate the operations of applicants there, embodies a set of rules and presumptions that shall dispense with any thing like strict and reasonable testimony.

I certainly, sir, mean no disrespect to the committee, in questioning the soundness of their assertion or conjecture, when they tell us that many of the officers were ignorant of the commutation which their brother officers had accepted for them. But it strikes me, sir, that this is indeed taxing those good and gallant men with more ignorance than I had considered them justly chargeable with. They, at all events, knew that they were entitled to half-pay for life, under the resolve of the 21st October, 1780. The war had ended, and all would naturally be on the inquiry for the source whence they were to derive the promised remuneration for their long and faithful services. They would not—no, sir, it was not in the nature of things, that they could remain inert or indifferent as to their pay, after the liberal promises contained in the resolve of 1780; and while inquiring how, when, and where, they could obtain the half pay, which all knew had been promised to them, the conclusion is irresistible, that they must at least then have been informed of the new pension substituted for them by the commutation resolve of March, 1783. To believe otherwise, would be forgetting some of the most obvious principles of human nature, and motives of human conduct; it would be forgetting that the ill-fated subjects of want and necessity are ever on the alert for the means of alleviating their distressing influences. They had, sir, the spur of necessity to stimulate them to all reasonable inquiry into their rights and interests. Yes, the hard hand of poverty pressed heavily upon them. They were called upon to enter upon some new and civil pursuits in life, that could secure bread to their families, and comfort to themselves in their old age. The incipient steps of the new career upon which they were about to enter, called loudly for all their very scanty resources, whether in possession or in expectancy; most of them had no resource or means for this second beginning of life, to which they were now all doomed, but the remuneration which their country had promised them; and to suppose them, under circumstances so necessitous, ignorant of all the provisions which their country had made for them, would be a libel upon that intelligence which was as much their boast as their distinguished patriotism. Can we, sir, in view of all these considerations, imagine that there are any instances where the officers neglected or omitted to receive their commutation certificates under the resolution of 1783, or that, at all events, there are so many instances of omission as to justify us in manufacturing this general mould in which all these claims can now be run? If there are, as the Register of the Treasury tells us, but very few, if any, exceptions, is it not much better and safer to apply the strict and searching scrutiny of the committees of Congress, and of the two Houses of Congress, to these "very few" cases, than to pass the general bill upon your table, which, in its dispensation with reasonable testimony, and in the indulgence of presumptions favorable to applicants, is (with all possible deference to the committee do I say it,) liberal over-much? Is it not much wiser, sir, to retain to ourselves the trouble and inconvenience of cutting each garment according to the figure and dimensions of the particular individuals that may present themselves, than to adopt this general pattern, which contains such wonderful qualities of contraction and expansion as to be capable of fitting rather too many customers to consist with the safety of your treasury?

Again, sir: If there be any instances in which the officers of the revolution did not accept their commutation certificates, then, sir, I contend that the act of 1828, for the relief of certain surviving officers and soldiers "of the army of the revolution," and the act of Congress supplemental thereto, passed in 1832, have, considering the great lapse of time, the uncertainty in which these claims are involved, and the various acts of limitation that have been passed to bar them, made ample provision for them.

The first section of that act provides that "each of the surviving officers of the army of the revolution in the continental line, who was entitled to half pay by the resolve of October 21, 1780, be authorized to receive the amount of his full pay in said line, according to his rank in the line, to begin on the 3d day of March, 1826, and to continue during his natural life." The very first section of this act shows, that it was for claims accruing under this very resolve of October, 1780, that the act of 1828 was designed to provide. The history of the act is still too fresh in the recollection of gentlemen to justify any prolixity of detail as to the causes that spoke it into being. Suffice it to say, sir, that those venerable and gallant men, who then petitioned you for justice, did not, to use the strong and dignified language of their memorial, "approach the legislators of the nation as supplicants for a favor, or for an unmerited gratuity. They did not ask relief merely because they were poor and destitute; they preferred, what they sincerely believed to be a substantial claim upon the justice rather than the gratitude of the nation. They applied for the compensation formerly promised. They asked for the fulfilment of an express engagement of the Government, made in a time of imminent danger, the conditions of which, as they alleged, had never yet been performed on its part, although the services for which the promise was made had been rendered nearly half a century ago."

Now, sir, it was to such an appeal that the act of 1828 was a response. It was not intended, sir, as a gratuity. No, sir. The proud and high-spirited veterans whose petition induced the passage of that act would not stoop to accept charity even from that nation which owed its existence to their youthful valor and patriotism. No, sir. They asked mere compensation for services, which were as beneficial and glorious in their results, as they were faithful and arduous in the performance. The debt whose payment they then solicited in terms so irresistibly touching, was founded upon the very resolves which form the basis of the bill upon your table. Should not, then, sir, that act be regarded as a satisfaction of all claims founded upon those resolutions, especially since the good and great men who procured the passage of that act must remain content with its provisions, and will not, and cannot receive the princely fortunes intended to be secured to the objects of the bill upon your table? The discrimination in favor of the intended beneficiaries of this bill is odious and unjust in the extreme to those to whom you dispensed the comparatively trifling pittance extended by the act of 1828.

[Here Mr. Vanderpoel gave way to a motion to adjourn; and, on motion of Mr. Clay, of Alabama, the House adjourned; and, in consequence of the intervention of private business, the bill was not again taken up till the 5th March, inst., when Mr. V. continued as follows:]

When I last week, sir, had the honor of addressing this House, I had attempted to show, from the best lights and testimony extant, that all those officers, who came within the congressional resolves of the 21st of October, 1780, and the 22d of March, 1783, with very few exceptions, had received their commutation certificates, before the funding act of 1790, or before the various acts of limitation which I shall hereafter mention, had expired; and that, as to those exceptions, the acts of Congress of 1828 and of 1832, have already made ample provision for them; and if, sir, it be true, as will be contended, that those acts do not embrace all those provided for by this bill, and there shall continue a disposition here to favor these claims, enshrouded as they are in the mists and uncertainties of more than half a century, it is then safer, far safer, sir, to legislate in particular cases than to hold out to imposters the conspicuous and tempting lure which the passage of the bill upon your table would occasion. Yes, sir, if, as has been alleged, these individual applications are becoming burdensome, if they are engrossing too much of the precious time of this House, and of the committees of this House, even then, sir, we had "better bear the ills we have, than fly to others" that we know too much of; for we have too much sad experience of the frauds and peculations that seem to be inseparable from every general pension, or, if you please, compensation system, not to feel an almost invincible repugnance to the extension of them. Under every such system, there must be fixed rules of evidence, which, and which only, the applicant is required to comply with, in order to secure success to his application. The department which is called upon to adjudicate upon claims of the character contemplated by this bill, must necessarily issue a code of general rules and requirements; it must nessarily say to the world, "prove this or that, and you shall be one of the beneficiaries of this statute;" and all experience teaches us, sir, that no matter how rigid and exorbitant may be these exactions of testimony, there are few applicants, indeed, who have not the ability to bring their cases within the scope of these general rules. They apply to some scribe or agent who professes to be an adept at making out papers of this description. He knows the quantum of proof that is necessary to insure success; to procure it "is his vocation, sir." In many cases, the evidence he secures is, to be sure, fair and substantial, and answers the spirit of the law; but there are not wanting instances, sir, in which the applicant or his agent draws up, in the form of an affidavit, the dreams of some good and worthy octogenarian, who is just groping through the dim twilight of second childhood, and across whose broken and clouded memory occasionally flit the names of Washington, and Lafayette, and Greene, and Burgoyne, and Cornwallis; but whose revolutionary reminiscences beyond this are but as "the fleeting visions of an early dream." The vagaries of the good old man can always find abundant vouchers, in the shape of certificates and affidavits to his credibility. Yes, sir; the village parson certifies to his perfect integrity; his next door neighbor seconds it; the neighboring justice follows suit; the county court, which is to lend its seal and final certificate, is by this time convinced that all is right, and freely renders the necessary authentication; and on comes a most imposing volume of papers, gotten up, *secundem artem*, and potent enough to satisfy the conscience of the Secretary here, though he were the veriest sceptic that ever doubted or quibbled! This, sir, is no caricature. No, sir, it is cold reality, as too many instances have already demonstrated. Why, then, extend these general systems, when they serve as the sure incentives to innumerable frauds? Do not suppose, from these remarks, that I am opposed to the various pension laws, in favor of the soldiers of the revolution, which now adorn your statute book. No, sir; I regard them as but the just evidences of a nation's gratitude to its earliest benefactors; and I would not, therefore, wage war against those just and liberal provisions which a grateful country has made for the soldiers of the revolution—provisions which serve to render calm and comfortable the close of a career whose early effulgence was bright enough to chase away the dark clouds of despotism that lowered over that country, whose gratitude and bounty are now the support and solace of their old age. It must be borne in mind, sir, that the bill under consideration makes no provision for the soldier. No, sir, it is partial in its operations, and gives merely to those officers who neglected to prefer their claims when the evidences for and against them were fresh and accessible; and gives to them, sir, not the moderate amounts which those received who applied when there was "a host of living witnesses" to detect them, if they were impostors—but princely fortunes, sir.

In answer to the position I have urged, that the act of 1828 ought to be regarded as a satisfaction of the claims intended to be covered by the bill under discussion, it will doubtless be said that this act proposes only to include those men who did not receive their commutation certificates; and that the act of 1828 was designed to provide for the very men who received their commutation certificates, and that those who may receive the benefits of this act will also be entitled to participate in the benefits of the act of 1828. Yes, sir, that they will be entitled to receive from five to forty thousand dollars under this bill, and also the benefits of the act of 1828! I grant, sir, that the Secretary of the Treasury has decided that the evidence of having received a commutation certificate, under the resolve of 1783, at once entitles the applicant to the benefits of the act of 1828, because that fact proves that he comes within the resolves of October, 1780, specified in the first section of the act of 1828; but this by no means proves that Congress did not design this act of 1828 as a full satisfaction of all claims founded on these resolves, whether the claimants had received their commutation certificates or not. The first section of the act provides "that each surviving officer who was entitled to half pay under the resolve of October, 1780," shall be entitled to full pay for life, to commence in March, 1826. It does not provide "that each surviving officer who has received his commutation certificate, &c. shall so receive his half pay for life. This act, be it remembered, was an answer to a petition, not for bounty, but for payment of a strict debt—a debt, too, as I shall undertake to show, vastly more clear and indisputable than those that are embraced by the bill under consideration. If Congress had intended merely to provide for those who had received their certificates of commutation, and who had sustained a loss from their depreciation, the language of the act of 1828 would have been more limited and guarded.

I am well aware, sir, it will be contended that the memorialists who procured the passage of the bill of 1828, based their claims for relief upon other grounds; that they proceeded chiefly on the principle that, though they did accept their commutation under the resolves of 1783, yet that they were paid in certificates that were almost worthless, and that the act of 1828 was merely passed to indemnify them for such loss by depreciation.

That this, sir, was not the sole end and purpose of the act of 1828, is evident from the fact that some officers who retained their certificates till they were funded, did not suffer much, if any, depreciation. When the act of 1828 was passed, it was found impossible to satisfy the just claims of all by the adoption of different standards of bounty. Some had suffered, because they had been paid in certificates that were almost as worthless as the rags out of which the paper upon which they were written was manufactured; others, who had retained them till they were funded in 1790, did not sustain much loss. This number, to be sure, was very inconsiderable, as the officers were poor, and were obliged to sell them before that time, in order to procure some little means to enable them to enter upon some new pursuits in life that might secure comfort to themselves and to their families. Perhaps a few, (a very few, indeed, as I have urged,) did not receive their commutation certificates; yet no discrimination is made between those who retained and those who sold their certificates; all, all, are equally entitled to the benefits of the act of 1828; and that act should, therefore, sir, be regarded as a second compromise or commutation act, whose operations are as just and equal as was practicable, considering the insuperable difficulty of adopting any uniform rule at this late day for settling the accounts of the revolution, that will not be somewhat unequal in its operations.

Let me ask, sir, what did those realize who actually received their commutation certificates, and sold them? Those, I mean, who applied for them before this eleventh hour, and before the witnesses that could disprove their right to them, if impostors, had descended to the tomb? Why, sir, so comparatively worthless were they before the funding act of 1790, that a captain, who, for his five years' full pay was entitled to $2,400, actually received only $480. This vast difference, produced, as it was, not by the fault of the officers, but by the embarrassment of the Government, presents now as fair and imposing a claim upon our justice as do the claims for which this bill is designed to provide; claims which have slumbered for more than half a century have been barred by repeated acts of limitation; claims which, perhaps, never had any existence in the performance of the adequate term of service, and which now, when the tongues that could contradict them are palsied in death, and the records that could falsify them are consumed by the flames, are raked from the tomb by the too lavish and liberal spirit which now seems to prevail.

The claim of those who suffered from the depreciation of their certificates, to an equally favorable consideration with those whom you propose to make rich by the bill upon your table, is much strengthened when we consider how totally the Government failed in the performance of its stipulations with them. Those who accepted of their commutation under the resolves of 1783, were to be paid immediately "in money or securities at six per cent. per annum." They did not even receive their certificates till 1784. Requisitions, under the Government of the confederation, were made upon the States, but they were too poor to comply, and Congress had no means of enforcing a compliance. The certificates were not funded till 1790, and the pinching wants of a vast majority of the officers would not permit them to retain them for six long years. They sold them, therefore, for a mere song. Their country promised them bread, sir, but they received only a stone. Compare, then, sir, their claims upon your justice, so clearly and indubitably made out, with the dark, stale, and dubious claims proposed to be provided for by the bill now under consideration. The first, sir, most unequivocally and satisfactorily established; the second, resting only for their support upon the fallible recollection of aged and imbecile witnesses, and barred, too, by repeated acts of limitation.

It may not be amiss here, sir, to inquire what are these acts of limitation to which I have so frequently alluded. In November, 1785, and in July, 1787, limitation resolves were passed, which included all revolutionary claims founded upon the resolves of 1780 and 1783, and required that they should be presented within a short period. On the 27th day of March, 1792, from a laudable spirit of indulgence and liberality to the claimants, an act was passed suspending these resolves for two years; on the 12th day of February, 1793, was passed the last act of limitation, extending the time for presenting these claims for the term of two years more. I put it, then, to gentlemen, should not these various acts of limitation receive respect at our hands, especially when we consider the antiquity of these claims, and their very doubtful character? As between individuals, statutes of limitation are no longer considered odious; no, sir, the interposition of the statute is no longer considered the rogue's plea. These acts are now regarded as salutary shields to supply that loss of evidence which time ever works. The wisdom of modern courts has rescued them from the odium with which prejudice and misconception had once invested them. Only six years are necessary to raise the presumption of payment as between individuals. How much more necessary these limitation acts as a shield in favor of Government, vastly more exposed, as it necessarily must be, to imposition than are individuals. It will perhaps be said, that Government is not suable, that individuals cannot enforce their claims against it through the medium of the judicial tribunals of the country. The argument, sir, has no force on this occasion, when we recur to the fact that these repeated acts, by which the limitation statutes were extended, were so many notices and invitations to these officers to come forward and exhibit their claims. It was saying to them, "Now is the accepted time." "Come now, and justice will be done to you." And when we recur to the very important fact that the last act of limitation gave them grace till 1795, embracing a period of five years after the funding act was passed, and after the credit of the country was restored, a period within which every commutation certificate was worth the full amount which its face purported to represent, and within which it is most natural to suppose that all would have applied who were honestly entitled to them; a determination now, sir, at this late day, to repose ourselves upon these various acts of limitation, would not, in the least degree, savour of hardship or injustice. But, sir, the justice and expediency, if not the absolute necessity, of interposing this defence against these stale claims, is indicated by other cogent considerations. The revolutionary records that would enable us to detect frauds and impositions under the proposed bill, have been thrice exposed to fire; most, or at least many of the muster-rolls of the revolution, have been consumed by these repeated conflagrations. I have examined the records in the Treasury Department, and have ascertained that these casualties have rendered the proofs of settlement with the officers so imperfect that they do not now furnish sufficient evidence to show us satisfactorily who were, or who were not, settled with as commutation officers, and who did, or did not, receive their certificates; and hence, to repel the presumption that the applicant did receive his certificate at the time when he ought to have applied for it, it is not enough to say to us now, "Go to the records, sir, and there you will not find my name." If those records could, sir, like the Phœnix, be made to rise from their ashes, to which the flames have reduced them, the answer to this strong presumption of settlement, flowing from the lapse of time, would be more satisfactory.

It should be borne in mind, sir, that the bill upon your table proposes to provide, not only for the surviving officers who did not receive their commutation certificates, but also for the heirs and representatives of the dead. This provision in favor of heirs will expose you still more to imposition. Most of the applications under the proposed act would proceed from the representatives of the dead. They, sir, can apply without exposing themselves to the imputation of fraudulent motives. They have, perhaps, heard their gallant ancestor tell of his gallant services in the revolution; they may have heard him say that he thought his services ought to have secured him his commutation, though he knew that, technically and strictly, he was not entitled to it. He is gathered to his fathers. Those who come after him hear of your acts of bounty and liberality. They hear of your giving fifteen thousand dollars to one, and twenty thousand to another; the temptation to apply to you becomes too strong to be resisted. If you pass this bill, they will come in hordes, sir, to your Treasury Department, with the mere scintilla of evidence which the bill proposes to recognise as sufficient: success will increase their efforts; opulence is at once showered upon them; when their ancestor, had he survived, could not, peradventure, with his own oath, have brought his case within the resolve of March, 1783, and would not have jeoparded his fair and hard-earned fame by venturing an application. Out of his own mouth could we have condemned him. It is well, sir, that we should here be reminded that the most eloquent and efficient advocates of the bill of 1828, as to those who had been paid in worthless certificates, conceded that although the losses they sustained by reason of the fault and embarrassment of the Government were morally and conscientiously debts against us, yet that it was dangerous, nay, wholly inadmissible, to recognise this principle of strict indebtedness after these repeated acts of limitation, and after this great lapse of time, because it would tend to open the accounts of the revolution in favor of the heirs of the dead as well as the living. Such a principle was, in their estimation, too dangerous to be sanctioned; and though those good and high-minded men, whose memorial induced the passage of the act of 1828, solicited not the bounty, but the mere justice of the Government, yet Congress, from an apprehension of the consequences of the very principle which this bill contains, the principle of opening the accounts of the revolution in favor of the heirs of the dead as well as the living, did not seem disposed to recognise this principle of strict debt.

Mr. Webster, who was one of the ablest and most ardent advocates of the bill of 1828, in a speech, inferior in force and ability to none of the many able efforts of that very distinguished gentleman, used the following language:

"For myself, I am free to say, that if it were a case between individual and individual, I think the officers would be entitled to relief in a court of equity. The conscience of chancery would deal with this case as with other cases of hard bargains; of advantages obtained by means of inequality of situation, of acknowledged debts compounded from necessity or compounded without satisfaction; but, although such would be my view of this claim as between man and man, I do not place my vote for this bill on that ground. I see the consequence of admitting the claim on the ground of strict right. I see at once, that on that ground the heirs of the dead would claim as well as the living. I know it is altogether impossible to open the accounts of the revolution, and to think of doing justice to every body. Much of suffering there necessarily was, that can never be paid for. The honorable member from New York (Mr. Van Buren) has stated what I think the true ground of the bill. I regard it as an act of discreet and careful bounty, drawn forth by meritorious services and by personal necessities."

Now, it would seem that the committee that reported the bill upon your table apprehended no danger from a recognition of the principle of strict debt, payable with half a century's interest; payable, too, not only to survivors, but to the heirs and representatives of the dead; a principle which a few years ago was deemed to be so dangerous by the warmest friends and most enlightened and eloquent advocates of the interests of the officers of the revolution. We should also recollect, sir, that the provision in this bill in favor of the heirs of deceased officers, is novel as a general principle in our legislation. None of your general laws, designed to reward or compensate revolutionary services, contain such a provision. They seem to have all proceeded mainly, if not solely, from a solicitude to strew with comfort and abundance the last days of those who yet linger among us. The bill upon your table, sir, would seem to be grounded in a much more enlarged benevolence; for it embodies the novel general principle of dispensing its blessings to the fortunate descendants of those who did not apply for this boon in their lifetime, because they, in all probability, well knew that they were not entitled to it.

But we will doubtless be told, sir, that Congress has, in various instances, recognised the principle of this bill; that within the last two or three years it has passed several private bills granting this commutation, with fifty years' interest, to particular individuals. But, sir, it becomes material to inquire when and how this practice originated. Sir, it originated in the inability of a particular class of officers, for lack of that amount of evidence which was required by the Secretary of the Treasury, to bring their cases within the provisions of the act of 1828. In 1829 I find none of these private acts providing for individual cases. All seemed then to acquiesce in the act of 1828. In 1830 we are removed two years from the act of 1828, and in this year Congress passed several acts, bringing particular individuals within the act of 1828. This was perhaps well enough; but further than this, Congress ought not to have gone. Towards the close of this session, however, Congress seemed to have become more liberal, and passed three or four bills granting to particular individuals the five years' commutation pay, but without interest. It had not yet nerve enough to go the length now proposed; but in 1831 it began to give, with fifty years' interest, making an interest amount compared to which the mere five years' pay is but a trifle. The principle of liberality seems to have acquired strength as it progressed. Yes, sir, like fabled fame, *acquirit vires eundo.* Yes, Congress, in 1832, it seems, did not hesitate to pass a number of private laws, giving to a number of officers and their heirs, who had at best, as I have attempted to show, but doubtful claims, more than ten times as much as was ever realized by those distinguished and gallant men who applied for their due before their claims became stale, and who, in 1828, petitioned you in strains so touching.

It will now be said, sir, that it is too late to object to the principle contained in the private acts to which I have alluded; that, inasmuch as we have legislated in favor of individuals, our motto must now be "onward;" and that, to save ourselves the trouble of legislating for individual cases, we must erect one general manufactory, in which all these claims may be fabricated.

I deny the soundness of this reasoning. Sir, if a dangerous principle has been recognised in particular cases, such cases cannot operate as binding and authoritative precedents in favor of the proposed extension of this principle. It is much better that we recede than go further. We have not yet "stept in so far," as to be obliged to yield to the desperate sentiment, "that to return is more difficult than to go o'er;" and if, sir, we cannot recede without violating the national faith; if we cannot blot from our statute book the private acts I have referred to, then, sir, we are admonished by every consideration of consistency, of equal justice to all the objects of our justice and bounty, and, above all, of aversion to a system of ruinous prodigality, at least to stand where we are. Your treasury, sir, is not plethoric. It needs not for its health and comfort the merciless and exhausting process of depletion which the bill upon your table proposes.

It is in order here, sir, to remind the House that the bounty of Congress, by way of general provision, did not stop with the act of 1828. In 1832 it passed an act, supplemental to the act of 1828, which was literally a species of *omnium gatherum,* broad and sweeping enough to pick up all the gleanings that had been left behind by the former acts of Congress. By it, provision was made for all who had served over six months, either in the continental or State lines. And here we had, then, first, invalid pension laws; secondly, the act of 1818, by which all indigent officers and soldiers of the revolution were provided for; thirdly, the act of 1828, providing for all those who were embraced in the resolve of the 21st of October, 1780; and, fourthly, the all-sweeping and liberal act of 1832. In these, it was supposed, were to be found ample monuments of a nation's gratitude to its veteran benefactors. Yes, it was thought that the proverbial ingratitude of republics was here most triumphantly refuted; that a pension and revolutionary compensation expenditure of over three millions per year was an ample redemption of the faith of the nation, even to those "who had rescued it by their arms from impending ruin;" that the doors of your treasury were so widely thrown open to that little remnant of gallant spirits, as not only to let in all who have merit to recommend them, but as also to hold out temptations and secure success to many impostors. The soldier, sir, is satisfied with these liberal provisions; your officers, who were paid in rags, are satisfied; and now, sir, your munificence has provoked importunity from others, who, if this bill become a law, may emphatically be called the favored sons of the republic.

I have already stated, sir, in a former part of my remarks, that the resolves of 1783 were passed upon the petition of the officers themselves. I am aware it will be said, sir, that all the lines did not petition; but there is no evidence that all did not accept their commutation. The weight of evidence certainly tends to the conclusion that all must have accepted. The resolves of March, 1783, were reported by General Hamilton, who had left the army and gone into Congress for the very purpose, as was understood, of advocating the claims of the officers. When these resolves passed, under such auspices, and were the result of such a petition, proceeding from such a source, can we for a moment believe that any of the officers were ignorant of this new provision which was made for them, and that, by reason of such ignorance, they objected to apply for their certificates? General Washington survived fifteen years after the passage of the resolves of 1783; within that time he was eight years President of the United States; General Hamilton was Secretary of the Treasury. Why not, then, apply for their commutation, especially as the repeated extension of the acts of limitation loudly called upon them to apply? The credit of the country was then resuscitated; the blessings of the constitution were already felt; the justice of the nation, rest assured, sir, was not then asleep under the auspices of the great and good men who were then at the head of affairs; and the just claim of the gallant officers of the revolution would not then have been lightly passed over. Their laurels were then fresh and green. At the head of the Government was their great and good father, Washington, who had so earnestly, so repeatedly, and at last so effectually, commended their claims and interests to the favorable consideration of the continental Congress. At the head of the fiscal department of the Government was their once distinguished brother, and afterwards eloquent advocate, Alexander Hamilton; a man who, barring his too extravagant notions about Executive Government, was not only an ornament to his country, but to the age in which he lived. In the legislative branches of the Government were to be found some of those who had been their companions in arms, who had wintered and summered with them, who had been the sharers of their toils, their services, and their glory—brothers, whose fellow-feeling for them would have warmed their hearts most readily into a compliance with their petitions. How auspicious was this season for the attainment of these claims! If justice had not before been rendered them, then, sir, was the time most propitious to apply for it; and yet, sir, I have been able to find only one act providing for a few commutation claimants during the whole of General Washington's administration, and that was passed in March, 1792, and on the same day that the act was passed to suspend for two years the limitation resolves passed 1785 and 1787. I cannot learn, sir, that from that time these officers or their heirs ever applied to Congress for relief till after the passage of the act of 1828. To be sure, in 1816, Congress passed an act, granting five years' full pay to the widow of General Hamilton; but this was not passed in consideration of strict debt, as General Hamilton was in Congress, and must have resigned his commission before the end of the war, and was not therefore strictly entitled to commutation. This provision in favor of Mrs. Hamilton was an act of bounty justly called for by the very meritorious and invaluable services which her distinguished husband had rendered, both in the field and in the cabinet. I ask then again, sir, is nothing to be inferred against the objects of this bill, from their long and unaccountable silence?

I propose now, sir, as briefly as possible, to examine the particular provisions of the bill upon your table, and see what consequences may, and probably will, result from it. It is deficient, sir, both in negative and positive properties. I do not find in it the usual provision that any claims to a pension, under any former law, are to be forfeited or relinquished by those who partake of the benefits of this act. The second section of the bill provides that the claims of those who shall apply for a participation in the benefits of its provisions shall be adjudged at the Treasury Department "according to the principles of justice and equity." This is indeed a very plenary power, which I do not find so expressly given by any of the former acts. But, sir, we have some foretaste, some earnest, of the bitter fruits that will flow from the exercise of this power, if the bill should become a law. If it pass, some of the officers of the revolution would be twice, nay, thrice paid for their revolutionary services. Virginia, ever devoted as she was to the cause of the revolution, also promised the officers of her State line half pay for life. Now, sir, if the bill upon your table should pass, a portion of the officers of the Virginia State line would first receive the benefits of the act of 1828, granting full pay for life; secondly, the half pay for life which Virginia promised them; and then the enormous amount proposed to be given by the bill upon your table. This bold assertion, as to consequences, may startle some gentlemen; but the facts I am about to detail will amply justify it.

It is to the first Virginia regiment, commanded by Colonel George Gibson, that I would now call the particular attention of the House. This regiment was included in the promise of Virginia of half pay for life to the officers of her State line, but was, by an act of the Legislature of Virginia in 1777, transferred from the State to the continental service, in order to supply the place of the ninth Virginia continental regiment, which had been captured at the battle of Germantown. After this transfer, it continued in the continental service till the close of the war. Some years after the close of the war, certain officers of the Virginia line, who had not received their half pay from Virginia, and whose claim Virginia resisted, on the ground that they were supernumerary, prosecuted the State for the amount which they claimed to be due to them under this promise of half pay for life; and the highest court of the State decided that the Commonwealth was not bound to pay these supernumerary officers. The more recent discovery of certain revolutionary documents, in reference to this very question of half pay, induced the officers of the Virginia State line who survived, and the heirs of those who had deceased, to renew their claims against the State for half pay, under the act of May, 1779, which contained the promise. Virginia, with a magnanimity that has ever characterized that great and patriotic State, consented to waive the advantage secured by the former judgment in her favor, and submitted to a second trial. The question was again tried, and the highest judicial tribunal in the State, in the year 1830, decided in favor of the officers, among whom were the heirs of this very Colonel Gibson whose regiment had been thus transferred.

In 1832, Virginia petitioned Congress to assume and discharge the very heavy liability which had thus been established against her in her own courts in favor of her officers, on the ground that Congress had agreed to fund and assume all the State debts contracted for the revolution, as part of the debt of the United States. The obligation to assume this liability of Virginia was much strengthened by the liberal cession which Virginia had made of her very extensive western domain. Congress, accordingly, in July, 1832, passed a law for liquidating and paying these claims against Virginia, under which act an amount exceeding six hundred thousand dollars has been drawn from your treasury. The second section of this act provides that "there shall be paid to the officers, or their legal representatives, of the regiment commanded by the late Col. George Gibson, the amount of the judgments which they have obtained against the State of Virginia, and which are now unsatisfied." Now, sir, although these very officers of Gibson's regiment were paid over one hundred thousand dollars with the fruits of that act, although they prosecuted Virginia as belonging to her State line, yet they would not only receive the enormous sums intended to be distributed by the passage of the bill under consideration, but would also be entitled to the benefits of the act of 1828; for the Secretaries of the Treasury and of War have given such a construction to the act of 1828, as to bring within its provisions the officers of this first Virginia regiment, commanded by George Gibson. Nay, more; Congress itself has recognised this regiment as a continental regiment, by the passage of private acts in 1832, granting commutation, with interest, to the officers of this regiment and their representatives. I need only refer to the case of William Vauters, which may be found in the reports of the committees of 1832, whose heirs, by a special act of Congress of that year, received five years' commutation pay, with interest. Vauters, as appears from the report of the committee, belonged to Gibson's regiment; his heirs have thus participated in the large fruits of the judgment against Virginia, on the ground that they belonged to the State line; and now, under the provisions of this bill, the Secretary of the Treasury would be compelled to extend to them its rich benefits; for his mouth would now be hermetically sealed after the construction he has given to the act of 1828, and after the practical construction which Congress has given it, by extending the continental half pay, with interest, to some of the officers, and their heirs, of Gibson's regiment. The Virginia memorial for indemnity against the claims of these supernumerary officers of her State line, which was presented to Congress in 1832, expressly states "that the regiment of Gibson continued in service to the end of the war; that it has been recognised as a continental regiment, both by Congress and the other departments of the Government; that its surviving officers are now receiving pay from the United States, under the provisions of the act of Congress of May 15, 1828;" that payments had already then been made to the officers and the representatives of officers of this regiment, to the amount of $40,000; that judgments had been rendered on similar claims against the Commonwealth to the amount of about $27,000; and that the claims of the officers of the regiment who had not prosecuted amounted to $31,200 more; making an aggregate of more than $100,000.

Now, sir, after receiving from Virginia this enormous sum, and after receiving from the United States their full pay for life, under the act of 1828, what is proposed to be given to them by the bill under discussion?. An amount, indeed, that should induce us to pause. The following statement exhibits the amount which the bill will secure to each officer of the continental line:

To a major general, five years' pay,	$9,960	00
Interest,	29,954	00
Aggregate,	$39,914	00
To a brigadier general,	$30,056	25
To a colonel of infantry,	18,033	75
To a lieutenant colonel,	14,427	00
To a major of infantry,	12,022	50
To a captain of infantry,	9,618	00
To a lieutenant of infantry,	6,412	00
To an ensign of infantry,	4,809	00

These are indeed pretty round and liberal sums in these times of "panic and distress." The officers of the first and second Virginia regiments would receive double the above amounts.

Though the second regiment, commanded by Dadney and Brent, was not transferred to the continental line by an act of the Legislature, yet it marched with the first, served throughout the war with the first regiment, and was alike continental in its service with the first. It is the service, not the name, that gives the claim to half pay.

Time then, sir, instead of weakening and diminishing a claim, according to the notions of the committee that reported this bill, would seem to give it twentyfold efficacy and strength. In proportion as it becomes stale and rusty, it seems to magnify and strengthen. What, I again ask, did those who were paid in a depreciated currency receive? I have already told you, sir, that a captain, who disposed of his certificate before the funding act, received only $480. To all captains who come in under this act, you propose to give $9,618; to those of the first and second Virginia regiments, including what they have already received from the avails of your act of 1832, more than $20,000. What rank injustice, sir, to those who were paid in valueless certificates, and who did not live to see these halcyon days of unrestrained munificence! Are not their spirits here, sir, to rebuke us; to remind us of our partiality to the favored objects of this bill; to tell us of the niggardly pittance we extended them in their lifetime, and of the unsparing hand with which we are now about to lavish our treasure upon those surviving officers, and the heirs of those officers, who may not heretofore have received, because, most probably, they were not entitled to their country's bounty?

On what principles, sir, is this most liberal allowance of more than fifty years' interest defensible? The obligation to pay interest, it seems, was not felt when you first began to legislate in these particular cases. It cannot, sir, be allowed on any principle of justice or equity. Congress passed various acts of limitation, that were public invitations for these claimants to come forth immediately and present their claims. It was saying to them, "Come now, Government is ready to pay what it has promised you." This, sir, was in the nature of a tender to the creditor, which always arrests the accumulation of interest. Do the objects of this bill pretend that they have ever before presented their claims, and that Government either neglected or refused to pay the demands contemplated by the bill? This cannot be; it is not pretended. Sir, on the one side, there has been a uniform readiness to pay; repeated notices to come and present these claims. On the other, a total neglect to exhibit their claims, until they come to us marred by the rust and weakened by the delay of half a century. Every principle of law that would govern such a case between individual and individual, militates against the allowance of interest. An offer of a party to pay a demand arrests the progress of interest; and when, sir, the creditor is, by the terms of the contract, to present the demand within a given time, (as was the case here,) if we regard the various acts of limitation, and the very terms of the resolves of 1783, his own act or omission to present it shall not secure advantage to him and prejudice to his debtor. It is a sound principle both of law and ethics, sir, that no man shall be permitted to take advantage of his own act or omission. Every principle of law and every dictate of sound reason forbid the allowance of interest to the objects of this bill; and are we not, sir, most peremptorily called upon to apply those considerations, those analogies and rules that would govern individuals in cases where the interest is nearly fourfold greater than the principal? Let a becoming spirit of economy answer.

A word more, sir, about the details of the bill, and its extreme liberality to its most favored objects. After determining that the Secretary shall decide the cases upon principles of "equity and justice," three subdivisions are superadded, which strike me as rather anomalous; for they are rules not to require evidence, but to dispense with evidence. They throw the burden of proof, not upon the claimant, but upon the party upon which the claim is made. By them, sir, imagination and presumption are employed to perform the office of strict proof. The following, sir, are those very liberal and indulgent rules which the bill proposes to establish for the benefit of the claimant:

1st. "It being established that an officer of the continental line was in service as such on the 21st of October, 1780, and until the new arrangement of the army provided for by the resolution of that date was effected, he shall be presumed, unless he was then retained in active service, to have been reduced by that arrangement, and therefore be entitled to half pay for life, or the commutation in lieu thereof."

2d. "A continental officer proved to have remained in service after the arrangement of the army under said resolution of October, 1780, shall be presumed to have served to the end of the war, or to have retired entitled to half pay for life, unless it appear that he died in the service, or resigned, or was dismissed, or voluntarily abandoned an actual command in the service of the United States."

3d. "A continental officer who died during the war, and within three months after he is proved to have been with his command, shall be presumed to have died in the service, unless the contrary appears."

Can it, sir, require any long train of reasoning to show the inexpediency of these provisions, and the infinite frauds and impositions to which they will give rise? You say, sir, "prove this fact, and a most conclusive inference in your favor shall result from it;" though the evidence is by no means satisfactory, yet it is all that we will require from you. Prove, sir, that you served till after October, 1780, and you shall be deemed to have served till the end of the war, unless the contrary be shown. Shown by whom, sir? By a Government, most of whose revolutionary records have been consumed by the flames. Many officers resigned between October, 1780, and November, 1783, of whose resignation there is not now a vestige of evidence among the archives and records of your Government. This system of presumption and intendment in favor of the claimants is very similar to your maximum and minimum principles in your tariff laws; and I had, indeed, sir, supposed that we had had a sufficient trial of the effect of fictions and presumptions in your impost laws to have given them their eternal quietus.

I would now ask, sir, why these relaxations and presumptions in favor of officers, and not as to the common soldier? The latter, when he applies for a pension, is tied down to strict and most conclusive proof of his revolutionary services; and many a faithful soldier is daily subjected to the sad mortification and disappointment of having his application rejected for want of that strict proof which the department that adjudges upon his case deems indispensable. The officer, sir, in serving his country, has much to sustain, and stimulate, and compensate him, besides the hope of pecuniary rewards. Glory, fame, and the hope of promotion: these, sir, are objects of sufficient moment and interest to excite him to deeds of valor. He submits to privation, and encounters danger, with the confident assurance that his deeds of chivalry will, through all times, be reflected back from the bright pages of his country's history.

Not so, sir, as to the poor obscure soldier. The love of fame, the hope of immortality, cannot generally be present to sustain and animate him "in the gory field of victory." No marble monument is ever reared to perpetuate his fame. He pours forth his blood, sir, and lives not afterwards in the memory of his countrymen; not even a perishable oaken slab is reared by his country over the clod of the valley beneath which his ashes repose. The historian immortalizes his commander with the pen of eulogy; but the memory of the poor and gallant soldier, who was perhaps the instrument that executed the noble deed of daring, receives not even the tribute of a passing notice! Why, then, all this relaxation of proof in favor of the officer, and this extreme rigor in regard to the soldier?

And, sir, this discrimination in favor of the officer appears much more unjust when we recollect that, from the very nature of things, it is much easier for an officer to secure the evidence of his revolutionary services, than for the private soldier to secure his. Is the officer a captain or a lieutenant? Among forty, or sixty, or eighty men, whom he commanded, he can almost invariably, with great facility, find one man of this number who yet survives, and can testify to his revolutionary services. And, sir, all experience teaches us that the soldier of the revolution never forgets his officers. What! forget those good and gallant men under whom he went forth against the red-coats! Never, never, sir. The recollection of them is as indelible as is the name of the wife of his bosom, and the features of his children, whom he so fondly loves. Their names and their feats can never be forgotten by him, until he forgets the common dangers they suffered, the common hardships they endured, and the common triumphs they achieved.

How much more difficult, sir, the task of the common soldier, when he is called upon to adduce the evidence of his revolutionary services. He was only one of fifty, sixty, or eighty obscure men. He was humble in rank, and probably made no such lasting impression upon his comrades in arms, as to induce any of them now to remember him, after the lapse of more than fifty years. And a vast majority of his fellow-soldiers, where are they now? Let the sure and dreadful ravages which death always makes in half a century answer! Why, I again ask, this indulgence to the officer, and this severe rigor as to the soldier?

It must be remembered, sir, that the bill upon your table proposes to transfer very important duties from the legislative to one of the executive departments of the Government. Let then those gentlemen who are so diligent and sharp-scented in their efforts to detect and guard against executive encroachments—who perceive "spectres and hydras dire" in every new delegation of power to the Executive—let them see to it, that this transfer of jurisdiction is not too readily made. I call upon them to carry into practice here the principles that they have already so repeatedly and so vehemently promulgated on this floor. The Secretary of the Treasury does not crave this new power. No, sir, he does not crave the onerous and unpleasant duties you propose by this bill to impose on him. He must know, sir, that, with all the vigilance he could exercise, the bill upon your table, with its very liberal provisions, would compel him to grant thousands to applicants who have no fair and conscientious claim to the bounty of their country. Is it not then, all things being considered, far better, far safer, to look into each particular case as it comes before us, than to publish to the world the loud and general invitation to impostors, which is so emphatically involved in the provisions of this bill?

As a general principle, sir, my immediate constituents have, perhaps, as little interest against the passage of bills of this description, as have the constituents of any gentleman on this floor. Extend your pension, your revolutionary compensation system, as much as you please; pass act upon act; pile Ossa upon Pelion; increase the annual expenses of your Government millions and millions; frustrate the designs of your memorable compromise bill, and a very great proportion of my constituents would derive much consolation in the increased impetus it would impart to their shuttles and their spindles. But standing here, sir, as one of the judges between those who are to be benefited by this bill and the great body of the American people, I cannot approve of its unprecedently liberal and novel provisions. If, however, any gentleman shall succeed in convincing a majority of this House that the fears of consequences I have expressed are unfounded, and that the bill ought to become a law, my regret at what I may deem a violation of correct principle in the passage of the bill will be very much diminished by a recollection of the kind spirit which dictated this aberration from precedent and principle.

Mr. Speaker, I have done. I have felt myself called upon to say thus much against the passage of the bill upon your table. The duty I have discharged is unpleasant. I know it is an unpopular one. If left to the impulses of my own feelings and sympathies, my voice would not have been raised against this bill; for who that breathes the air of freedom does not equally appreciate the gallant services and revere the glorious memory of the veterans of the revolution? We cannot, we should not, even as legislators, by too stern a stoicism, freeze up all the avenues to our hearts against the little remnant of that gallant band who yet dwell among us, and who, like the leaves of autumn, are daily dropping away. But, to the honor of our country be it said, no American Belisarius is now, in the decline of life, doomed to go about begging for a penny. Ample provision has already been made for him. Yes, he descends the downhill of life with his country's gratitude to cheer, and his country's bounty to comfort him.

When Mr. V. had concluded—

Mr. MUHLENBERG rose and addressed the Chair as follows:

I am pleased, Mr. Speaker, that some of our young friends have found an opportunity of exhibiting their talents at speech-making, and delivering animated addresses upon a new subject. It is, however, to be regretted that both the subject and the time appear to be ill chosen. Indeed, I cannot but express my surprise and regret that there should be opposition to a bill of the description of that now before you; a bill providing for the settlement of the most just and best-founded of all revolutionary claims; and particularly that the opposition should only show itself in the last stage of the bill, when amendment can no longer be admitted.

The report which accompanied the bill when it was brought into the House, and which was read at the Clerk's desk when it was under consideration in the Committee of the Whole on the state of the Union, amply explains the nature of the claims to be provided for, and the principles upon which they are to be settled. That report has, also, no doubt, been read, examined, and considered by the great mass of the honorable gentlemen around me in their own chambers. It would, therefore, appear unnecessary to take up much of the time of the House in discussing the provisions and merits of the bill. Its nature and objects must be understood; the utility, and even necessity, of its passage be generally felt. Under such circumstances, its fate might readily be left to the good sense, to the justice and experience of the House, without another word in its defence.

As, however, there has been an opposition unlooked for, a sounding of trumpets to the right and left, to collect forces for a further onset, I must be permitted to say a word in regard to the objects of the committee, and a word in reply to a few of the objections raised against the bill, leaving a reply to the remainder to other gentlemen of the committee, who will, no doubt, triumphantly vindicate its provisions.

The committee under whose orders the bill was reported had several objects in view, which seemed to them laudable, and which it was thought might be accomplished by its passage.

One of these objects was to save the time of the House; a point considered as of some importance. A large number of cases, (about two hundred,) all of a similar character, and embraced in the provisions of the bill, were referred to the Committee on Revolutionary Claims during the present session of Congress. The mass of these have remained unacted upon; they have been held back in the hope of a prompt action and speedy passage of the present general bill, which provides for the settlement of this whole class of claims at the Treasury Department. Should the bill not pass, a majority of these cases must necessarily be placed on the calendar in as short a period as possible. This will, of course, greatly increase the business of the House, and in the same degree prevent its action upon other private claims, a large number of which have been pending for years without receiving any further notice than being placed from time to time, from year to year, upon the calendar—some proof, at least, that they are just, that the claimants are entitled to relief, as they have the favorable testimony of the investigating committees. Sir, this delay in the settlement of private claims is a growing evil. Any thing which may decrease their number, and thus enable the House to give more time to the remainder, should, I think, be calculated to find favor in this Hall.

Another object of the committee was to accelerate the settlement of such of these claims as are just and sustained by sufficient evidence. Probably—and I judge from some experience, Mr. Speaker—probably it would take Congress five or more years to pass definitively upon those cases which are now before the Committee on Revolutionary Claims, if, as is at present the practice, a special act is to be passed in each individual case. But, sir, it is not to be presumed that the cases at present before the committee are the only existing cases. More will no doubt be referred during the present, and more at the next session of Congress. There may be from fifty to one hundred more cases scattered through the Middle, Eastern, and Western States; the present cases being principally from the South. Should the bill fail, I grieve for the delay of justice which must inevitably be the consequence. In many highly meritorious cases it will be equal to an entire denial of justice; and he who fought your battles gallantly, and shed his blood freely, and sacrificed his all without hesitation, to secure your independence, will go down to his grave with sorrow, and bequeath no blessing to an ungrateful country. Whereas, should the bill become a law, this whole class of cases may be disposed of in a twelvemonth, and thereby speedy justice be insured to the still surviving meritorious officer of the revolution; or, if he has gone to rest with his brave associates, at least to his descendants, who have become impoverished by the sacrifices of their ancestors.

Another object of the committee was, to render the rejection of all unjust, unfounded claims of this class, nearly certain; at least more so than can now be expected. Whatever evidence may exist in favor of these claims, is of course sought out and invariably presented to Congress, or rather its committees; whereas, that of a contrary description, that adverse to the claimants, if there be any, is either not known to them or held back. This evidence, adverse to the claims, is scattered throughout the public offices. The members of the committee are obliged to go in search of it, and yet, after their utmost care and assiduity, it may escape their search; they may fail to apply at the proper source. This difficulty would at once be obviated, if, as provided for in the bill on your table, a decision on these cases and their settlement were left to the Treasury Department. All the evidence in the possession of the Government would then at once be collected to one point, and made to bear upon every individual case. Few unjust claims would, in this mode of procedure, escape a rejection; whereas now, they may at times escape the vigilance of any committee upon whom the House may choose to throw the burden of investigating them.

The bill before you, Mr. Speaker, would then, should it become a law, save the time of the House and the money of the Government. In would go far to insure the rejection of unjust claims, and accelerate the settlement of such as are just, not only of this class, but of all others left for the decision of Congress. It would insure the same measure of justice to one citizen which is granted to another; and could not fail, by equal, exact, and speedy justice, of giving satisfaction to all parties.

But the gentleman from New Hampshire [Mr. Pierce] complains that all proofs for the validity of these claims are made to rest upon presumption, and mere presumption. Far from it, Mr. Speaker. The gentleman has misapprehended the intentions of the committee. Under the bill, absolute, positive proof of service is required, to the year 1781, when the army of the revolution was reorganized, under the resolution of October, 1780; it is in fact required to the virtual close of the war, when the equity of the case would require the admission of the claim. If presumptions are admitted after that period, who will venture to assert that they are unreasonable? Is it unreasonable to suppose that an officer, who had served until the war was considered as at an end, would not voluntarily resign his commission; that he would hold to the advantages promised him if he should continue in the service a short time longer, when there was in fact little fatigue and less danger connected with the service? Surely, there is nothing unreasonable in such a presumption. Would not self-interest, honor, the known attachment formed to military life by a long continuance in it, lead to the presumption that the great mass of officers would hold to their commissions until a disbandment of the army took place?

If there be presumptions as to any part of the evidence, they are such, Mr. Speaker, as have been admitted by wiser heads than mine, or, perhaps, than that of my young, estimable, and talented friend from New Hampshire. The fathers of the nation—the Senate—have acted upon them for many years past, and the House has followed the example set by the Senate. Nay, sir, both Houses have for years past, not only acted upon some presumptive proof, but they have acted upon the admitted fact, that service was not continued longer than the capture of York, in 1781. Thus, in the case of General Hamilton's heirs, when the general was known to have retired after that event, considered as the close of the war, commutation pay was granted by both Houses, with little or no difficulty.

The argument of the gentleman from New Hampshire goes, however, in fact, not so much against the admission of presumptive evidence, as against the admission of any claim on the part of the retiring officers under the resolves of 1780. If I understood him correctly, his arguments, if they are to have any weight, must lead to that result--an injustice he certainly could never have intended—an injustice, at all events, so crying, that this House never will, never can, think of sanctioning it.

As to the objections raised by the gentleman from New York, [Mr. Vanderpoel,] they are so evidently founded upon a misapprehension of the whole subject, that it is scarcely necessary to give them a reply. Leaving the mass of the gentleman's strange assertions to other gentlemen of the Committee on Revolutionary Claims, I will make a few remarks upon his principal objection. He says the act of May 15, 1828, made provision for these claims, and was intended for that purpose. Now, sir, if I understand it, the object of that act was, and must have been, an entirely different one. It provides for officers and soldiers, whereas officers alone are entitled to commutation. It provides for living officers only, while commutation is a right descending to heirs. It grants no higher pay than that of a captain, no matter what rank may have been held; whereas five years' full pay, according to the rank of the officers, is the commutation of half pay for life granted by the resolve of March, 1783. Sir, the object of the act of 1828 was to show the gratitude of the nation for the services rendered by the officers and soldiers who continued in the service to the close of the war, and to compensate, in some measure, for their endured losses and privations of every description. The claims provided for by the present bill, on the other hand, are founded upon express contract between the then existing Government and the officers of the army. The original contract was, that those who had served until the spring of 1781, when the reorganization of the army under the resolutions of October, 1780, took place, should have half pay for life; and that those also who continued in the service to the end of the war, in addition to their full pay during such continuance, should be entitled to half pay during life, to commence from the time of their reduction. In 1783, owing to the unpopularity of this mode of payment, it appearing to create something like a privileged class, the contract was changed with the consent of parties. The half pay for life was commuted by a grant of five years' full pay. This was accepted, not by officers individually, but by lines and corps not belonging to particular States, by the officers of the hospital department, and by the retired officers in each State collectively. Can it be doubted for a moment that the officers of the army, who fulfilled their part of the contract, have a right to look to the Government for a fulfilment of its promise? Can it be doubted whether the Government is bound to make its contract good? There is no escaping, Mr. Speaker. Pay them you must--those, I mean, who retired under the resolves of 1783, and the consequent new arrangement of the army, and those who served to the end of the war, unless you choose condescending to plead the limitation act, and to commit the most gross and outrageous injustice.

The great mass of these claims, it is admitted, have already been paid, perhaps nineteen out of every twenty. If, comparatively speaking, some few remain unpaid, it was in most cases not owing to an ignorance of their rights in the claimants, as the gentleman from New York would seem to say the committee had insinuated, but to the particular mode (collectively by a majority) in which the commutation had been accepted—to patriotism, which held many back from asking what they well knew an impoverished Government could not easily pay; to a knowledge that the certificate granted in lieu of pay was at that time scarcely worth asking for; and to other causes, detailed by the committee in their report.

Sir, instead of the act of May, 1828, being considered as making compensation for commutation pay, the very reverse is the case. Having received commutation entitles to the benefits of the act of 1828, and receiving the benefits of that act entitles to commutation, if not before received; although half pay under the Virginia laws, notwithstanding the assertion of the gentleman from New York, will exclude, and necessarily exclude, from commutation. A right to commutation, and a title to the benefits of the act of 1828, are necessarily connected one with the other, both requiring the same services, although they are entirely different rewards. Thus, when the Treasury Department, under whose direction the act of 1828 is executed, asks for the proofs which are to entitle the claimants to the benefit of that act, it requires them to declare—this being the strongest possible proof of the claim being a valid one--it requires them to declare that they have received their commutation certificates. Here, sir, is the form of a declaration, prepared at the Treasury Department, which applicants for the benefits of the act of 1828 are requested to sign. It runs thus: "For the purpose of obtaining the benefits of an act entitled 'An act for the relief of certain surviving officers and soldiers of the army of the revolution,' approved May 15, 1828, I, &c., do hereby declare that I was an officer of the continental line of the army of the revolution, and served as such, (here insert 'to the end of the war,' or as the case may be,) to the time when the arrangement of the army, provided by the resolves of Congress of the 3d and 21st of October, 1780, was carried into effect, and that I was reduced under that arrangement; and I also declare that I afterwards received certificates, commonly called commutation certificates, for a sum equal to the amount of five years' full pay, which sum was offered by the resolves of Congress of the 22d of March, 1783, instead of the half pay for life to which I was entitled under the resolve of the 21st of October, 1780." Can any thing, Mr. Speaker, be more clear, positive, and decisive? Thus the Treasury Department has acted and continued to act. And what has been the course of Congress? Does its action show in what light the case has been received? Most distinctly. At one session it passes an act to give to Job I. Jacobs the benefits of the act of 1828, and at another session it passes an act giving him his commutation. At one session it gives to Ephraim Whitaker the benefits of the act of 1828, and at another it gives him commutation. Do gentlemen, can gentlemen, desire any thing more? If the gentleman from New York will be candid, he will admit that he was under wrong impressions. Upon the last case, the case of Whitaker, he has himself acted but a few weeks since; he approved of it, because, though he may not have voted, silence here gives consent. In cases of this kind, there is in fact no excuse. Let no man complain that a bill passes *sub silentio*, as the gentleman has said. When bills of this description are reported to the House, they are invariably accompanied by a report, detailing the facts of the case and the evidence by which it is supported. This report is laid upon the desks of members; if they do not choose to read it, if they do not choose to be in their places when the bill is considered in the Committee of the Whole, if they do not at the proper time make objections, are they entitled afterwards to complain of a bill passing *sub silentio;* or is it expected that committees shall themselves raise objections to their own bills and reports, and thus call upon gentlemen to deliver speeches where they are deemed unnecessary by the committee?

But, Mr. Speaker, I will not myself take up the time of the House unnecessarily. If ever justice and expediency required the passage of any law, I will venture to assert that it is the passage of this. Sir, I have waded in these claims for three years, and I make the assertion after a full examination. The passage of the law on your table, I repeat it, will save the time of the House and the money of the treasury; it will render the rejection of unjust claims nearly certain, and accelerate the settlement of just claims of this description, and of all others left for the decision of Congress. It will insure the same measure of justice to one citizen which another has received, and will, by speedy, exact, and equal justice, go far to satisfy all parties.

With these few observations, I cheerfully leave the fate of the bill to the good sense, the justice, and experience of the House. Its decision, after hearing some of my colleagues of the Committee on Revolutionary Claims, will no doubt be a correct one.

Mr. BROWN then rose, and intimated an intention to speak upon the subject; but, as the usual hour of adjournment had arrived, he moved that the House adjourn. The motion prevailed, and the House adjourned.

Wednesday, March 5.

Levi Lincoln, member elect from Massachusetts, coming to fill the vacancy caused by the resignation of **John Davis**, resigned, appeared, was sworn, and took his seat.

Mr. EWING moved to suspend the rule, in order to proceed in the call of the States for petitions; but withdrew it.

Mr. VANCE renewed the motion, and called for the yeas and nays upon it; which were ordered.

Mr. GORHAM asked whether the Virginia resolutions would not have the preference, in case the motion prevailed?

The CHAIR replied, Yes, unless those resolutions were postponed.

Mr. J. Q. ADAMS moved to amend the motion to suspend, by adding the words "for the purpose of receiving petitions and memorials, with the exception of the Virginia resolutions."

After some conversation on the question of order, the CHAIR suggested that the member from Virginia, who was entitled to the floor, might obviate the difficulty by yielding the floor till Monday.

Mr. GHOLSON said he was not disposed to speak to an unwilling audience; and if the House wished to pass over the Virginia resolutions for the present, he would yield the floor for that purpose; with the understanding that he should proceed in his remarks when the call of the States was concluded.

Mr. WAYNE made some remarks in reference to the impropriety of allowing so wide a range of discussion upon the presentation of petitions, memorials, &c.

The SPEAKER replied, that the Chair had endeavored to restrict the discussions within the rule, but that he had been repeatedly overruled by the House. He did not consider that the Chair was responsible for the course which the House had determined to take.

The question being taken upon the motion to suspend the rule, it was determined in the affirmative; yeas 155, nays 54.

Mr. GHOLSON then waived his right to the floor till Monday next.

WHEELING (Va.) MEMORIAL.

Mr. WILSON presented a memorial from the town of Wheeling, Virginia, subscribed by about 500 of the citizens of that town, comprising much of the wealth, respectability, and business class of that community; also, a petition from the neighborhood of Wheeling, in Ohio county, Virginia, subscribed by more than 100 persons; both complaining of the existing pressure among all classes of the community, and praying Congress to afford relief, by restoring the public deposites, and rechartering the present, or chartering a new Bank of the United States, with proper modifications.

Mr. W. observed, that he had desired to present his views concisely in relation to the subject embraced in these petitions; but, as the rules of this House had been suspended for the purpose of presenting petitions, with the understanding that no discussion would ensue, he would not violate that understanding, but present them, merely observing that he could vouch for the truth of the facts contained in those memorials, as coming from men of high respectability and worth. He asked that the memorials may be read, and, for the present, laid on the table; and that direction given to them which may hereafter be given to the report of the Finance Committee, and that they be printed; which was agreed to.

AUGUSTA (Ga.) MEMORIAL.

Mr. WILDE said he had been requested to present the memorial of upwards of four hundred of the inhabitants of the city of Augusta and its vicinity, praying that the former relations between the Government of the United States and the Bank of the United States might be restored; the engagements of the Government with the bank, in relation to the safe-keeping of the public funds, fulfilled; and the bank itself rechartered, or a substitute provided.

Mr. W. said, as the rule confining the presentation of petitions to Monday had been suspended under an implied understanding that no discussion should take place, he would confine himself, as strictly as possible, to a statement of the contents of the memorial.

He asked, however, to be permitted to state, that the city of Augusta, situated on the right bank of the Savannah river, at the head of steamboat navigation, is one of the most commercial inland towns in the Union. Its population is probably not more that seven thousand, but the value of the cotton brought to that market, for several years back, had not fallen short of five millions of dollars annually, or about one-twelfth part of the whole domestic exports of the United States. The quantity during the present year is estimated, upon good authority, in a recent memorial to the General Post Office Department, at one hundred and eighty thousand bales; and the value thereof, and of the return cargoes of merchandise, at fifteen millions of dollars.

The memorialists being his immediate townsmen, and most of them personal acquaintances, it became him to say a word or two respecting them. Among the signers of this memorial were to be found merchants of high character for intelligence and probity; respectable planters, lawyers, and physicians; and honest, industrious, and sagacious mechanics.

None of them were capable of attempting to deceive others, or likely to be themselves deceived, concerning the effect of the recent measures of the Executive on the trade and currency of the country.

The first name upon the list is that of the mayor of the city; a gentleman universally esteemed and beloved; a citizen of whose public spirit, enterprise, integrity, and benevolence any country might well be proud. The chairman of the public meeting which led to the memorial is a distinguished advocate, at the head of his profession in that place, often elevated by the voice of his fellow-citizens to posts of trust and honor, and bearing a high military commission during the late war.

By far the larger number of the memorialists were, he believed, what is called "Union men." They were of that party in the State most opposed to "nullification," and heretofore supporting, with the greatest zeal, the measures of the President. But the meeting had been called, and the memorial was framed and signed, without reference to party distinctions; and he found the signatures of some gentlemen of different political principles.

He hazarded nothing, however, in saying, with respect to all, that a more independent, honorable, and enlightened body of memorialists was not to be found among any equal number of citizens who had ever brought their grievances to the knowledge of that House.

Few or none of them could be considered political agitators; and the greater part seldom interested themselves in public affairs, beyond the performance of those duties incumbent on all good citizens.

The language of their memorial is temperate and respectful. It exhibits the deliberate opinions of freemen, expressed plainly and briefly, but with dignity and courtesy. It contains no phrase which Americans of the most scrupulous delicacy need hesitate to use, when speaking of their public agents, their institutions, or fellow-citizens.

He could not better sum up the conviction they expressed than in the brief and energetic language of the gentleman who had transmitted the memorial to him—the chairman of the committee appointed for that purpose: "Depend upon it, sir, the war of our National Government against our National Bank is carried on at the expense of millions to the people."

Mr. WAYNE said that he rose not to complain of the remarks which had fallen from his colleague; all that he had stated was, no doubt, perfectly correct; and the manner in which he had presented the memorial was perfectly decorous and unexceptionable. But, as this was probably the first in a series of petitions from his own State, and as he understood that the whole delegation were to be furnished with copies, he thought it right to express at once his conviction that it would be wholly out of his power to contribute any aid towards effecting the object here prayed for. From numerous letters received from all parts of the State, as well as from the aspect of the papers published there, he was led to believe that the sentiments expressed in this petition were far from being those of a majority of the citizens of Georgia. The memorialists, no doubt very honestly, expressed their own views and opinions; but he fully expected that, before many days, the House would see memorials from this very city of Augusta, the number of the signers to which would convince gentlemen that this paper did not express the opinion of a majority of the citizens of that place. As it would be contrary to the general understanding under which the rules had been suspended to enter into any debate, he should content himself with this declaration of what his own opinion was, and what his course would be. He desired that those, of whom his colleague and himself were in common the Representatives, should at once be fully apprized of where he stood.

The memorial, on the motion of Mr. WILDE, was then read, and ordered to be printed, and the further consideration of it postponed until that day week, when the report of the Committee of Ways and Means comes up.

LOUISVILLE (KENTUCKY) MEMORIAL.

Mr. POPE presented two memorials, signed by upwards of a thousand inhabitants of Louisville, in the State of Kentucky, complaining of great pecuniary distress and commercial embarrassment, ascribing it to the removal of the deposites, and praying Congress to adopt such measures of relief as its wisdom might suggest; and, also, to pass an act rechartering the Bank of the United States, with modifications.

Mr. P. observed that he recognised among the signatures to the memorial the names of many active, industrious, enterprising, and highly intelligent merchants, mechanics, manufacturers, and professional gentlemen of Louisville—gentlemen whose opinions were entitled to great respect and consideration, either in Congress or elsewhere; and to whose better judgments he would willingly defer on any occasion, if the act did not, in his own opinion, involve the sacrifice of vital interests. He moved that the memorials be read, laid upon the table, and printed. Agreed to.

PROCEEDINGS AT MADISON, INDIANA.

Mr. CARR rose to present certain proceedings. He remarked that he held in his hand the proceedings of a meeting holden in the town of Madison, in the State of Indiana, on the 7th of February, 1834, in pursuance to previous notice given, for the purpose of taking into consideration the embarrassed state of the country, and the derangement of the currency.

Mr. C. remarked that he had not been furnished with a copy of these proceedings in the usual manner in which proceedings of the like kind are generally received; that they had been sent to him by the persons who acted as secretaries to said meeting, in a newspaper published in the town of Madison, and enclosed to him, with a letter from the same gentlemen; that he had not been requested by any person who attended the meeting to present these proceedings to the House, nor did he know that it was the wish of the meeting that he should do so; that he had not been informed as to the extent of the meeting, nor the number who were in attendance; but he was acquainted with the gentlemen who acted as officers to said meeting, as also those who composed the committee, whose duty it was made to draught the proceedings; and he knew them all to be highly respectable individuals. Their names were with the proceedings, and none others. Mr. C. felt it to be his duty, under all the circumstances, to ask leave of the House to present these proceedings.

Leave being granted by the House, they were, upon the motion of Mr. C., read, and ordered to be printed; and the same direction was given them that was given to proceedings of the like character from other States.

NEW BEDFORD MEMORIAL.

Mr. REED said he had been requested to present the memorial of the citizens of the collection district of New Bedford, in the State of Massachusetts. This memorial (said Mr. R.) is signed by one thousand nine hundred and twenty-two citizens, living in New Bedford, Fair Haven, Wareham, Rochester, and Dartmouth. It had been signed by almost all the citizens of those towns who were at home, and who had an opportunity; perhaps twenty have declined. But it cannot be pretended that there is any dispute or division of opinion upon the subject. They will send no counter-memorial here, for party and political dissensions are suppressed and forgotten in the general and deep distress which pervades that part of the country. All unite in the desire to present to the Government of their country their true situation, and, if possible, to persuade the Government to change its present ruinous policy, and thereby relieve all from present and future embarrassment and distress.

In presenting this memorial, I hesitate not to declare (said Mr. R.) that the signers are as intelligent, honorable, industrious, enterprising, and useful citizens as can be found in any other part of the country, and have a just claim to the regard and consideration of this House.

[Here the SPEAKER interposed, and said the gentleman from Massachusetts must confine himself strictly to the rule, and briefly state the substance of the memorial.]

Mr. R. proceeded: I am fully aware that the privilege of presenting memorials this day is, in some measure, a favor, and I shall not abuse that privilege. I do not purpose to pursue the course which has prevailed of late in this House; but the memorial which I hold in my hand is an unusual and extraordinary one for the part of the country from whence it comes. No memorial containing that number of names, or any thing like it, was ever presented to Congress from that place at any former period. It shows a state of feeling, suffering, and excitement very unusual, and I am sure this House cannot be unwilling to know the fact and its cause.

I beg (said Mr. R.) to call the particular attention of this House to some important facts and arguments in this memorial. They state that the collection district of New Bedford is the fourth district in the United States as to its navigation and tonnage. This fact deserves some consideration: it shows that it is a place of activity, enterprise, business, and consequence. Their shipping amounts, I think, to more than seventy thousand tons. They are principally engaged in the whale fishery, and have now in that employment one hundred and twenty ships, and twenty-three vessels of less dimensions. These ships amount to more than one-third, and almost one-half of the whale fishery of the United States. This fishery is carried on principally in the Pacific Ocean, and three years may be fairly estimated as the period of a voyage; the preparation and sale of the oil require another year. Thus four years must elapse, after the ship is fitted out and prepared and sent to sea, before the profit or income of the voyage can be realized.

The memorialists observe "that, from the precarious and tardy manner in which the products of their industry are realized, they quickly feel any sudden and unexpected derangement of the currency, and that all who are engaged in the same pursuit must be similarly situated; that ten thousand seamen employed in this fishery, besides vast numbers of mechanics, laborers, and traders connected with it, are dependent upon the slow moving operation of their particular trade."

This memorial, in fact, presents to this House the valuable and important national interest of the whale fishery. In this fishery, owners, masters, and seamen, are all partners; and by their admirable arrangement, skill, industry, and daring intrepidity, they have surpassed all other nations, and have been eminently successful. They have been successful under the general protection of our Government, but have received no extraordinary aid. Not so with European nations; they have given great encouragement by direct bounties and duties. Now the prospect is, that not only the owner of these ships, but the ten thousand seamen, partners in the business, after the expiration of the three years' voyage, when they return, must go to their families pennyless: I fear they may not have a dollar to receive. This memorial presents to the consideration of this House the vast national importance of the whale fishery. It affords light and comfort—it affords encouragement and profit to those who furnish the timber for the ships, from one end of the United States to the other—to numerous mechanics and ship-builders—to the farmer and planter, who furnish provisions and supplies. The capital employed is great, and in every view the national interest is great. But the main and principal national benefit is preparation for national defence. By means of this fishery, we have an army of seamen trained and rendered most skilful and daring for our defence. They cost nothing in time of peace. In case of war, they are ready and able to defend their country; and no signal victory, on the ocean or lakes, has or ever will be gained without their efficient aid.

These memorialists state that they have met with severe disasters in the prosecution of their legitimate business. They candidly admit that a part of their sufferings is owing to over-trading and speculation; and, standing here as their representative, I do not desire to pass over that admission unnoticed. I wish to put this House in possession, not only of the truth, but the whole truth, touching this subject. But they insist that the distressing calamity they now suffer is mainly owing to the pressure and panic consequent upon the removal of the public deposites. They aver that no caution, no activity, no foresight, could have averted the blow. It came upon them like a tornado, and they had no warning to reef or furl their sails, and many must be more or less torn and shattered, and not a few utterly shipwrecked.

The memorialists believe their distress has arisen from the withdrawal of the deposites, and other measures of the Executive in relation to the Bank of the United States. By withdrawing the deposites, the Bank of the United States was compelled to curtail its discounts and reduce its paper in circulation. But here it is worthy of particular notice, that State banks have been compelled to reduce their discounts and money in circulation, by still more severe restrictions; for the plain reason, that they had less specie in their vaults, in proportion to their paper in circulation, than the Bank of the United States. It is well known that there is no branch of the United States Bank in New Bedford.

New Bedford has four banks, whose capital, united, amounts to - - - - - - $1,300,000

In October last, they had in circulation, -	$260,000
They have now only - - -	147,000
Which shows a reduction of - -	$113,000

If the other banks in Massachusetts have made similar curtailment in their issues, it will amount to no less than $3,430,000. If the reduction has not been in the same proportion in other parts of the country, it has, and must continue to be, very great, sudden, and unlooked for, insomuch that thousands and thousands of solvent debtors will be overwhelmed and ruined.

These memorialists, apprehending that the policy indicated by the Executive may for a season be supported, feel the more anxious to present their memorial to the attention of this House, because in the future they fear still deeper distress instead of relief. If the restoration of the deposites might afford relief for a season, as I believe it would, they look still beyond that period—they call the attention of this House to permanent relief. They believe, and present the most cogent and forcible facts and arguments, drawn from experience, to prove that permanent relief can be afforded only by a Bank of the United States. They desire that the present Bank of the United States may be rechartered, or that a new bank may be established and chartered to take its place.

They observe, that they believe past experience, as well as present necessity, demands a recharter of the present Bank of the United States, or a bank of somewhat similar organization. "Twice has this country felt the full weight of calamities incident to a depreciated and unregulated paper currency; and twice has a national bank restored credit and security and prosperity to the country."

The memorialists have an extensive commerce, not only with foreign countries, but with all parts of the United States. The question must be asked again and again, how can the vast commerce of hundreds of millions annually, so profitable and so useful to all parts of the United States, be successfully prosecuted without a sound and stable currency? What power have we over the currency of the country? What shall be the future standard? What the weight? What the measure? What the value of property? Can we control the money and currency of the country but by the power and instrumentality of a Bank of the United States?

No one pretends to call in question the constitutional right of each State in the Union to charter as many banks as it may choose, and under such regulations and restrictions as it may think fit. Thus we have twenty-four States, with hundreds of banks, and hundreds of millions of bank bills now in circulation, over which we have no control. If there be any other mode of regulating the currency of the country, except by a Bank of the United States, let it be presented; let it be examined and considered.

The memorialists desire a Bank of the United States, to collect and distribute the national revenue, as the only safe depository of the public funds. Of more than four hundred millions collected and distributed by that bank, not a dollar has been lost. But we have lost, by a short experiment with State banks, from one to two millions of dollars; with interest, it would now amount to more than four millions, called, in our Treasury reports, unavailable funds; but, in reality, State bank bills or notes good for nothing.

Mr. Speaker, the memorialists are wise and practical men, and prefer, in money concerns, and in those measures which affect the currency of the country, experience to experiment. They express an apprehension that the evil of which they complain will be extended to all parts of the country, and greatly aggravate the present calamity. They urge that their sufferings are mainly owing to a general panic and want of confidence. Surely, then, they can have no motive or desire to exaggerate their distress; for by so doing they must be likely to excite further alarm, and thereby increase the very calamity of which they complain.

Sir, this memorial contains statements of facts and arguments, presented plainly and forcibly, by wise and practical men, well deserving the grave consideration of this House. They are anxious to sustain the currency of the country upon the basis of specie; but they view the attempt, or experiment, of returning to a hard money currency, as idle, impracticable, and injurious.

The memorialists state that the present system of currency, adopted by the most civilized nations, is the very life-blood of commerce; that the policy of the rest of the world is settled, and we have no power to resist it; and to attempt to establish a specie currency, must be a useless, vexatious, and ruinous experiment.

I have felt fully justified, indeed I have felt impelled by a sense of duty, to submit the above considerations to the notice of this House. I now move that this memorial may be read by the Clerk, printed, and laid upon the table.

Agreed to.

Numerous other memorials were presented to-day, the call having been made on all the States; after which,

The House adjourned.

Thursday, March 6.

PUBLIC DEPOSITES.

The resolution of Mr. Mardis, on the subject of the deposites, coming up once more—

Mr. CLOWNEY, of South Carolina, resumed and concluded his remarks in opposition to the resolution; as given entire in preceding pages.

Mr. CLAYTON, of Georgia, then rose and addressed the Chair as follows:

Mr. Speaker: If at an early period of this question, presented now in a new shape, the rules of the House had permitted me to have succinctly explained the reasons for my present position, I should not now have drawn upon a patience which seems to be entirely exhausted. But it will be recollected I promised such explanation; and, although it might be cheerfully excused here, yet elsewhere it may have excited expectations that will not yield a similar indulgence.

I shall consider this question what it really is, one exclusively of power. My views shall be directed to that point chiefly; and I shall leave the suggestion, that it involves the recharter of the bank, with but a few passing remarks to those who have more alarms on that subject than I either feel or foresee.

Before I proceed farther, I must pay my respects to the gentleman from Alabama, [Mr. Mardis,] as he made me the subject principally of his speech. And, first, if it is a matter of so much concern to him to see the course I am taking, what am I to think of his? If the administration have done nothing wrong, if they had a right to take the public funds from the Bank of the United States, and place them, by contract, in the State banks, wherefore the necessity of his proposition to legislate upon the subject, and to provide a new place of deposite? He contends that this was done by virtue of a lawful power in the President, and yet is afraid to trust its further exercise in that quarter. If it is his right, it cannot belong to Congress, and we shall be impertinently intermeddling with the rights of the Executive. Persons, when they speak in one place to be heard in another, are quite apt to overlook the very inconsistency in themselves which they think they see in others. Now, sir, for my part, I would want no better proof of the illegality of a measure, than that it needs to be afterwards legalized; and if its consequences must be bolstered up by a law, it follows pretty clearly, as we say in another place, that it is wrong "from the beginning."

But, says the gentleman, he cannot understand my course. Perhaps he does not wish to do it; he has an object that might be defeated by it. There are some debaters who, failing to convince by reasoning, have done wonders at insinuation; and find that it answers fully as well for obtaining favor as those of fair augument.

Sir, I suspect the motives or discernment (I care not which) of any man who says there is no difference between restoring the deposites and rechartering the bank; and as I am asked to reconcile my contemplated vote with the views of my report, I hope to be able to do it, even to the understanding of the gentleman himself, as much astonishment (to give it no worse name) as he feels, or affects, on the subject.

I must first take notice of one of his remarks. He says, after I had succeeded in obtaining two verdicts against the bank, I now wanted to enter a *nolle prosequi;* this, he adds, might be the fashion of the country where I live, but it was not so in his. To this I have two answers, and the gentleman is welcome to take his choice. In the country where I live, whenever an honest solicitor finds his prosecution malicious, that the prosecutor is using the court as an instrument to accomplish a selfish object for himself or his friends, that his purposes are "unjust, arbitrary, and vindictive;" and, further, that he suborns his witnesses to effect his designs, he does enter a *nolle prosequi.*

Now, sir, it may be different in the gentleman's country; it may be a custom there, that the worse the case, on the part of the State, like the deposites, the harder they hold on to it; if so, I envy them no such principles. For myself, I had rather actually be inconsistent, than even to appear unjust: and I leave those who choose the latter to the full, uncoveted enjoyment of their preference.

The second answer is contained in an anecdote, which is located in the gentleman's own State, and is as follows: A certain individual was indicted for the crime of murder; and the jury, after being out all night and half of the next day, brought in their verdict that the man was not guilty of murder, but of shop-lifting. The court informed the jury that that was impossible; they must retire to their room and reconsider the case; whereupon they were sent back, and, after remaining the balance of that day and the whole of the ensuing night, they returned their verdict into the court, stating that if the man was not guilty of shop-lifting, he certainly was of sheep-stealing; and, throwing themselves upon their constitutional rights, they were determined to stick to that verdict. Now, sir, I indicted the bank for murder, perpetrated upon the body of the constitution, which affected its life. From this charge it was acquitted; but the President insists upon it, that if it is not guilty of shop-lifting upon a certain French bill of exchange, it surely was of sheep-stealing, committed upon the Government directors, and therefore ought to, and shall, be cropped. This, the gentleman wants to make me believe is the identical charge which I brought against the bank. He must excuse my credulity if it refuses to swallow this dose.

But my vote at the last session seems to disturb him. I voted, he says, that the deposites were unsafe in the bank; and, therefore, I ought now to sanction their illegal seizure and withdrawal, to be placed in those which his own proposition considers equally dangerous. If they are safe where they are, why legislate upon the subject? It cannot be possible that my vote went the length to allow the Government to violate its plighted faith, to suffer a person to take the public funds, who had no right to them; to rob the proper department of the Government of its rightful control over them; to have them farmed out, whenever the Secretary of the Treasury might think proper, in places less responsible and more unsafe! No, sir, I must protest against such a construction. All that could possibly be claimed from me, under that vote, would be to vote for a withdrawal of the deposites, if the question could legitimately come before me as a member of Congress; but I beg to be exonerated from suffering it to let any other person do it contrary to law, and then bind me to justify the act. The President himself has changed his opinions on this point; at the last session he suggested to Congress that the deposites were unsafe, and yet, when he removed them, he abandoned that idea altogether, and said the bank was too strong; and now his friends modestly call upon me to sustain him upon a ground which he, himself, believed to be unfounded! This is the shape of the argument: the President says to me, I removed the deposites in October last, believing them to be perfectly safe; but you thought they were unsafe a year ago, therefore, you ought not to rely on my judgment, but vote against their restoration. If he puts it upon my superior sagacity, I know not how far such a compliment may carry me; but if he requires it of my subserviency, I must beg to refer him to some more pliant tool.

It was never my intention to injure the present bank, or to destroy its existing rights, merely for those objects. I could have no such inducement. My whole purpose was to prevent its re-establishment, upon principle, and under the firm conviction that it was not authorized by the constitution. In the attempt, however, to accomplish this object, I was not unaware that injury might be inflicted upon that institution; but it was a consequence not desired, following the exercise of a duty which I considered imperative.

In the peculiar situation in which I find myself, it is fortunate for me I have the evidence, the recorded evidence, of the truth of my statement.

In the investigation which was made by a committee of this House two years ago, I find these remarks at the very commencement of its report. They say: "They believe that as the House wished information more for the purpose of enlightening their minds and assisting their judgments as to the expediency of again renewing the charter, than to abridge it of the small remnant of time left for its operation, a liberal construction of the resolution would not be deemed a departure from their trust."

The motive is here fully developed, that it was no part of the object of the investigation, by a sudden destruction of the bank, to disturb the great moneyed relations of the country, to agitate the wide-spread operations of commerce, or to impair the extended interests of the Government, either in its fiscal or joint-stock connexion with the bank: all of which would have been the result, as is now, by recent events, too painfully proved.

And, sir, permit me to ask, what was the result of that inquiry? Besides every thing, except the crimes against the French bill and the Government directors, (which has since been discovered, and I affirm not a new principle of objection has been found:) besides the difficulty of the three per cents, which was then submitted; besides the suggestion that the bank had interfered with elections, by reason of its large discounts, its fees to lawyers, its accommodations to members of Congress, its subsidizing the press, its publication of documents, its extravagance in printing—all of which are carefully insinuated—there were presented to the consideration of Congress six distinct cases of supposed breaches of the charter: 1. In relation to usury. 2. To the issuing of branch orders as a circulation. 3. The selling of American coin. 4. The sale of stock. 5. Making donations for roads and canals; and 6. Building houses to rent or sell, and erecting other structures in aid of that object.

Upon this information, well weighed, I hope, by the body to which it was submitted, did they believe the deposites should be removed? Did they think a suit should be instituted to revoke the remnant of the charter? So far from it, to my mortification, Congress, by a large majority, rechartered the bank; and, strange to tell, there were those at that day, the warmest friends of the bank, and who voted for a renewal of its charter, who are now convinced, upon weaker testimony, of precisely the same character, that its deposites ought to be removed!

The verdict of that Congress settled the fate of the report, and, though the facts remain, they are robbed of their force; for, at the last session, they had no influence upon the question then presented, as to the safety of the deposites. In the authority of two concurring decisions, whatever may be my opinion as to their correctness, the public voice, as expressed by their representatives, seems to have acquiesced, and to have pronounced that the labors of the investigating committee had brought to light no good reason for a change of the institution.

So far then, sir, from obtaining two verdicts against the bank, the bank obtained two verdicts against me--that is, if Congress, the immediate representatives of the people, is considered any part of this Government; but perhaps the gentleman may give in to the new doctrine, that the President is the Government, and, as such, had a right to alter the verdicts in the manner before related. If so, they are his verdicts, not mine.

I yet remain unconvinced of the justness of that decision, so far as respects the constitutionality of the measure, though I candidly own my mind has undergone a very considerable change as to its expediency; and this has been mainly effected by the dear-bought experience which has succeeded a rash and inconsiderate act, the consequences whereof are now sweeping over the country like a desolating simoom.

I consider the removal of the deposites more unconstitutional than the charter of the bank, because there is less doubt about it, and infinitely more mischief. The bank divides, perhaps, more than equally, the talents of the country; has had two great administrations in its favor, backed by a decision of the Supreme Court; and what is stronger than all, has the promise of the "greatest and best" to be renewed, though rejected upon constitutional grounds, provided the country will let him dictate the terms. Not so with the removal of the deposites. One wide, deep, and settled tone of complaint attests the public disapprobation. The murmurs of the people rise and swell the tide of discontent which beats upon this House, if not in the fury of a storm, in the steady progress of a torrent. The act was and is condemned by the friends and foes of its author. His best advisers pronounced it wrong. The former and present Secretaries of State, of War, and, at one time, of the Navy, if reports be true, deprecated the measure; and, sir, his best friend and most decided enemy of the bank, the firm and honest Duane, said it was "unwise, unjust, unnecessary, arbitrary, and vindictive." Never did five words comprehend more truth, in relation to the effect of a measure. It was unwise, as relates to the interest of the country; it was unjust, as relates to the bank; it was unnecessary, as relates to the moneyed operations of the Government; it was arbitrary, with respect to the exercise of official power; and it was vindictive to those who manage the concerns of the institution.

It was, moreover, unnecessary, in reference to the prevention of a future renewal of the charter. The President will remain in office, if he lives, till the 4th of March, 1837; and if he dies, his place will be filled with a milder, because a more cunning, hostility to the bank. He had vetoed the late charter, and, as he boasts, it was confirmed by the people. It could not possibly pass him and his successor, in the residue of its existence. Why, then, strike at a prostrated enemy, which, if not dead, was in the last agonies that inevitably tended to that fate? Why run the risk of exciting public sympathy, by the exercise of cruel and unusual persecution towards an enemy that all must confess has done some good? There was every thing to lose, and nothing to gain. The bank was gone, and that was all its opposers wanted. Did it not occur to the President, and does it not occur to every one, what a dangerous experiment results from this measure? If it does not succeed as contemplated; if somewhere in the chain of reasoning an error has been committed; if in the long and complicated consequences expected to follow an action which pervades the most ramified interests of society, a false conclusion has been drawn, conducting the whole process to an entirely different result—a result fatally injurious to the fortunate destinies of the country—who does not see that all will be laid to the necessity of a bank, and, as on a former occasion, public opinion, directed by the best of all science, suffering experience, will again demand and have a bank?

Actions are not without their motives; we must look for the motive of every measure. Seeing, then, the course of the administration was wholly unnecessary as related to the future renewal of the charter, and that, indeed, it might produce an opposite effect, a question naturally presents itself, what could be the object? The subject had been laid before Congress, and refused; it had been laid before the cabinet, and rejected; the best and wisest counsels of the country had advised against it; the good sense of the whole community revolted at the idea; why, then, should a favorite and highly honorable officer be expelled from his post to achieve this singular project? It is something else than the mere prevention of a charter.

Mr. Speaker: History is full of the melancholy truth, that rulers, and sometimes good ones, are controlled by an artful, sinister influence, of which they themselves are unconscious; and, thus operated upon, deeds have been done at which their own good judgment has been made to shudder; and after suffering all the consequences of deceitful counsels, their characters have been delivered over to the faithful page of history, there to receive their merited obloquy. What a reflection to one whose high character and lofty fame now hang upon the issue of a most doubtful experiment! The stake is great, and the game, as it draws to a close, is fearfully critical. If rumor speaks the truth, just such an influence has produced the present agony of the country. There are around the administration two malign influences, operating for the accomplishment of a joint, but, ultimately, a single purpose--avarice and ambition. The first seeks its gratification in the attainment of stocks, lands, and low office; the latter, in the highest office of the Government; but this last is the special instrument by which the former is to be continued: and, hence, to this end every power is concentrated. Enough is seen to show that the bank stands in the way of a scheme to organize a moneyed regency throughout the country, the most irresistible agent, successfully tried elsewhere to effect the purpose referred to; and, consequently, it must be immediately destroyed; it will not do to wait for its natural death--the golden harvest will have passed; and though the Government may lose seven millions of stock—though it may lose a part, or perhaps the whole, of its revenue—though it may lose all its facilities for carrying on the fiscal operations of the Treasury—though the whole country may bleed at every pore—yet these are nothing, compared with the selfish objects of heartless politicians. This, then, in my humble opinion, accounts for a measure which Mr. Duane declared, and truly too, was totally "unnecessary."

I come now, Mr. Speaker, to consider the subject with reference to the power which has been exercised in the removal of the deposites, and to show that, if I am opposed to the recharter of the bank upon constitutional principles, I ought to be much more so, if consistent, to the power exercised by the Executive. And I will candidly own that, if I were driven to the necessity of choosing between them, (which I trust will not be the case,) I would prefer the former to the latter. Before I proceed, permit me to ask, what is the bank? Is it any part of the Government? If it is, what? If it is not, what relation does it bear to the Government? These are important questions, in the view I shall take of the subject.

The principle upon which the bank is chartered, as contended for by General Washington, Mr. Madison, the Federal Court, and the two Congresses that have sanctioned their opinions, is to be found in this strong and expressive language: "That Congress has a distinct and substantive power to create corporations, without reference to the objects intrusted to its jurisdiction, is a proposition which never has been maintained; but that any one of the powers expressly conferred upon Congress is subject to the limitation that it shall not be carried into effect by the agency of a corporation, is a proposition which is equally unmaintainable;" for that it has a right to all the means "necessary and proper" to execute its powers. Then, we clearly infer that the bank is a part of the Government, to carry into effect some of its "expressly conferred powers." What are those powers? Its friends have always relied upon these:

1st. To assist the Government in "collecting taxes, duties, imposts, and excises, and paying them away; and to pay the debts of the United States."

2d. To borrow money on the credit of the United States.

3d. To regulate commerce; and,

4th. To coin money, regulate the value thereof, and of foreign coin, and thereby regulate the currency of the country.

These are all the express powers, upon a careful examination of the constitution, the bank is intended to subserve; there is not another that has the slightest relation to it. Let it be constantly recollected that these are legislative, not executive powers, and found in the very article which defines the powers of Congress. The Government has, besides this, another distinct interest in the bank; but this is evidently a private interest, and clearly distinguishable from that just mentioned, which is a public one. It holds stock in common with the other stockholders, and every one must perceive, if its public interest was withdrawn, if the bank was not its agent to carry into effect certain powers of the constitution, it would have no more control over the bank than any other stockholder. This private interest is managed by its directors as the interest of the stockholders is managed by their directors—all constituting one representative body for the whole, with no superior powers or privileges resting in any to the exclusion of the others. This private interest must be kept entirely separate from the other; they have nothing to do with each other. The public interest is not at all intrusted to the directors appointed by the Government individually, or as a class, but only so far as they are connected with the other directors in the general management of the institution. This interest is confided to the Secretary of the Treasury, to carry into effect the powers of the constitution. Any other view involves the contradiction that two different agencies are created to regulate the same interest, a disagreement between which would entirely defeat the object of the Government, which the bank has undertaken to discharge. These powers are to aid, as before stated, in collecting and disbursing the revenue, to borrow money, to regulate commerce, and to establish a uniform currency. This is the entire scope of his duties, because to go beyond these is to go beyond even the powers of the Government, and the very object they had in chartering the bank. They admit and declare that for exclusively private purposes they have no power to grant charters of incorporation, but they can do so when it is to carry into effect well-known powers of the constitution. They have named these powers, and within them they and their agents must revolve. We have now got the question into a very intelligible and well-defined boundary.

It could not be expected that the bank would execute these powers for nothing. If they were highly important to the Government, they were worth something; consequently the Government said to the bank, You shall have the use of all our deposites, and we will receive your bills in payment of all our revenue; thus investing you with the Government's whole funds and credit. But this is more than equivalent for the services to be performed by you; you must pay a bonus of one million and a half of dollars for your charter and your exclusive privilege. Moreover, it is improper to risk the public treasures with a private corporation, without having some control over it. Its safety demands that we should have a weekly and monthly inspection of your affairs by the Secretary of the Treasury, and also by a committee of Congress whensoever that body may think proper; and besides its safety, the proper execution of the powers of the constitution which you have undertaken requires that the same officer may withhold the deposites, "in which case," however, to prevent injustice, "he shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order or direction." Now here is a plain, simple, fair contract, the condition of one part being the condition of every other part, and it has been violated by a misconception of the Secretary in two important particulars. First, he considers himself a party to the contract, when nothing can be more erroneous. He speaks of the Government's vesting in him certain powers, which divested it of any further control over them. A little attention to this idea will completely manifest its perfect absurdity. Who are the contracting parties to this deed? Certainly there are but two—the stockholders and the Government. Who are to be benefited by it? Certainly no one but the stockholders and the Government. Between whom has the consideration passed? Certainly between them. Who are able to contract? None but them. What is the subject-matter of the contract? The execution of certain powers of the constitution by the bank, for certain privileges granted to that institution. Now, will any one contend that the Secretary was able to contract, did contract, passed, or received any consideration? Had he any powers to be executed by the bank? The thing is preposterous. It may as well be contended that the other persons and agencies mentioned in the charter were all parties to the contract, such as the cashiers and officers of the bank, commissioner of loans, the President of the United States, and the Federal Court; for they are all mentioned as having something to do in the execution of the contract. Why should the Secretary alone believe he is a party and beneficiary of the contract? Can any one believe that Congress was so stupid as to make a contract by which a third person, not interested, should immediately come into the control of the people's funds for twenty years? Who does not perceive that the Secretary could have withheld the deposites, upon any reasons he might chose to give, on the second day after the charter went into operation, and, throughout the remainder of its existence, divided them among every merchant, nay, every man in America? for if he can do it with State banks, by contract, he can with any body else; they being nothing but persons in law. His other mistake is as to the character of the reasons he is bound to give for withholding the deposites. His interpretation of the law renders the exercise of the power perfectly unlimited; and, therefore, is a capricious one. Does any one believe this?

Does any one, for a moment, suppose that Congress would invest an officer with unlimited discretion, with a power to be exercised capriciously, and yet require reasons of him? Reasons for one's whims! Congress has, to be sure, done many strange things, but they have generally had their design in it; this, however, is without design, and, what is worse, without sense. If, then, the power is not a capricious one, if it has a boundary, (and I think all reasonable men will grant me this,) what is that boundary? What the limit? Will the House be governed by rules of interpretation founded in the best of wisdom, free from the interest and passion of contending parties, that have lasted through a long lapse of past, and intended to endure through all future, time? Then what are those rules? Listen to the sages of old; the concurrent opinion of all the ancient and modern authors on the interpretation of law.

"The fairest and most rational method to interpret the will of the legislator is by explaining his intentions at the time when the law was made, by signs the most natural and probable; and these signs are either the *words*, the *context*, the *subject-matter*, the *effects and consequences*, or the *spirit and reason* of the law.

"*Words*—In their usual signification, &c.

"*Context*—By what goes before and after.

"*Subject-matter*—Words are always to be understood as having a regard thereto: for that is always supposed to be in the eye of the legislator, and all his expressions directed to that end.

"*Effects and consequences*—The rule is, that when words bear either none, or a very absurd signification, if literally understood, we must deviate from the received sense of them.

"*Reason and spirit of the law*—The most universal and effectual way of discovering the true meaning of law, when the words are dubious, is by considering the reason and spirit of it, or the cause that moved the Legislature to enact it."

Now, let us apply some of these rules to the interpretation of the contract between the bank and the Government. What was the "subject-matter" of the contract, so far as the Government was concerned? I have shown that it was to assist in executing certain "expressed powers" of the constitution, connected with the fiscal functions of the Government, which it professed to believe could not be done without the agency of a bank, viz: to collect and disburse its revenue; to borrow money; to regulate commerce; and to establish a uniform currency. It could not possibly do any thing more. These were the subjects, and these alone, intrusted to its management. What was the "reason and spirit" of the contract? The public revenue was wanted in every part of the Union—it was hazardous and expensive to transmit it to the places where it was required. It was very desirable to have a place of safe deposite, and with a responsible agent, who would keep it so, and transfer it, free of expense, wherever wanted. This was one reason for the law. The late war had shown how advantageous such an institution would have been in aiding the Government to negotiate loans; and this was another of the avowed reasons for the bank. The same war, and the period that succeeded it, showed how necessary it was to commerce and the Government that the currency should be uniform; millions were lost to both by a miserable, valueless, and irresponsible circulation; to correct which, and drive it from the ravages it was perpetrating upon the property of the community, the commerce and the trade of the country, but more particularly upon the revenue of the Government, the bank was established. These were the reasons of the law; they are plain and obvious; none others can be given, because any others would transcend the ability of the contracting parties to enter into the contract. For all other purposes, the Government had sufficient capacity and means to execute its powers. The "spirit" of the law is, to have these special powers, which it could not effect without aid, faithfully carried into execution. Here, then, is a plain field, and much the widest that has been allowed the Secretary in this debate, within which his "reasons to Congress" should be circumscribed. If this was all that was contracted to be done by the bank, and all that was required by the Government, (and I have shown it could require no more, even according to its own construction of the constitution—for any thing more would have been out of that instrument,) the Secretary cannot, by any possible process of fair argument, mould his reasons to reach beyond the four "expressed powers" constituting the "subject-matter" of the contract. For if this "is always supposed to be in the eye of the legislator," he is bound to keep it in his eye; his reasons, therefore, must relate to some breach of duty on the part of the bank, in reference to the safety of the deposites, connected with their transmission and disbursement—with reference to some failure, or rather improper conduct, in negotiating or preventing a loan—with reference to some culpable interference in, or disturbance of, the commerce or currency of the country, having for its object some unlawful or immoral speculation or advantage, contrary to the true spirit and intention of its agreement with the Government. All other objections must belong to the private interest of the Government; it therefore falls within the jurisdiction of the stockholders generally to examine and correct them, through the agency of their directors. Who does not perceive the reasonableness of such limits to the reasons of the Secretary? If he is permitted to wander beyond this orbit, where is he to be restrained? He is launched into a shoreless ocean. One reason, then, will be as good as another; and it would be impossible for the bank so to shape its conduct as to avert the exercise of this boundless and arbitrary power. Operating within its known obligations and the spirit of its contract, it would stand some chance to parry the blow of even a captious Secretary, or a constantly fault-finding President. Not one of the Secretary's reasons is within the bounds I have prescribed, and they are, therefore, wholly groundless.

But, Mr. Speaker, I have been arguing this matter according to the view entertained by the parties themselves to the contract, as to their rights and powers. I do not believe, myself, that Congress had any such authority to part with the powers of the Government to a private corporation; for while they are in the corporation they are out of the Government. And I cannot believe the powers of the Government are transferable, or the proper objects of contract. A grant (and such is a charter) extinguishes the right of the grantor, and implies a contract not to reassert that right until the end of the charter; yet it is not competent for the Secretary or the President to take advantage of that defect, unless, indeed, they have given in their adhesion to the doctrine of nullification, and are trying an amusing experiment to see how it works upon the bank. If so, being a little better acquainted with that science, and I hope a thousand times more honest in its use, I can tell them this is not a legal subject for its operation. If, by possibility, the law affects the sovereign and reserved rights of a State, the State may nullify; but the General Government, one of the contracting parties, is estopped, by its own deed, from setting up such a plea. Nullification is the proper remedy as between the General Government and the State Governments, because, for their respective objects, they are entirely different and independent, having no common arbiter; but, as between the General Government and its own acts, the idea of nullification is a perfect absurdity. Its own constitution has provided the Judiciary Department, to determine the constitutionality of its own laws. It must recollect that rights have been vested in private individuals, and they have agreed that their courts shall be a common arbiter in all controversies in relation to property and private rights, as between themselves and its citizens. It has been said of me, that I ought to nullify, inasmuch as I believe the law unconstitutional. I will, as a private citizen of Georgia, if my State believes her sovereign rights invaded, and she chooses to act; but I will not as a member of this Government, that has made a fair bargain, and had eighteen years advantage of it. I am individually opposed to a standing army in a free Government, and greatly wish that ours was abolished, especially since I have seen the unconstitutional use made of it against the gentleman's [Mr. Mardis's] own State; but this would not justify me in withholding the proper supplies for it, if the Government is determined to keep it up, and has pledged its faith to the enlisted soldier. Mr. Jefferson himself, than whom no one was more opposed to the bank upon constitutional grounds, gave his sanction to an act for establishing a branch of the United States Bank, and stated that, as the charter had incorporated the company, he considered the faith of the Government pledged, and therefore he would not disturb it during the period of its existence.

I have considered this case, with reference to the Secretary of the Treasury, as if he had really acted upon his own responsibility; but this is such a farce, such a mockery of every thing like independent action, and so utterly void of even a decent respect for public discernment, that I choose to dismiss him, and go to the true author of all this mischief. The President is the person who has "taken the responsibility," and by it presents this question, which the people alone shall determine: whether he or Congress has the right to keep and control the public treasure? This is the question. It is one of constitutional power between the Executive and Legislative Departments of Government.

I need not go to the history of the Government, particularly as to the organization of the Treasury Department, contrasted with the formation of the Departments of State, of War, and of the Navy, than which nothing can be more convincing that it belongs to the entire control of the Legislature. I need not consult the spirit and genius of the constitution, which seems so studiously to guard the people's money by the people's immediate representatives. Let all this pass. But it is enough for my purpose to ask, where was the public money when the bank was chartered? In whose possession was it? Was it in the possession of the President, and subject to his care and control? If so, what right had Congress to make a contract with the bank to take charge of it? to take it away from the Executive? It cannot belong to both; one or the other must exclusively manage it. Could the President have made such a bargain with the bank? No one will affirm this. How, then, can he do it with State banks? Recollect, I said these were legislative powers; and, consequently, the Executive has nothing to do with them. If they belong to Congress, there is no doctrine better established than that they are entitled to all the means "necessary and proper" to carry them into execution; but, if the Executive can control the instrument which they have selected to effect these powers, who does not perceive that the powers themselves are wrested from them? And this is the more palpable, since the Executive has undertaken to execute these very legislative powers, through the agency of other banks.

Well, then, upon the face of the charter there is enough to convince any reasonable man (and any other needs no conviction) that the money at that time was in the possession of Congress, or else it usurped a power belonging to the Executive. I assume, then, that the money belonged to Congress at the time of the charter; that it was placed under the care of the Secretary of the Treasury for a special purpose, holding him accountable to Congress for the faithful discharge of his trust. Now, how has Congress lost its right? If it possessed the control then, show the act that has divested them of it. This is the showing: The President seizes the money, and, to justify its retention, reasons thus: The Secretary is the officer of the Executive Department, appointed by him, and therefore bound to do what he requires; and he requires him to withhold the public money from the bank, and place it, of course, wherever he directs; for the power that can make him remove it, can certainly make him dispose of it in whatever manner he may think proper.

Now mark the consequence; according to this reasoning, the Secretary's act is the President's act, and consequently involves this absurdity; that, when Congress directed the Secretary to give reasons for his acts, it meant nothing more nor less than that the President should give reasons to Congress for his conduct; for if the Secretary has no will of his own, and is thrust from office if he disobeys the mandate of the President, it must follow that he who takes the place of him required to give the reasons, must himself obey that call. Does any one believe this? Did Congress believe that it was making such a draft upon an independent branch of Government? What other law passed by Congress ever required the Executive to give reasons for its acts to that body? Does any one believe that they would be obeyed, if directly required? Suppose, for instance, the charter had said the deposites shall be made in the bank, unless the President shall "otherwise order and direct; in which case" he shall immediately lay before Congress "the reasons of such order and direction." Would the President have submitted to such a degradation of his department? Or would Congress have been so weak as to have exacted such a responsibility from the President, in the face of his veto power? Of what use would his reasons have been with an almost absolute authority to have them respected? No one believes this. Then how ridiculous in Congress to have required a duty, and the reasons for the discharge of that duty, from a person who had no will of his own—completely the tool of another? Can the good hard sense of the community stand this? But there is another view of this point still more ridiculous, if that be possible. Congress, by putting the public money in the bank, for carrying into effect certain powers of the Government, confessedly belonging to them, and directing an officer, which by law it could command, to see that it was used for that purpose, has actually lost the control of that money, together with the execution of undoubted legislative powers. They have passed into the hands of another department of Government, that claims them solely upon the ground that Congress was silly enough to place them in the hands of one of its subordinate officers, who has no right to think for himself; and therefore, under the appointing and removing power, that department now gives out that it will execute the powers of the constitution intended to be performed by the bank, by a new "experiment" of its own, altogether upon a new plan. Was there ever such a political trick before? and, what is worse, it is now contended that it cannot be remedied but by two-thirds of Congress--a thing impossible, with the patronage of the Executive, and in the present high state of parties.

This measure is further attempted to be justified upon the ground that the Treasury Department is not only a part of the executive branch of the Government, but that the power of appointment and removal of its Secretary necessarily involves the right to control him and his judgment in all things relating to his office. If this be true as to him, it is equally so as to all other officers under like circumstances, whether in the army or navy, or indeed in all the civil branches of Government. Now, what results from such a principle? In all the laws of

Congress, passed in every administration, in which a given specified duty is required of an officer, the President can prevent its performance if it does not happen to please him, by his removal, and obtaining a more complying instrument, who, for the sake of office, will disregard the required service. Take for example a case from this same officer, the Secretary of the Treasury. He is required by law to make his annual reports to Congress. Now, under the doctrine that he is an executive officer, and answerable to the power that appoints him, the President takes it into his head that the law is unconstitutional, and, by way of "experiment," requires him to make his reports to himself, instead of Congress. Does any one believe, after what has happened, that Secretaries might not be found ready and willing to do this? And what makes this matter intolerable, the President throws the Legislature into such a position that they cannot redress the mischief, unless they can obtain two-thirds of each branch of Congress to concur in the counteracting measure, or two-thirds of the Senate, if that measure should be impeachment. Will any one point out a sensible difference between such a state of things and an absolute despotism? If this is not doing what seemeth good unto a ruler, I know not what is.

But if the appointing and removing power effects so much for the Executive, it must equally do the same for the Legislative and Judiciary Departments. Let us take an example from the latter, by way of illustrating this point. It will be admitted that the Congress which passed the bank charter had the power to have selected any other officer than the Secretary of the Treasury (and this proves the public funds were at their exclusive disposition) to perform what is therein required. Suppose, then, that they had chosen the reporter of the Supreme Court to have done what was intrusted to the Secretary, (being a high legal character, and seeing that the duty to be performed was principally the construction of a charter, intended to affect constitutional powers, it would not have been a very inappropriate choice,) does any one believe that, because the Supreme Court has the appointment and removal of this officer, they would dare to control him in the exercise of his honest judgment in relation to his trust? Would they seek to rob the Congress of the management of the public funds and their legislative powers, because they had required a certain service to be done by an officer appointed and removable by them? And if they did, who does not see at once what an overwhelming indignation would burst from every quarter of this Union?

This illustration, then, clearly proves that, if Congress could select an officer, acknowledged by all to belong exclusively to the Judiciary Department, to perform an act for them which that department could not control, why might they not do precisely the same thing in relation to an executive officer, even supposing he was the exclusive agent of that department? But if he be a legislative officer, (at least so far as the finances are concerned,) or an instrument to carry into effect certain legislative powers--and this, the subject-matter of the charter, the character of his trust, the history of his creation, the genius of the Government, and the spirit of the constitution, all seem to confirm--who can doubt that the attempt to control such officer, merely by virtue of the appointing power, is not only a gross abuse of that power, but a wanton usurpation of the rights of Congress?

What are some of the consequences of this act?

I. As relates to Congress. It has lost a clear constitutional right to control and manage the public funds, and nothing remains to them now but to pass simple tax and appropriation laws, without any control of said funds for any of the constitutional purposes to which they were previously applied. The President henceforth will cause to be collected, transmitted, and disbursed, the public money—he will effect loans—he will regulate commerce—he will establish a uniform currency; Congress need give itself no further uneasiness on these subjects. Mr. Speaker, there is one hope left to the country: the President, respecting no right between his want and his will, between his purpose and his power, has rushed into a business, which, though too small for his ambition, is fortunately too large for his strength. This (to him) melancholy truth is daily attested by the increasing ruin and distress that is ravaging the land like a blasting mildew, and he will in the end war himself out of his own conquest over the bank.

II. As relates to the bank. This measure has wrought a shameful breach of faith. It has impaired the obligation of its contract, than which nothing can be more unjust. The stockholders are robbed of the only consideration that has induced them to let the Government pry into their proceedings, to make their weekly and monthly returns to it, by which the Secretary is possessed of all their secret operations, all their weak points, all their resources; and, profiting by this advantage, he can and will give the State banks, to which the deposites are removed, such information and direction as may annoy, if not cripple, their operations to the end of the charter. To an honest mind, this reflection is intolerable. To retain a right to the secrets of the bank, after withdrawing what was the actual consideration for this right, is an instance of bad faith that must shock every man's sense of honesty.

III. As relates to the Government. This breach of faith will have a most disastrous effect abroad upon the character of the Government. It has been the peculiar object of the American institutions, founded, as they are, upon the representative principle, to establish a reputation for unblemished faith. Sir, if good faith be but a bugbear, if it be nothing but a name, then it is a thing of pastime, and unworthy of regard; but, if it be the life and soul of all the confidence between man and man, if it be the very spirit of honor in a nation's character, then it may not be trifled with. The violation of this invaluable principle towards the bank will weaken the confidence of our own people in the justness of their Government; but to those abroad, who have their immense capital flowing through all the diversified channels of enterprise presented by this growing country, stimulating its industry, invigorating its confidence, and increasing its wealth, it will be a severe shock. A sudden check will be given to the circulation of this capital, and perhaps, by its withdrawal altogether, involve some of the most hopeful prospects in one general ruin. In Europe, all the ramified operations in trade and commerce, depending upon the credit of American stocks, will be instantly impaired, and this will as certainly react upon the United States as that water will flow from an opposing barrier, adding a deeper gloom to an embarrassment which has almost reached its last point of endurance.

IV. As relates to the country. Never was there such a wide miscalculation as that which has resulted from the removal of the deposites. Its expected benefits are turned into the most unspeakable mischiefs, and these have reached down to and parted the very roots of society. Perhaps it is the only measure of the administration, that, in its effects, may claim the merit of perfect equality. Equal suffering is alike the lot of all; it exacts its tribute of distress as well from the daily bread of the laborer, as from the cargo of the merchant that rides upon the seas. This ought to have been expected; and if any reliance could have been placed upon the report of the committee who investigated the bank two years ago, (and many bottom all their opposition upon this report,) it would there have been found that a similar distress, existing at that time, was accounted for upon precisely the same causes which have produced the present calamities.

There had been an unusual contraction, on account of the payment of the public debt, after an unusual expansion of its discounts; and the consequence was, as it now is, but not to the same extent, a great pressure upon the commercial interest. The report stated that "the bank has its legitimate banking capital with which to do its regular business, and accommodate the community. As it collects the public revenue, it is enabled both to avail itself of the advantage of employing it to its own benefit, and to the accommodation of the commercial community, who principally contribute to its payment, by commencing the discounting of business paper, payable within or about the time they know they will be called upon to make the payments on account of the Government; and, as they gradually approach that period, they must also shorten the period which the business paper has to run, until they arrive at the time of the call of the Government, when the business paper will have been paid off; the bank then pays the Government, and the Government immediately again circulates it among the community. The operation, as thus described, appears to the committee too plain and simple to require any further illustration; and, if the principle be sound, and has been acted upon by the bank, they cannot discover in what manner the operations of commerce could have been disturbed, or the value of pecuniary investments have been affected by the payment of the public debt." It will now be perceived, that, if the then existing pressure could have been prevented by a proper management of the revenue, in the way of loans to the mercantile community, a most disastrous convulsion must succeed the sudden withdrawal of that revenue altogether.

What! take away ten millions, and so suddenly, that it may be fairly said to have been snatched from the bank, and yet require it to go on as above described, to keep up the operations of commerce, and sustain the value of pecuniary investments! How unreasonable! This is the most barefaced and shameless of all the hostilities waged against the bank. To aim at its total destruction, to inflict the blow intended to make it reel to the earth, and which has actually staggered it, and then cry out, You ought to go on as though nothing had been done! This is a draft upon public credulity, which, for the sake of good sound sense, must be dishonored. In the pressure before referred to, there had been a considerable reduction of discounts, but nothing compared to that which the bank has lately been compelled to make by reason of the actual withdrawal of ten millions, and the withholding all the deposites since, which, up to this time, are nearly ten millions more. Upon that reduction the same report continues: "This reduction by the bank and its branches, has probably compelled a similar reduction on the part of the State institutions, in proportion to the amount of their loans in each of those places. In this, and this alone, the committee are fully persuaded is to be found the true secret of the pressure which has existed, and does still exist, operating upon the commercial community. That this pressure will continue for some time to come, the committee fear; for the expansion has been so great, that the contraction which is now in operation cannot, in the opinion of the committee, be effectually checked and controlled, without a necessary curtailment of discounts. If the bank possessed the ability to sustain itself without curtailing its discounts, the revenue falling due the present quarter might be collected, and facilities granted during the time, (upon the principle before pointed out,) to the commercial community, and disbursed again by the Government, without any inconvenience being caused by the operation. But such ability, the committee are well satisfied, the bank does not possess, nor can it at present command."

If it could not then, every body sees it cannot now. It has no quarterly revenue coming in; deprived of what it had, and cut off from its usual supplies, it must be a wonderful institution indeed, if it now "possesses the ability," or can "command" it to extend its accustomed accommodation without "a necessary curtailment." No one expects it, not even the administration itself.

Listen to what the President says, or rather what he is made to say, in his famous manifesto to the cabinet. After stating the country "was never more prosperous," he adds: "The President verily believes the bank has not the power to produce the calamities its friends threaten. The funds of the Government will not be annihilated by being transferred. They will be immediately issued for the benefit of trade; and if the Bank of the United States curtails its loans, the State banks, strengthened by the public deposites, will extend theirs. What comes in through one bank will go out through others, and the equilibrium preserved." That is, if this means any thing, (which I very much doubt,) the public deposites will make up in dancing what they lose in turning round. Now where are the deposites? If they are not "annihilated," why do they not relieve the distress of the country? If they have "come through one bank," why don't they "go out through others?" Where is that promised equilibrium? If the President is disappointed, and finds the State banks cannot "extend their loans" with the deposites, how can he expect the United States Bank to do it without them? Robbed of the deposites, "he verily believed" the bank had no power to do mischief. Besides, the prime agent himself, in selecting the deposite banks, declared that the bank would have to curtail, but he believed that the pet banks would extend their discounts upon the strength of the deposites, and thereby counteract the effect of such reduction. In this, he and his master have been wofully mistaken, and herein lies all the mischief. Persons who have made such horrid miscalculations have surely forfeited all claim to further confidence in the management of the public finances; and the sooner we can get them out of their hands, the better for the country.

But, Mr. Speaker, we are told, (and I confess it is the strangest idea that I have met with in all this matter,) that though it was wrong to remove the deposites—and I believe that nine-tenths of the community pronounce that verdict, among whom are some of the best friends of the President, both in and out of Congress—yet, being removed, they ought to remain where they are, because some think the bank unconstitutional, others that it is dangerous, and many profess to dread that their restoration will lead to a recharter of the bank. I own I am utterly at a loss to comprehend such logic; and as to its morality, it is absolutely shocking. What! a wrong can be done, and no reparation! Wrong is a relative term, and implies injury to some one, and must continue to the end of time unless redressed. Who is wronged by this act? There are but two parties to the contract. Is it the Government? The deed was done by her own agent, and, as he supposed, for her benefit; and the strong determination to hold on to the deposites, shows that the wrong is not to her. It must then be the bank that is wronged; and will any one admit that fact, and then have the hardihood to affirm, in a country where the Bible is believed, that one to whom a wrong has been done ought not to be redressed? Can an act be right in us that is wrong in another? Can the principal defend what disgraces the agent? Wrong may admit of degrees in its effects, but before the eternal throne of Heaven it admits of none in principle, and therefore I put a case.

If the Secretary, under the belief that the bank was unconstitutional, dangerous, or ought not to be rechartered, (the very plea for withholding the deposites,) had reported to this House that a magazine was safely concealed under the bank, connected with a well-laid train that led to the foot of the Capitol, and only awaited the orders of the House to have the match applied to blow it into ten thousand fragments, who is there among us, if he be an honest man, that such a proposition would not send a tremor to his very heart? And yet it could be from no other reason than that the deed was wrong, and wrong to the bank. If such a project to get rid of the bank would be wrong in the Secretary, who does not see it would be equally so in us? Do not let the delusive idea that the effects would be different, seduce the conscience into a most treacherous quietude. It matters not to the bank whether you rob it of a right by power or by fire; you have done so, by plainly admitting your act to be wrong; and every consideration of justice, good faith, and moral obligation demands immediate reparation at your hands. Let it never be forgotten that "righteousness exalteth a nation," and injustice is "a reproach to any people." This may be considered an extreme case, though it by no means changes the principle; yet I will put another, somewhat more probable, that might occur, and has been threatened, in this season of political gambling, where the proper divisions of power, known to the constitution, form no barrier to the projects of ambition. In this same charter, where the Government pledges its honor and faith that the deposites should remain with the bank, is another equally sacred promise, lying side by side with it, that it will receive the bills of the bank in payment of its revenue. The President appoints all the revenue officers, and, consequently, can remove them. Remember, by virtue of this power, and by reason of their connexion with the Treasury Department, which he contends belongs to his direction, he can control their will and judgment. Accordingly he "takes the responsibility," and issues the order to them not to receive these bills either for lands or customs, under the penalty of forfeiture of office, giving as his reasons that the Government directors had convinced him by the most "damning facts" that the bank ought to be destroyed (for that was the object) "as being necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise." He meets with few Duanes, but enough of his opposite character, and the work is done! This is a wrong, and a gross wrong to the bank, precisely in principle with the other, and in its effects of no higher injury. Is there any one prepared to say that such a usurpation should not be corrected, because the bank was unconstitutional, dangerous, or might be chartered again? Let it not be said that no part of the charter gives the President the right thus to interfere with its bills. Will such objector show that part of the charter which gives the President a right to intermeddle with the deposites? But the worst of it is, the mischief being done, the veto power prevents it from being undone, unless two-thirds of the people's representatives concur in the measure; thereby altering the legislation of the country from the simple exercise of the will of a majority, its accustomed and constitutional practice, to that of the will of two-thirds; a power in a minority, headed by a popular Chief Magistrate, which all the moral force of society, aided by the combined energies of reason and remonstrance, could not withstand.

These are my views of the subject, in which I do most sincerely believe there has not only been an abuse, but an actual assumption of power; one infinitely more dangerous to the liberties of the country than that connected with the charter of the bank. It is the abuse of the appointing power to usurp the moneyed power of Congress. The abuse of power would have been enough, for the perversion and violation of law are one and the same thing; this was the true ground upon which the State rights party of the South so perseveringly attacked the tariff system. In the call which my colleague made upon the State rights party to go with him in sustaining the Executive Department in the removal of the deposites, he surely could not have perceived the inconsistency to which he would subject them. They who have been so arduously engaged in warring against the abuse of power on the part of the Legislature, could not, so soon after achieving such a glorious victory, turn round and employ their arms in support of an Executive usurpation, transcendently more outrageous than any which has ever yet cursed the country! I have not so learned the lessons of State rights.

Before I conclude, there is one ground of complaint against the bank that, no doubt, constitutes the head and front of its offending, which I wish to notice. The President, among other reasons, considers it important to remove the deposites "to preserve the purity of the elective franchise," which, he affirms, has been grossly abused by that institution. It is not my intention to enter into a defence of the bank. I have another use for this suggestion; and, before I develop my object, I must be permitted to express my astonishment, nay, utter amazement, at the intrepidity of mind that could advance such a charge in face of such constant and similar accusations against one of the executive departments. Can it be possible that the President is kept ignorant of the repeated charges brought against the Post Office Department for this same sin? They may not be true, but yet they afford this instructive lesson—how cautious we should be in crediting against others that which we would not wish to be believed against ourselves. If they are true, then they ought to be corrected; at least it is not unsafe to follow the precepts of that best of books, which uses this language: "Thou hypocrite, first cast the beam out of thine own eye, and then shalt thou see clearly to cast the mote out of thy brother's eye."

Ninety-nine hundredths of the American people know nothing of the extraordinary number of appointments made by the President; and if they could see a certain book, well known by the name of the "Blue Book," they would see that, through the Post Office Department alone, he has the disposal of thirty thousand offices, and many millions of dollars. These reach from Maine to Louisiana. Now, sir, every one must instantly perceive what a machine this is; and, if rumor does not lie, never was one so faithfully applied for corrupting the elective franchise as has been this powerful engine. Nay, sir, it is said that it has overstrained itself at the work, and is actually falling under exhaustion.

These are some of the charges which daily meet the eye in every paper that issues from the press: That it is bankrupt, being indebted more than a million of money, and, what is worse, a part of this was borrowed from banks at the time the institution reported itself in a flourishing condition; and it would so have continued to do, but for the fact of its insolvency having been reluctantly drawn from it by a resolution of Congress. That it is in the habit of favoring certain contractors, to the manifest prejudice of others, by a concerted arrangement to have their propositions made so low as to insure their success; and that it is afterwards made up to them by extra allowance, and that, too, in cases where no extra service is performed. This fact is strengthened by a reference to the "Blue Book," where it will be found that the extra allowance exceeds the original contract in many cases by half, by the whole, and by double its amount. That post offices have been established, routes extended, and contracts made, where they were not needed, merely for the purpose of making political friends, and, by the increase of such unnecessary facilities, the department has ruined its finances; and now, to bring it within its expenditures, facilities in other quarters of long continuance, and absolutely necessary, are discontinued, to the ruin of contractors; and this operation is regulated by the political hue of the country through which they pass. That great derangement in the mails has resulted from a want of punctuality in the department in paying off the contractors, many of them having received nothing for three quarters, while favorites have been duly paid. That the newspapers of the presses friendly to the administration are duly and regularly conveyed, while those of an opposite character are most shamefully misplaced and delayed. That postmasters are turned out of office on account of political opinions, without a hearing, and upon secret information; and this, too, for the express purpose of interfering in State politics, to aid one party against another. This, sir, is not report; I pledge myself to prove this fact before any committee the House may raise to investigate the department.

There is now going on in the State of Georgia one of the most cruel proscriptions that ever disgraced any country—a despotism more insolent and intolerable than was ever exercised by the Sublime Porte. Though the Federal Government is a representative one, and founded expressly for the good of the people in each State, and not for the officers, yet towns and villages cannot procure a postmaster suited to the wishes of a majority of their citizens, and men are placed over them by the recommendation of political partisans living hundreds of miles off. The doctrine of the department is, as was openly expressed to me, that they may make removals and appointments without giving reasons for them; that the granting a hearing to the accused postmaster is a matter of perfect discretion; and that they will or will not, as may seem good to them, accord to him this inestimable privilege, so dear to liberty, and so sacred to our free institutions. And while they hold this doctrine as being necessary to have agents connected with the department disposed to support, and not to thwart its views, they displace them, without giving them an opportunity of showing that they have not even violated their own requirements.

They further state they will not retain postmasters who interfere in elections on either side; and yet postmasters are known to meet in conventions and public assemblies for the avowed purpose of promoting the election of individuals whose politics are approved by the department. When was one of these ever turned out of office? Will any one point me to the case? Is it reasonable to suppose that, among all the postmasters of the United States, none but those in the opposition intermeddle with elections? No one believes it. This is a piece of unmanly deception. The department does not act up to its own professions, or else eleven postmasters who met in a late convention to make a President would be removed. Let me not be misunderstood; I care nothing for their removal; as freemen, let them meet when and where they please, and, more especially, vote as they think proper; but away with this affected profession of impartiality. Let the department come out honestly, and not attempt to carry their tyrannical and high-handed measures under the hypocritical cant of rigid equality. There is nothing of it. A certain party in Georgia is about to feel the weight of the administration through this torturing machine, instigated to the unholy work by its opponents. A false charge, secretly gotten up by the personal or political enemies to the officer, and conveyed through Government retainers, insures his removal, and some recommended favorite takes his place. But, thanks to the principles which that party advocates, and the eternal truths it maintains, they will be all-sufficient to bear it out even against the unfeeling despotism of the Post Office establishment. While, however, this work is going on, let them not dare to charge any other institution with corrupting the elective franchise. History has no parallel to the undue influence which this establishment has exerted in elections since this administration came into power; and now, having exhausted its energies, and literally broken itself down in the foul and dirty service of every thing but the original design of its creation, will not the people, if they reorganize it, place it beyond the power of renewing its mischiefs? Some of my statements I know to be true; others, like those against the bank, are founded upon report, which I shall take the liberty to believe, if the department does not ask, and speedily too, an impartial committee to investigate its affairs; and, while the President is asking for a committee to examine the bank, let both investigations be contemporaneous.

Mr. Speaker, this is the first fair opportunity that has presented itself to make satisfaction for wrongs which I believe I myself have committed—not from malice, for I entertain that passion against no human being; but from an overwrought and incautious zeal. In my opposition to the bank on a former occasion, I have carefully reviewed my remarks, and find reflections and insinuations that are unworthy of me and the cause they were designed to support. They were calculated to wound the feelings of many high-minded and honorable men in and out of the bank; and, if such has been the effect, I can offer no higher reparation than the public expression of my regret. I retract every thing personal, either in fact or tendency, and rejoice that, when I have done a wrong, my sense of justice inclines me to redress it. Neither a dictate of false pride, nor a dread of even deserved reproach, shall ever interpose between the injury, of which I have been the unguarded cause, and the due retribution necessary to its full atonement. I do not pretend that this is a sentiment peculiar to myself; it exists in every mind to some extent, and sooner or later is apt to exert its just control. Sir, the day may yet come when the present Chief Magistrate shall feel and own its sway. When he shall have reached the repose of private life, removed from the tempests of political strifes; when he shall have ceased to be useful to flatterers and sycophants, and, standing upon that critical confine, where the time past of a long life is to be reviewed in the short span of that which is soon to end; if no other wrong, of which he has been the author, shall extort its merited confession, that at least of the injured Duane will wring a repentant sigh. His imagination must wander into the innocent family of this abused individual, from whose quiet bosom he was reluctantly withdrawn; and, after surveying the peace which he has disturbed, the feelings he has tortured, the friendship with which he has sported, the integrity he has distrusted, the independence he has despised, and, above all, that spotless reputation his minions have attempted to defame—if his heart shall not obey the dictates of the generous sentiment I have described, it will be wanting, greatly wanting, in a principle with which even his fame of battle cannot compare, and will justly reduce the glory of his military fortunes to an empty pageant.

COMMUTATION PENSION BILL.

The House resumed the consideration of the bill "to provide for the settlement of certain revolutionary claims."

Mr. BROWN, of New York, said, when the Chair first announced that the bill under consideration was upon its third reading, it was not his intention to submit any remarks upon the subjects embraced within its provisions. Coming as it did into this House, with the unanimous approbation of the Committee on Revolutionary Claims—containing no principles which have not been repeatedly recognised by Congress, and having gone through the Committee of the Whole without a single objection—he did suppose it would encounter no opposition in its further progress and final passage. In this expectation, however, he was sorry to find himself disappointed; and, as all the examination and reflection he had been able to bestow upon it had confirmed the opinion he then entertained of its merits, he would avail himself of a moment's indulgence to state the grounds upon which he formed his conclusions in its favor.

It appears upon the journals of Congress, (what, indeed, has long since been inscribed upon the page of history,) that, as early as the 15th of May, 1778, seven years' half pay was, by a resolution of that body, promised to those officers who should serve to the end of the war; and the same provision was, by another resolution, bearing date the 24th of August, 1780, extended to the widows and orphans of such officers as should die in the public service. On the 21st October, 1780, by another resolution of Congress, half pay for life was promised to those officers who should serve to the end of the war; and in the new organization and arrangement of the army which took place subsequent to that period, the same half pay for life was also promised to such as should be reduced and put out of service by such new arrangement. Let it not be forgotten, Mr. Speaker, in a discussion which affects the rights of these heroic men and their representatives, that with the same generous devotion to the public welfare which marked every act of their public lives, and with a magnanimous deference and respect to the apprehensions of their countrymen, (who saw, or supposed they saw, something dangerous to public liberty in the existence of so many privileged individuals,) they freely relinquished a vested and unquestionable right to this compensation, and, under the resolution of March 22, 1783, agreed to accept, in lieu thereof, five years' full pay, in money or securities, at six per cent. interest. And here, said Mr. B., permit me to stop and inquire what was the nature of this undertaking, upon the part of the Government? Was the half pay for life, or the full pay, secured by the resolutions of Congress, a gratuity? a voluntary donation, made without an equivalent or a consideration? By no means, sir. It was the price of many a privation, the hard-earned wages of many a toil, and the reward of years of painful and perilous suffering. Claims, therefore, under the resolutions, are not applications for favor or bounty, or for the exercise of liberality and public munificence; but they are debts, valid outstanding debts, resting upon the highest and best of all possible considerations. And when his honorable colleague [Mr. Vanderpoel] denominates the bill "not a pension, but a compensation bill," and urges, as an argument against its passage, the amount of money it will take out of the public treasury, he must have forgotten that it creates no new liability, and imposes no new obligation, but simply provides for the settlement and satisfaction of an indebtedness already in existence.

After the peace of 1783, Congress passed certain acts, commonly called the limitation acts, barring the payment of claims for half pay, and the commutation for half pay, after a certain period. And it has been said, in the course of this discussion, that the passage and publication of these acts were so many invitations to those having claims to come forward and have them adjusted. This is undoubtedly true, up to the time when the limitations were to take effect; but as they did not contain the usual exception in favor of infants, married women, and of persons beyond the seas, and of unsound mind, it is also true that, after the year 1794, when the latest limitation became effectual, they must have been regarded as so many declarations that all hope of obtaining satisfaction in any case was forever extinguished. Legislative acts, limiting the time for the prosecution of suits and the recovery of claims, are the offspring of a superior power, which is the common agent and common representative of the parties to be affected by such limitations. Upon Congress rested the liability in question. Congress was the debtor, one of the contracting parties; and, as such, it may well be doubted whether any act of its own could either extinguish or limit its liability, without the express consent of the other contracting party. Notwithstanding his veneration for the legislators of that day, and the respect which they were bound to pay to the acts of their predecessors, he did not hesitate to affirm that, after the liability of the Government was settled and fixed, and after the debts had accrued by the performance of the services mentioned in the resolutions, no exercise of legislative power upon earth could exonerate the Government from its obligations, without the consent of all the parties to the contract. In this opinion he was strengthened and confirmed by the subsequent action of Congress itself; for the validity of these claims has been repeatedly recognised since 1794, and acts have been repeatedly passed for the settlement and satisfaction of individual cases.

The bill under consideration provides "that it shall be lawful for all persons having claims to the commutation of five years' full pay in lieu of half pay for life, or to the seven years' half pay promised to the widows and children of continental officers dying in the service," to present the same to the Secretary of the Treasury, who is authorized to settle the same upon principles of equity and justice, and to prescribe the form of authenticating the evidence to be adduced in their support, upon the following principles: 1st. Any officer of the continental line, who was in service as such on the 21st of October, 1780, and until the new arrangement of the army, provided for by resolution of that date, was effected, shall be presumed to have been reduced by that arrangement, unless it appear he was retained in service. 2d. A continental officer, proved to have remained in service after such arrangement of the army, shall be presumed to have served to the end of the war, or to have retired entitled to half pay, unless it appear that he died in service, or resigned, or was dismissed, or voluntarily abandoned an actual command. 3d. A continental officer, who died during the war, and within three months after he is proved to have been with his command, shall be presumed to have died in service, unless the contrary appear.

It will be perceived that the operation of the bill will be twofold. It will relieve one of the standing committees of this House, and also of the other branch of the Legislature, of many long and laborious investigations, and relieve the two Houses themselves of much business which can be examined and settled with far more safety to the public interest at the Treasury. Legislative bodies are illy adapted to the investigation of claims requiring the examination of evidence; it is theirs to establish principles, and prescribe the rules of action, and not to apply the rule itself; and notwithstanding the ability with which a different opinion has been urged by the opponents of the bill, he believed, with the honorable gentleman from Pennsylvania, [Mr. Muhlenberg,] that imposition, fraud, or false swearing, (should there be any,) will be far more readily detected by the officers of the Treasury, who will have all the papers before them, and are accustomed to such investigations, than it would be by the committees or members of this House. It will also enable claimants having demands upon the Government to obtain their speedy adjustment, and avoid that tedious delay, that expensive and painful procrastination, that "hope delayed," which constantly awaits the action of deliberative bodies upon private claims. Who is there upon this floor, said Mr. B., who can look at the accumulation of claims, which year after year brings back upon the observation of Congress, until they become as familiar as the marble columns which decorate these Halls, (many of them unjust, it is true, but many of them founded upon the most meritorious services rendered to the country,) and not feel that Governments are justly obnoxious to the charge of delay, and slow to render that to individuals which it is their peculiar prerogative to compel individuals to render to one another.

If he was not mistaken in what he supposed fell from his honorable colleague, [Mr. Vanderpoel,] and his honorable friend from New Hampshire, [Mr. Pierce,] it is urged as an objection to the passage of the bill, that all just claims under the resolutions in question must long ere this have been settled. A moment's reflection would satisfy the House that this objection is founded in misapprehension. There were many very peculiar reasons, which existed at the close of the revolutionary war, to prevent their presentation for settlement. The poverty of the Government, its inability for a long period after the peace to meet its engagements, the great and honorable reluctance which many officers doubtless felt to add to the embarrassments of the country, by making drafts upon its exhausted treasury, the decease of many of those entitled to claim, and the operation of the acts of limitation—all contributed to postpone the settlement of these demands. And when, in addition, we recollect, said Mr. B., the acts which Congress have already passed in similar cases, and advert to the applications now before the House, upon proofs which the chairman of the Committee on Revolutionary Claims declares to be sufficient, there could not be a doubt that the objection was entirely without foundation.

Another objection is the act of 1828, which his colleague [Mr. VANDERPOEL] supposed was passed, or ought to be regarded as passed, in satisfaction of claims under the half pay resolutions. An examination of the act itself, and the very able report of the honorable gentleman from Rhode Island, [Mr. BURGES,] which accompanied the bill, will show that it was passed for no such purpose, and should receive no such construction. If such had been its intended operation, it would have provided for such officers, and the representatives of such officers, only as were entitled to, but had not received, their half pay, or commutation for half pay, under the resolutions of 1780 and 1783. Now, it makes a certain yearly provision (not to exceed the pay of a captain) for all the surviving officers, without distinction; and makes no provision whatever for the heirs and representatives of deceased officers who have not received the half pay, or the commutation promised by the resolutions. All its provisions show that it has nothing whatever to do with the claims under consideration, and could have no such construction as seemed to be contemplated by his colleague.

He would now consider the presumptive proof which was to guide the action of the Secretary of the Treasury. Neither the constitution nor the laws have provided any means by which an action may be brought to enforce the recovery and collection of a debt due by the Government; and it is universally admitted that it concerns the honor and character of the nation to see that its contracts are faithfully performed. If the committee proposed to apply the presumptive proofs to the transactions of later years, he would admit it to be most difficult to meet and encounter the argument made by his friend [Mr. PIERCE] from New Hampshire; but when the application of such proofs is made to the transactions of the revolution, it will be no very wide departure from the ordinary rules of evidence. These rules are not arbitrary, nor are they capricious in their nature; they are made to elicit and develop the truth, not to stifle and extinguish it altogether; and it is therefore that the best evidence which the nature of the case will admit is the rule which prevails in the jurisprudence of all enlightened nations. A court of justice sitting to determine upon the proof required to make out the due execution of a deed, or other written instrument, will be guided and governed in some measure by the time when it professes to have been executed. If it purports to be a paper of recent origin, a rigorous mode of proof will be applied and enforced; but if it be an ancient instrument, a more lenient and liberal rule will be suffered to prevail, or the idea of proving it at all would, in any nine cases out of ten, be abandoned as utterly hopeless. In a word, where the nature of the transaction is such, from its great antiquity, or the impossibility of procuring living witnesses, that primary evidence cannot be produced, secondary proof will be admitted. It appeared to him, therefore, that the committee, in adopting the presumptions in the bill, have done nothing more than extend the same wise and salutary rule to the class of claims embraced within its provisions. And when an officer is proved to have been in service on the 21st October, 1780, and continued in the army until its reduction under the resolution of that date, and another is proved to have been in service within three months of the time of his death, he could not, in the absence of all adverse proof, give his assent to the opinion that it was a violent and unreasonable presumption to say that the first officer was reduced by the arrangement of the army, and that the second died in the public service.

It was due to himself to say that he was not prepared to adopt the principle that officers proved to have remained in service after the arrangement of the army under the resolution of October, 1780, should be presumed to have served to the end of the war, or to have retired entitled to half pay, unless it should otherwise appear, until he learned that it was the same which had prevailed in the deliberations of Congress for some time past. And such was the solicitude which he yet felt with regard to the effect of this provision, that if any gentleman could propose a less objectionable mode of proceeding, without defeating the object of the bill altogether, he would willingly go with him upon any motion calculated to effect that object. In the event of no such proposition being made, he would vote for the bill, from a conviction that the right to apply the presumptive proof could be confided with greater safety to the Treasury Department than it could be exercised by the legislative branch of the Government. Reductions more or less extensive were effected in the army during the years 1780-'81-'82, by which no inconsiderable number of officers lost their commands, and were permitted to retire to their homes, subject to be recalled by the orders of the commander-in-chief. The army itself was disbanded in November, 1783; and from causes with which honorable gentlemen must be quite conversant, many officers were absent upon furlough at the memorable and eventful period of its dissolution. Congress will be careful not to avail itself in any manner of this temporary absence to say that an officer abandoned the service, unless he prove that he lost his command, or was absent on furlough. To adopt such a rule would be tantamount to a rejection of the claims altogether. Where, at this late day, shall a claimant look for this negative evidence of his fidelity? If he appeals to the muster-rolls of the army, or the records of the War Department, he will discover that most of them have been lost or destroyed; and if he appeals to his companions in arms, he will find that time has removed most of those gallant men from the stage of action, and age and infirmity has dimmed the recollection and impaired the faculties of the few survivors. Where, then, shall he hope for relief, if Congress shall apply the same severe and rigorous rules of evidence to the transactions of the revolution which the courts would apply to the transactions of yesterday? For his own part, he would, to the extent of his feeble ability, preserve the public faith inviolate, and leave no public obligation unperformed; and rather than leave demands for revolutionary services to the fate which too often await individual applications to Congress, he was willing, with the committee, to adopt the bill under consideration, with all its imperfections, if such they could be termed. If we should err, let our error be on the side of justice and the national honor, in favor of those who laid the foundations of this great fabric of free Government, the steady and persevering defenders of human liberty; and while looking back through the long dim lapse of years, which lie between our own times and the time of the dissolution of the revolutionary army, if we should discover among that band of heroic men one who has not shared the compensation promised by the resolutions of the old Congress, in the absence of all proof of his infidelity we should be willing to believe him faithful and true to the last, and freely should we reward his many sufferings, and his long and generous services, out of the abundance wherewithal it has pleased Providence to crown the land of his early and enduring affections.

Mr. WISE also defended the bill. It was no part or parcel of a pension system. It was merely rendering an act of justice to the individuals for whose benefit it was framed. The law of limitation alone prevented them from the possibility of recovering in a court of justice; and he was certain that House would not permit such a law to intervene betwixt the Government and these claimants, in the payment of a just debt. Mr. W. went at some length into the examination of the several classes of claimants, showing that Congress had acknowledged the justice of their claims by making special provision for some of them. He, for one, was not the advocate of a pension system; he came not here to beg a boon for any one. Mr. W., in conclusion, denied that this was a Virginia bill. There were four claims of the character for which this bill made provision for one in Virginia; there were more in the States of North Carolina and Georgia than in Virginia.

Mr. GILMER was in favor of the passage of a general bill, but certainly not the bill reported by this committee. A general bill was necessary, inasmuch as if it was left to the House to legislate on individual cases, it would never be done as it ought to be. Mr. G. having adverted to the remarks of Mr. Wise, who preceded him, on the statute of limitations, and in which the latter gentleman, as he conceived, had imputed blame to the Congress who passed that law—

Mr. WISE said, he had merely stated his opinion that the House would not let that statute intervene betwixt the Government and these claimants.

Mr. GILMER resumed. He said the half pay given to the officers and their widows was extraordinary pay, and the commander-in-chief had stated that the reason for it was, that the impetuosity and enthusiasm which animated them to the contest could not otherwise endure. Mr. G. went into a narrative of the circumstances connected with the object of the Government in granting the commutation. Many of the various classes of officers were at that period indebted to the Government, and the amount was deducted from their commutation. Another class, to whom invalid pensions had been granted, had to sustain a deduction from the pensions of the amount of the commutation certificates allowed them. Neither of these classes were provided for in the present bill; and it was therefore among many other reasons that he was now in favor of the adoption of a general bill on the subject. Mr. G. continued to argue with much warmth and energy on the necessity of extending an equal justice to all engaged in the great and arduous struggle of the revolution. If the present bill should be put in a proper shape, with provisions giving to an officer who had not received it the commutation to which he was in justice and equity entitled, then he (Mr. G.) would vote for it cheerfully. After some further remarks on the general principles of the pension system, and on the operation of that system, Mr. G. read a draught of instructions to accompany the bill on its recommittal.

The instructions were read, but, after a short discourse with a few members around him,

Mr. G. stated, that, at the request of some of his friends around, he would simply make the motion for the re-commitment, and withhold the instructions which he had read to the House.

Mr. MARSHALL supported the bill, and proceeded to consider the various claims of claimants, and advocated the justice of their respective claims. The lapse of time, so far from being a bar to the discharge of these claims, ought, he contended, to be regarded as an imperative demand on the Government to an act of retributive justice. If some had found an obstacle in the difficulty of finding the requisite evidence to substantiate their claims, others had certainly been obstructed in the acquirement of their rights by the construction given to the resolutions of Congress on this subject. With regard to the objection which had been urged, that claims would be urged, founded on lost records—it was true that various records had been destroyed; but, as regarded the payment of these claims, sufficient evidence existed to show which had been paid and which had not; inasmuch as a list of the certificates of the claims discharged was extant. The ground on which the bill was found, was this: that the department would be better able to decide on the justice of the respective claims presented than this House. Mr. M. then alluded to the way in which bills on private claims, reported by committees of the House, were necessarily passed. The House could have no responsibility in such cases, nor was it to be presumed that every claim was minutely examined by every member of a committee. It was impossible, then, that a responsibility could exist in that House. He then referred to the various acts which had been passed for the relief of individual claimants, both as showing the acknowledgment of these claims by the Government, and the difficulty and impolicy of legislating for these claims individually.

Before Mr. M. had concluded, the House, on motion of Mr. BURGES, adjourned.

Friday, March 7.

SANDY AND BEAVER CANAL.

Mr. THOMSON, of Ohio, obtained leave to offer the following resolution:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of granting to the State of Ohio a quantity of unsold, unappropriated public lands within the same, for the purpose of aiding said State in the construction of a canal to connect the Ohio canal with the Pennsylvania canal, by way of what is called the Sandy and Beaver route.

Mr. CLAY asked the mover to modify his resolution so as to send the inquiry to the Committee on the Public Lands.

Mr. MERCER remonstrated against such a course.

Mr. THOMSON refusing to modify,

Mr. CLAY moved to lay the resolution on the table. Negatived.

Mr. MERCER replied to some remarks of Mr. Clay, as to the engrossing disposition of the Committee on Roads and Canals; and observed, that bills of this character more appropriately belonged to the Committee of Ways and Means, as it was immaterial whether aid were granted in lands or money.

Mr. E. WHITTLESEY said that he had voted to lay the resolution on the table, not because he was opposed to the general object sought by the resolution, but on account of its phraseology, which seemed to take for granted that the particular route designated in the resolution was the proper route to connect the two great works referred to. Before such a question could be properly decided, it would be well first to inquire whether a canal could be constructed in the place designated. There were two routes which had been proposed to unite these two canals. The attention of the people of the western part of Pennsylvania, and of the adjacent portion of Ohio, had been called to the subject: and it had excited a very deep interest, not only in the immediate vicinity, but throughout the whole State of Pennsylvania. In evidence, of which it was sufficient to state, that a convention had been held the previous autumn, at which a respectable delegation were present, both from Pittsburg and Philadelphia, as well as delegates from along the whole line of both routes proposed. A committee of this body had been appointed to examine both lines; they consisted of very intelligent gentlemen, and had discharged their duty in an impartial manner, with a single eye to the public good of both States. This committee unanimously concurred in the opinion that the northernmost of the two routes was the best, and in rejecting that mentioned in the resolution. This decision corresponded with that which had previously been given by engineers of the United States, who had examined the ground. Yet, under these circumstances, his colleague came forward and asked that a committee inquire into the propriety of granting land for this particular route. Mr. W. thought the committee should go into no such inquiry, but should be directed to inquire which of the routes ought to be adopted, and to report the result of their inquiry, to guide the House in any appropriation it might think fit to make. He did not wish to prejudice the House in favor of either route. It was true that a company had been incorporated by the Legislature of Ohio to construct a canal on the route designed by the resolution, and that company had applied to the Legislature of Pennsylvania for a grant of land in aid of the design; but the Legislature of Pennsylvania had refused the grant, and had granted land for the other, or northern route, as preferable.

One report had been obtained from an engineer privately employed by the persons immediately interested, which declared that there was enough water for the canal; but he derived his information from another. Whereas the committee which had examined this route, as well as the other, had reported directly the contrary. Mr. W. again disclaimed any intention to oppose the resolution, provided it should be so modified as to take a general form.

Mr. STEWART moved to amend the resolution, by striking out so much of it as proposed to give the land to the State of Ohio, and also so much as designated the particular route of the canal. Mr. S. adverted to the importance of connecting the Ohio and Pennsylvania canals; and said that this canal would have an additional importance from lying on the very route of the great Chesapeake and Ohio canal, and, when constructed, would constitute in fact an extension of that great work. A considerable portion of the canal (perhaps over one-half of it) lay in the State of Pennsylvania; why, then, should the land, if granted, all go to the State of Ohio? Pennsylvania had an equal interest in its completion. Let it go to the work itself, and not to either State. As to the reference of the resolution, its object was to make a canal; and whether this was to be effected by a grant of land, or in any other way, the inquiry was appropriate to the Committee on Roads and Canals.

Mr. MASON, of Virginia, moved to amend the amendment, by striking out all appropriations of land, so as to have the inquiry merely into the propriety of granting aid.

The CHAIR pronounced this out of order, as it would not cohere with the other amendment, which the rules required that it should do, in order to be received.

Mr. THOMSON said, that, if the amendment proposed by the gentleman from Pennsylvania should prevail, he (Mr. T.) should be obliged to vote against his own resolution. He was surprised at the opposition which had proceeded from his colleague. That gentleman had always, like himself, been a friend to works of internal improvement; and he believed him, too, to be in favor of the main object of the resolution he had now offered; they only differed as to the route to be followed. He considered it rather irrelevant, on a mere proposal for inquiry, to go into statements as to the relative merits of different routes; this was a matter for the committee. But, as the gentleman had done so, he thought it proper to state, that the route in which his colleague seemed so much interested was from sixty to seventy miles longer than that described in the resolution. Mr. T. was in favor of a short cut. The State of Ohio had incorporated a company for such a canal. He had asked aid to what would be the shortest and best route for this improvement. He did not propose that the land should be given to a company, but to the State of Ohio; if it was given, the State would sell the land, and apply the proceeds to the purchase of stock in the canal.

Mr. WHITTLESEY and Mr. STEWART rejoined; and there was some discussion as to the length of the contemplated canal, and what proportion of it would lie in Pennsylvania.

Mr. THOMSON finally accepted the amendment proposed, as a modification of his resolution.

Mr. FULLER, of New York, observed, that that State also contemplated the construction of a new canal; and, if the public lands in Ohio were to be given in aid of the work mentioned in the resolution, he saw no reason why it might not with equal propriety be bestowed also in aid of that in his own State, which unfortunately contained no public lands. He referred to a contemplated canal from Rochester to Olean.

With a view to bring up the question, he would move an amendment, so as to include that canal. Mr. F. explained the route for this canal, and contended that, as it terminated in the Alleghany river above Pittsburg, the same general object to be effected by the canal in the resolution would be almost in the same degree promoted by the Rochester and Olean canal. It was very important to the State of New York, and no less to all the interests which lay below its mouth, in the Alleghany and Ohio.

Mr. STEWART suggested that it would be better to put this canal into a separate resolution.

Mr. FULLER said, he thought not; he liked to be in good company.

At this point of the debate, the hour for morning business expired, and the House passed to the orders of the day;

When sundry bills were read a third time, and passed. Some Senate bills were referred; and then the House proceeded to take up the private bills; a number of which were passed through committee, with little debate, and ordered to be engrossed for a third reading.

The bill for the relief of David Kilbourne, a Canadian spy, coming up, a very animated debate ensued upon it.

Mr. GRENNELL opposed the bill. This was not a case which ought to be brought within the rule granting relief for those engaged in the revolutionary war. He had no objection to reward, and that liberally, all acts of service, and even compensation for suffering and loss; but he believed it to be establishing a new principle to make good the confiscating real property. He had not yet heard any explanation of the facts upon which the committee grounded the recommendation of this bill.

Mr. THOMSON, of Ohio, called for the reading of the reports; which having been read by the Clerk,

Mr. T. said, he had not contemplated any opposition to this bill, since, in his view, there never had been a case presenting warmer claims to the consideration of the House. He thought the honorable gentleman's [Mr. GRENNELL's] principle somewhat too narrow; and, for himself, he could draw no distinction between real and personal property. Congress had heretofore bestowed gratuities in similar cases, and the principle of rewarding such persons had been admitted by all nations. Mr. T. entered into a statement showing there had been cases in this country, within the scope of which the above fell; and after a brief enumeration of the losses of Kilbourne, he concluded by trusting the House would sanction the passage of this bill for his relief.

Mr. **WARDWELL** followed on the same side, and briefly recapitulated the facts as detailed in the communications embodied in the report accompanying the bill. This man had sacrificed his all in the service of the United States, and placed his life in jeopardy. Through his means an army of ten or twelve thousand men had been saved from imminent peril, if not from destruction. Again, the claim presented itself, in part, in the nature of a contract, since Kilbourne had been promised indemnification for any loss he might sustain. No similar case had ever been brought before Congress, and probably never would again. Mr. W. said every pains had been taken, both by himself and others, to make a rigid investigation into the facts stated, and they rested on evidence considered conclusive.

Mr. **CHILTON** opposed the bill in an animated speech. All that he had heard from the advocates of the bill, so far from satisfying him, only made him stronger against it. The principle on which the bill was grounded ought never to be recognised. Here was a man voluntarily living under another Government, enjoying all the protection of its laws, and the advantages of its institutions, engaged in subverting the very liberties of the country in which he was living. Mr. C. said he detested treachery; and whether the usage of nations had sanctioned these principles of espionage or not, he, for one, would ever raise his voice against its recognition in this country. If the man had left Canada, had abandoned his country, and come over to the United States, he would not have objected to indemnification; but the circumstances of this case placed him beyond the claim of any bounty. Besides, he had already received as much as he was entitled to. Mr. C. put a converse case, and asked what would Congress think of one of our own citizens so acting, or of the Government who rewarded it? If, said Mr. C., we purchase treachery, we must justify it. He trusted Congress would never sanction a principle so revolting.

The further consideration of the bill was then postponed till Friday next.

The House then, on motion of Mr. THOMAS, adjourned till Monday.

Monday, March 10, 1834.

Mr. **J. Q. ADAMS** rose, and intimated a wish that the call of the States for the presentation of memorials might be commenced as usual, with the understanding that the memorials presented, in reference to the bank, should be accompanied only with very brief remarks explanatory of the circumstances under which they were adopted. He wished, himself, to have an opportunity of presenting certain resolutions adopted by the Legislature of Massachusetts. If the gentleman from Virginia, [Mr. Gholson,] who was entitled to the floor to-day, would yield it for the purpose of calling the States, there would, he presumed, be ample time left for the gentleman to address the House on the subject of the Virginia resolutions.

Mr. **GHOLSON** replied, that the honorable member from Massachusetts must be aware that Virginia had already once yielded the right of proceeding with this discussion for the convenience of the House. Being disposed, however, to extend every courtesy to the venerable member, he would, with the consent of the House, waive his right to the floor till one o'clock.

Mr. **MOORE**, of Virginia, objected, he said, to the further postponement of the Virginia resolutions.

Mr. **J. Q. ADAMS** said he was now more anxious than he was before to obtain an opportunity to present his resolutions; for, if not only the gentleman in possession of the floor, but every other member from Virginia, was to express his sentiments to the House on the subject of the Virginia resolutions, it was evident that it would be a long time before the States could again be called.

The leave not being granted, the House took up the

VIRGINIA RESOLUTIONS.

When Mr. **GHOLSON** rose, and addressed the House to the following effect:

Mr. Speaker: I regret that the few remarks which, under the excitement of the occasion, I had proposed to submit on the presentation of the Virginia resolutions, have been deferred so long; and I would now willingly postpone them altogether, did not the position which I have perhaps inconsiderately assumed raise the just expectation that I would proceed. Under these circumstances, I respectfully ask the indulgence of the House; and if I shall, to some extent, transcend the ordinary limits prescribed to similar debates, I trust that my apology will be found in the intrinsic importance of the resolutions themselves, and in the example of my honorable colleague [Mr. Patton] who preceded me.

The Governor of the Commonwealth was designated, by one of the resolutions themselves, as the organ to communicate them from the Legislature of the State to her Senators and Representatives here; and this officer, in discharge of the duty thus assigned him, has, in my judgment, faithfully and acceptably performed it, by frankly avowing his own approbation of the principles asserted in the resolutions, and expressing the wish that they may be approved and sustained by the Representatives of Virginia in the Congress of the United States. I have been utterly unable to discover in the letter of the Governor any thing derogatory to the dignity of my station here, or in support of the charge that he "has extended his official authority beyond its just and proper limits." It is, however, becoming in me to say, that this may result from an absence in myself of those sensibilities which belong to a proper self-respect, and that discreet and critical discrimination as to official powers and duties which so eminently belongs to "our day and generation;" for my honorable colleague, to whom I readily yield in matters diplomatic, has deemed it so worthy of reproof, that he has felt it his duty to arraign the Governor of his own State before the tribunal of Congress—to have the said letter solemnly read as an indictment against him—and having, to his own satisfaction, fairly convicted his excellency of a high misdemeanor, has proceeded, with no sparing hand, to inflict the merited castigation.

Waiving all plea to the jurisdiction of the tribunal selected by my colleague for the trial of State Governors, I beg the attention of the House to the charges of the indictment. And what official enormity has the redoubtable Governor of the Ancient Dominion perpetrated? Has he thrown obstructions in the way of "a faithful execution of the laws?" Or has he been plotting treason under the cloak of his old heresy, nullification? None of these—no, sir, none of these; but he has been guilty of the extraordinary presumption of having declared that he took "pleasure" in communicating the resolutions of the Legislature. I have no fears for the Governor under this charge; for really, sir, in these days of despondency, we have felt so little pleasure ourselves, and have heard of so little elsewhere, that we could not find it in our hearts to punish the enjoyment of it--most especially in the present instance, when it springs from a cordial concurrence of opinion between the Legislative and Executive branches of a Government--an auspicious indication that the people of Virginia are faithfully represented, and a salutary example for the study and imitation of executive power elsewhere. Whence arises it that the "pleasure" of the Governor of Virginia has so much displeased my colleague? Is it that a disagreement between the Legislature and Executive of our State would, at this particular time be more welcome intelligence to him? Or are we left to infer that the gentleman hopes to prejudice a popular cause in the State, by associating with it the name of an unpopular Governor?

But the Governor has moreover been guilty of "extending his official authority beyond its just and proper limits," in having dared to "hope" that the Virginia delegation in Congress would sustain the views of the Legislature. Now, sir, that this "hope," as far as it concerns my colleague, was rash and indiscreet in the Governor, I may not deny; and, in atonement, he will have to suffer an appropriate punishment--"that sickness of the heart which springs from hope deferred;" but that, in this or any other respect, he has transcended his official authority, or abused any principles of our institutions, or disregarded the dignity of the Virginia delegation here, I have been totally incapable of perceiving. Why, then, is it that he is held up to the censure and ridicule of this House, and his inoffensive letter classed with the "proclamation and manifesto?" Sir, some of his political opinions have not been very agreeable to his State; and now that his official duties are about to expire, and he to seek the seclusion of the mountains, he is selected as a scapegoat to carry to the wilderness, and to withdraw from public view, all those Executive sins and errors which have brought upon the country so much alarm and distress. I will not say that the sacrifice, thus willingly offered up, will be accepted by just and generous Virginia; but I must say, that she cannot fail to derive consolation from the reflection, that she need fear no Executive encroachments within her own limits, while she has upon her watchtowers sentinels like my colleague. Let me, however, beg him to be circumspect, lest, in constantly and intently looking in one direction, his disordered vision raise imaginary dangers, whilst real ones, from some other quarter, rush unexpectedly upon him. In facing to the front, it is but military to look to the right and left.

Mr. Speaker, the gentleman has informed us that he received the resolutions and request of the Legislature with the respect and consideration to which they were justly entitled. I am gratified; for, perceiving no more right in the Legislature to make the request than in the Governor to express "pleasure" in communicating it, I had feared that both would be arraigned together. Asserting, however, that the Legislature has abandoned the ancient principles of the Commonwealth, he has avowed his belief that they will not be sustained by the people of the State. Sir, this is not the first time that this opinion has been hazarded. Desperate as the expedient is, many have resorted to it for the purpose of diverting public sentiment from its ancient channels; nothing is more usual than to claim a majority, hoping thereby to get a majority; but the scheme failed in 1799--it failed in 1833--and it will again fail in 1834; and those who have had the temerity publicly to "appeal" from the Legislature to the people, will find the court above confirming the judgment of that below; and, unless they shall be able, under the provisions of some favorite law or other, such as the "Force bill," to remove their cause to a Federal tribunal, their suit will be lost, and lost forever.

My own experience in that body convinces me that the Virginia Legislature has not misrepresented the people, by such a vote as that which passed these resolutions. The intelligence of the bodies, their habitual caution and deliberation, their just sense of the obligation of representative responsibility, all conspire to disprove it. The Legislature is composed of 134 Delegates and 32 Senators, distributed among the four great political divisions of the State, according to the principles of the nearest practical justice and equality. With an extended territory, a numerous population, diversified interests, and various pursuits, the harmony of legislation is often disturbed by conflicting views and sectional discords; but, in despite of all this, here are principles asserted, and resolutions adopted, by a vote of more than two to one of the entire representation of the whole State, and of the representation of each division of the State; and yet we are told that the people are misrepresented. But more: the State has been constant and abiding in her constitutional opposition to the United States Bank, and she moreover sustained General Jackson, at his last election, by a vote of more than two to one. But all these--her internal dissensions, her implacable hostility to the bank, her early attachment to Jackson--all have been totally inadequate to reconcile her Legislature to the late extraordinary abuse of Executive power involved in the arbitrary removal of the public moneys from the depositories in which they had been placed by law. Nor does the old republican party of the State stand alone in this opposition. State rights men, national republicans, and nullifiers, concur, finding no room for cavil or dissension; whilst the minority is composed, for the most part, of the few most steadfast in their adherence to the proclamation, or most inflexible in their support of a particular "succession" to the presidency. It is the smallest minority known in the history of the legislation of the State on any great and much agitated political question. Madison's report and resolutions passed by a majority of 100 to 60 or 61, and the doctrines of the proclamation were disapproved by a majority of less than seven to five. But the most important of the resolutions now presented were all adopted by overwhelming majorities; the first being passed in the House of Delegates by a vote of 83 ayes to 41 nays, and in the Senate by 22 ayes to 10 nays; and the second by 89 ayes to 35 nays in the House of Delegates, and 21 ayes to 11 nays in the Senate, &c.

There is another characteristic of these resolutions, to which, as a Virginian, I feel pride in calling the attention of the House. No two of them were adopted by the same vote, and I refer to the fact as evidence that each was deliberately examined, and decided by its intrinsic merits; and, for the further purpose of demonstrating that, as yet, party tactics and dictation have found no abiding place in the legislative councils of my State, and that they are happily exempt from all that machinery of "tickets," and "caucuses," and "conventions," which, in my best judgment, is calculated, not only to "trammel" representative bodies in the "shackles of party," but to drown the voice and traffic away the liberties of the people themselves.

But my honorable colleague has not only labored to impair the influence of his State by charging her Legislature with having misrepresented the people; he has proceeded in the spirit of a most inquisitive criticism, to analyze the resolutions themselves, and, after having subjected them to a logical dissection, informed us that he was at a loss to understand their meaning. Sir, said he, if they mean this, they are incompatible with her former principles; if they mean that, they are a truism; and the learned gentleman, in proceeding, has felt it his duty to expose his own native State, the "blessed mother of us both," to the same contempt and ridicule here to which a learned statesman of England exposed the nonsense of a foolish member of the House of Commons. Sir, be it so. If this venerable old Commonwealth must be chargeable either with folly or an apostacy from her ancient political faith, I trust that she will submit with due humility to the former; ignorance is a misfortune, but apostacy a crime. But little did she dream that, in this day of extended education and wide-spread knowledge, when sons are, of course, wiser than their mothers, one of them, whose rising prospects she has watched with so much pleasure, could ever have assumed the ungracious office of exposing her foolishness to the laughter and scorn of more distant relations. Sir, until I saw the papers of this morning, I had fondly hoped that, after the ardor of debate had subsided, and the gentleman had retired to the stillness of his study, to prepare his remarks for the eye of his State, and of his children when he is dead, in the spirit of filial affection he would have dropped a tear on his charge and blotted it out forever.

Virginia needs no accusations at the hands of her children; she receives enough of contumely and reproach from other quarters. If I have not been misinformed, it has not been long since he, whom she generously aided to elevate to the highest office on earth, classed her as second only to despised South Carolina in the scale of political degradation; and we all know that she is not denied her due proportion of invective, abuse, and detraction, from the "official" and other kindred presses. But all these pass by her unheeded; with her eye steadfastly fixed on the constitution and laws of the Union, she sees them not; with her footsteps firmly planted in the path of public duty, she regards them not; with a heart full of devotion to the best interests, glory, and prosperity of this great confederacy, she feels them not. To the present administration she is not without gratitude, for some of its practical measures have tended to sustain those great principles which she has ever so cordially espoused. With the early opposition to it she cannot harmonize, because she holds but few political opinions in common with that party; but, as heretofore, she approved and sustained it when right, so then and now she claims the privilege to condemn and censure it when wrong. Judging it by its acts, and its acts alone, she stands aloof from the mere party strifes of the day; but when it becomes necessary for her to strike for the constitution and laws, I trust that she will ever, as on the present occasion, come forth in her strength, and come, like Minerva from the brain of Jupiter, armed and undefiled.

I pass with pleasure, Mr. Speaker, from the humble duty of defending the Executive and Legislature of my State from the unkind, and, as I think, unmerited attacks which have been made upon them. I approach the consideration of the resolutions themselves; and while I shall maintain that they are not only true, but strictly consistent with the principles of the State, I have to regret that my colleague did not continue through his speech, as in its commencement, to regard the great principle contained in them as a "truism." That principle, in its plain and simple meaning, is, that the preservation, disposition, and control of the finances of the Government is, in its nature, and by the constitution, a legislative function; and that any interference with its exercise by the President directly, "on his own responsibility," is an "assumption of power;" while an indirect interference, through the power of removal, manifests a disposition to "extend his official authority beyond its just and proper limits." Now, if the position contended for by the gentleman, and in fact by all who have sustained the late extraordinary measure of the President, be true, that the "Treasury Department is, in its nature and functions, an Executive Department," the principle above is not only "not a truism," but is utterly fallacious.

To the Treasury Department belong all the fiscal and financial labors, duties, and operations of the Government; and if these be executive functions, the President is responsible for their wise and faithful performance. Nor is he responsible to Congress; for in matters purely executive, he is a co-ordinate, independent branch of the Government, and owes responsibility only to the States or to the people. Congress cannot restrict or circumscribe his discretion, supervision, or control over subjects confided to him by the nature of his office, as moulded by the constitution. Hence, if the safe-keeping of the public moneys be an executive duty, the 16th section of the bank charter itself, which directed them to be "deposited in the United States Bank," was unconstitutional, the resolution reported from the Committee of Ways and Means the other day, advising the passage of laws directing the manner in which they shall be kept and accounted for by State banks, is unconstitutional; all the present struggle to restore them to the United States Bank is unconstitutional. Congress may, with all solemnity, order them back; but the President may utterly disregard it. The President has the money. The President has the constitutional right to the money; and the President is not responsible to us for the money; or, if it please his fancy, he may pursue another course designated to him in the course of this debate. We may pass our resolutions--the President will veto them: we may reconsider, and again adopt them by majorities of two-thirds in both Houses, and the deposites may be restored: and the very instant after, the President, either through his right to "control" the Secretary of the Treasury, or his power to "remove" him, may again take possession of them, and "keep" them to his heart's content: these are the legitimate consequences of gentlemen's opinions. And why, sir, will they not suffer their principles to regulate their practice, and frankly, and at once, abandon the public treasure to the will and discretion of Executive power?

Sir, the Treasury is not an executive department. It appertains to the legislative branch of the Government in its character and functions; and the gratuitous assumption to the contrary constitutes the great and fatal error which lurks at the bottom of all the defences of Executive encroachment that we have heard.

In investigating this question, gentlemen have but lost their time in contemplating the abstractions of political philosophy. We live in the era of written constitutions; and those who choose to look beyond the federal constitution itself, cannot refer to any authority of so binding obligation as other written constitutions of the same country and character, existing at the time of its formation. Such are the old constitutions of the States--from which, not only its genius and character, but sometimes its very language, is derived.

Now, every State constitution which existed in 1788 professed to keep the executive and legislative branches of Government totally separate and distinct; and yet, not one of them can be found which did not inseparably connect the Treasury Department with the legislative branch.

That of New York, while it provided, by the 19th section, that the Governor should "take care that the laws are faithfully executed," ordained, determined, and declared, by the 22d section, that the "Treasurer of the State shall be appointed by act of the Legislature, to originate with the Assembly."

The 3d clause of the old constitution of Virginia provides, that "the Legislative, Executive, and Judiciary Departments, shall be separate and distinct," so that neither exercise the powers properly belonging to the other; and the 9th clause declares that "the Governor, with the advice of the Council of State, shall exercise the executive powers of Government"--and yet the 19th clause declares that "a Treasurer shall be appointed annually, by joint vote of both Houses."

Massachusetts, in the 30th clause of her Declaration of Rights, declares that "the Legislative Department shall never exercise the Executive or Judicial powers," and the 1st article of the constitution provides, that "the department of legislation shall be formed of two branches, a Senate and House of Representatives," and then it is provided in the same article, sec. 4, chap. 2, that "a Treasurer shall be chosen annually by joint vote of Senators and Representatives; and that the citizens of this Commonwealth may be assured, from time to time, that the moneys remaining in the treasury, after the settlement and liquidation of the public accounts, are their property, no man shall be eligible as Treasurer and Receiver General more than five years successively."

Similar provisions may be found in the old constitution of Pennsylvania; and, if I mistake not, in those of every and all the States which at that time composed the confederacy.

Is there any provision in the constitution of the United States itself, which contravenes or abandons this wise, universal, and settled principle of modern republican Government? Sir, its whole structure recognises and sustains it. Among all the powers conferred, and duties enjoined on the Executive Department, there is not one of a financial character--not even the privilege of borrowing money; whilst to the Legislative Department, all of them have been confided, so far as they are enumerated in the constitution--the broad and general power of laying and collecting taxes, duties, imposts, and excises--of borrowing money on the credit of the Government--of coining money and regulating its value--of supporting armies and maintaining navies, &c. It is further provided, by the 9th section of the 1st article, (that section which imposes restrictions on Congress,) that "no moneys shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time." Now, this clause applies exclusively to the Legislative Department; and contains a prohibition and requirement; but if the control of the treasury, and the custody of the public funds, be not in that department, then all will agree that the prohibition is unnecessary and the requirement unjust.

It is hardly possible to conceive that the safe-keeping of the public moneys does not belong to that department which is charged with the power of raising it, with the duty of appropriating it, with the restriction of not using it, except by laws regularly passed, and with the requisition of publishing, from time to time, regular statements and accounts of its exact situation and condition.

If the constitution itself has confided these financial duties and responsibilities to the Legislature, I need scarcely labor to prove that no law can shift them so as to exonerate Congress from their performance, or to authorize the Executive in exercising them. But there is no such law; and to show the opinion which our predecessors held on this subject, I beg the attention of the House to a comparative analysis of the laws establishing the Treasury Department, and those which were confessedly executive in their characters and functions; for example, that in relation to the Department of State. The one is entitled "An act for establishing an executive department, to be denominated the Department of State;" the other is entitled "An act to establish the Treasury Department." The one provides that there shall be an executive department, to be called the Department of State; and that there shall be a principal officer therein, to be called the Secretary of State, who shall perform and execute such duties as shall, from time to time, be enjoined on or intrusted to him by the President of the United States, agreeable to the constitution," &c. The other provides "that there shall be a Department of Treasury, in which shall be the following officers, namely: a Secretary of the Treasury, to be deemed head of the department," &c.; "that it shall be the duty of the Secretary of the Treasury to digest and prepare plans for the improvement and management of the revenue, and for the support of public credit; to prepare and report estimates of the public revenue and the public expenditures; to superintend the collection of the revenue; to decide on the forms of keeping and stating accounts, and making returns; and to grant, under the limitations herein established, or to be hereafter provided, all warrants for moneys to be issued from the Treasury in pursuance of appropriations by law; to execute such services relative to the sale of the lands belonging to the United States as may be by law required of him; to make report and give information to either branch of the Legislature, in person or in writing, (as he may be required,) respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and, severally, to perform all such services relative to the finances as he may be directed to perform."

Passing to the act of 1816 chartering the United States Bank, we discover a constant and vigilant adherence to the principles of the act cited above. The financial connexion between the Government and the bank is always cautiously withheld from the Executive, and intrusted to the Secretary of the Treasury. Thus, the 16th section itself, of which we have heard so much, directs "that the deposites of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank, or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case, the Secretary of the Treasury shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reason of such order or direction."

Sir, I am filled with unaffected astonishment when I reflect that the President of the United States, with the constitution and these laws before his eyes, should claim the custody of the public money as of Executive right, and exercise the power of supervising and controlling the duties and discretion of the Secretary of the Treasury. Nay, even the pliant Secretary, who has submitted to the dictation himself is filled with astonishment; for he has confessed in his report that "the power over the place of deposite for the public money would seem properly to belong to the Legislative Department of the Government;" and again, that "the right of the Secretary to designate the places of deposite was always necessarily subject to the control of Congress." When he asserts that "it is difficult to imagine why the authority to withdraw it (the deposite) from the bank was confided exclusively to the Executive;" and, also, that "the Secretary of the Treasury presides over one of the executive departments of the Government, and his power over the deposites forms a part of the Executive duties of the office," he begs the question in controversy; and as he is a lawyer of eminence, and has offered no argument in support of it, we are left to infer that he himself thought it fallacious and untenable.

But my honorable colleague [Mr. PATTON] has discovered that Congress itself has called the Treasury an executive department; and has referred with no little triumph to an act of 1789, entitled "An act for establishing the salaries of the executive officers of Government; in which, among others enumerated, he has found "the Secretary of the Treasury." Now, the great defect in all the other authorities I have heard adduced on this point is, that they prove too little; but this is not liable to that objection, for it proves too much. Had my colleague restrained his triumph for a moment, and read his authority but a few lines further, he would have found it necessary to add to his list of "executive officers" the names of "three judges of the Western territory."

I propose now, Mr. Speaker, to examine the second ground upon which the gentleman from Virginia, and others who agree with him, have rested the power claimed for the Executive over the public treasure of the country: I refer to the power of removal from office.

I shall not deny that this is a power which, for good cause, has been exercised by the President from the year 1789, and silently acquiesced in by the country; but history shows that this enormous power was originally allowed to that high officer when George Washington was President of this country, and then confided only by a majority of fourteen in the House of Representatives, and the casting vote of the Vice President in the Senate; and that the power was allowed, and the principle justified, only in relation to officers whose duties and functions were executive in their characters; Mr. Madison himself having declared the intention of the constitution to be "that the first magistrate should be responsible for the Executive Department; and that, so far therefore as we did not make the officers who are to aid him in the duties of that department responsible to him, he was not responsible to the country."

When, however, we look at the present condition of our country, and compare it with the purer days of 1789--with the race of our revolutionary fathers almost extinct, and passion, party, and ambition taking the places of philosophy, patriotism, and self-devotion--with a civil list of forty thousand officers, claimed as mere instruments and automata in the hands of Executive power, and open declarations of prominent politicians that offices are the legitimate spoils of party victory--when, in truth, the prophecies of Gerry, and Jackson, and Sherman on this subject are almost in the very progress of fulfilment—is it not time for us solemnly to review this great constitutional question? For my own part, sir, after the most patient and candid investigation, I am unable to discover any thing either in the constitution or the genius of the Government which authorizes the President, at his own pleasure and discretion, to remove any officer of the Government, in the appointment of whom the concurrence of the Senate is required by the constitution; and, as in the case now under consideration, he has not only claimed but exercised the power, and that, too, by mere implication, without even the authority of a law, the solemn oath which I have taken forbids that I should sanction it by any vote I may give. This opinion may be very erroneous, and I only state it as my own, not expecting it to influence the opinions of others.

Be this, however, as it may—be the just construction of the constitution what it may—there is one assertion which may be made without the fear of contradiction. No statesman can be named, from the year 1788 down to 1833, who ever contended that the mere power of removal carried with it the right to control the entire business, duty, and discretion of the officer—no matter of what character, or how conferred. This discovery has been reserved for the day in which we live. It may be reasonable that, in matters purely executive, for the wise discharge of which the President is responsible to the people, he should have the right to control the discretion of his assistants. It may be reasonable, that other officers, for whose conduct the President is not responsible, should be removable by him, for causes of themselves good and satisfactory such as incompetency or inability. But farther than this, reason or justice cannot go; for all beyond is perplexity, contradiction, and absurdity. The great and manifest design of the constitution, to restrain the different departments of Government within their respective orbits, would be frustrated and destroyed; for, by this means, the Executive might daily encroach on the Legislative Department; an implied power would at once reach a magnitude far above those expressly granted; and this right of removal nowhere named in the constitution, clothes the executive arm of the Government with an energy unknown to our institutions, and dangerous to liberty. Sir, allow me to illustrate. We have lately closed treaties with France and Naples, in relation to spoliations on American commerce; and for the purpose of relieving Congress from the burden, and the country from the expense of legislating on each particular claim which may arise under them, we have established two boards of commissioners, and clothed them with broad discretionary powers, to audit and settle the claims according to their construction of the treaties and those principles of law and equity applicable to the subject; and these commissioners are appointed by the President, with the assent of the Senate: from some deficiency of evidence, or for the purpose of more effectually attaining the ends of justice, we are daily referring to the Third Auditor of the Treasury individual claims, to be by him examined and settled according to the principles which would govern Congress itself; and this officer holds his office at the pleasure of the President; and even now, we have under consideration two bills—one establishing a commission, and appropriating $5,000,000 to satisfy claims for French spoliations anterior to 1800, and the other referring to the Treasury Department the examination and settlement of all claims on the Government to commutation for revolutionary services. Now, if the right to remove these officers gives to the President the right to supervise and control them, then, in the first place, he may construe treaties—a power expressly denied to him by Mr. Madison himself, in the letters of "Helvetius;" and in the second, he may exercise legislative and quasi-judicial powers—powers expressly withheld from him by the constitution.

Mr. Speaker, our great political apostles never contended for doctrine like this; but all their principles, and the whole practice of their lives, triumphantly refute it.

Virginia never sanctioned a doctrine like this; and when, the other day, a gentleman from Maine wandered from his way to charge her with having abandoned the doctrines of her Jefferson and Madison, he showed that he had either read to but little purpose, or had suffered his understanding to be clouded by the mists and prejudice of party. The principles of those great and illustrious men are treasured in her heart, and emblazoned on her banners. But two occasions have arisen, in the history of their lives, when Virginia dissented from the opinion of either—the one, when Mr. Madison, in one of the gloomiest eras of the republic, sanctioned the very charter which is now violated by his successor; and the other, when (for the generous purpose, no doubt, of allaying Southern excitement,) he pronounced the tariff of 1828 to be constitutional; but I presume that it was not for these abandonments that the gentleman from Maine felt it his pleasure to reproach her.

If I have succeeded in showing that the mere power of removal does not draw after it the right of control, there is no aspect whatever in which the course of the Executive, in relation to the public deposites, can be sustained. For argument, it might be admitted that the Treasury is an executive department, and nothing would be yielded by the admission; for nothing can be more fallacious than the idea that the reference of any duty to an executive officer, *ipso facto* makes it executive in its nature. A mere statute cannot make that an executive function which the constitution and common sense declare to be a legislative one; for this would enable the Legislature to distribute the powers of Government as it thought proper, and thus to change at pleasure its whole theory and structure; when, therefore, Congress assigns duties to any officer of the Government, we are not to look to the officer to learn the nature of the duty, but to the duty itself to learn the nature of the service. If it be executive, he must perform it under the guidance and direction of the President; if legislative, then faithfully according to law. Now, I have shown that the power conferred on the Secretary of the Treasury, by the sixteenth section of the United States Bank charter, was not executive in its nature, nor designed to be so by Congress: hence it follows, necessarily, that the President has no right directly to control its performance; and if not directly, he may not do it indirectly, for this would lead to the extraordinary consequence that he may assume powers not granted, by abusing those conferred.

But a new and sovereign panacea has been discovered for all those evils, and for the cure of the deep and dangerous wounds they would otherwise inflict on the constitution. "The President is bound to see the laws are faithfully executed;" and, I pray you, sir, to tell me what would have been the effect of the full exercise of this power, under a plain, fair, and common-sense construction of it, on the question now under consideration? The bank charter of 1816 is a law, and the sixteenth section is a part of it; and the same obligation exists "faithfully to execute" that provision as any other portion of it; but that provision confers on the Secretary of the Treasury a discretion—a discretion for the wise exercise of which, as has been said before, he is made responsible, not to the President, but to Congress; and the President, in faithfully executing the law, was bound, instead of subjecting it to his own will, to shield it from the slightest invasion or molestation. But this is not the reading of the constitution in the school of modern construction. A "faithful execution of the laws" is now read to mean a "wise execution of the laws," and a simple ministerial duty elevated to the dignity of a judicial function. I will not consume the time of the House in exposing the fallacy and mischief of such a doctrine. I have heard its annunciation with sincere apprehension and alarm, but I cannot be brought to believe that it will outlive the present extraordinary crisis, in which an appeal to it has been found necessary. A kindred pretension, "the general welfare," under the darkness and obscurity of which the rights of the States were heretofore alarmed and invaded, is exploded and abandoned. I trust that this will soon follow its fate, and that one common oblivion will rest on both. If, however, it shall survive, then shall I reckon the days of our constitution as numbered; all its checks and balances as lost and destroyed; and all the powers of the Government, as hastening in rapid confusion to be swallowed in the wide and ingulphing vortex of Executive discretion.

Mr. Speaker: I have now closed the investigation of this question in its relation to the constitution, and the principles of the Government. I have viewed it in those relations simply, separate and apart from persons or party. I have not charged, I have not designed to charge, the present Chief Magistrate with corrupt motives or bad intentions; but the purity of his purpose cannot change the nature of the act itself, nor counteract its legitimate and necessary consequences; and long after Andrew Jackson shall have passed from the busy and tumultuous scenes of life, and history done impartial justice to his motives, the power now claimed will be a staff in the hands of wily ambition conducting it along the path which leads over prostrate liberty to absolute power.

Here I might stop; for, solemnly impressed with the truth of what I have advanced, I am bound by every consideration of honor and duty to defend the constitution from the dangers which threaten it. But, since I am up, I hope to be permitted to take a cursory view of the Secretary's reasons for the act which has been done, and some considerations connected with them.

I will not enter on a labored argument to show that the deposite of the public money in the bank constituted a portion of the contract entered into between it and the Government, to be observed in candor and good faith. The country must perceive that, had it not been so intended, it would not have formed one of the provisions of the charter itself, but have been the subject of a separate and independent statute; and that, otherwise, the twentieth section would have provided the payment of a bonus of a million and a half of dollars, in consideration of the exclusive privileges conferred by the act, and not in consideration of the "exclusive privileges and benefits" conferred. I need do no more on this point than to quote the Secretary against himself; for, while he asserts that his order removing the deposites "can in no event be regarded as a violation of the contract with the stockholders, nor impair any right secured to them by the charter," he again declares that "the faith of the United States is pledged, according to the terms of the section quoted above, that the public money shall be deposited in this bank, unless the Secretary of the Treasury shall otherwise order and direct; and, as this agreement has been entered into by Congress in behalf of the United States, the place of deposite could not be changed by a legislative act, without disregarding a pledge which the Legislature has given." To whom is the "faith" of the United States "pledged?" To the Secretary of the Treasury? Congress pledging its faith to its own agent and servant! No, sir; but Congress, one of the contracting parties, pledges its faith to the bank, the other contracting party; and the Secretary of the Treasury is made the common trustee of both in its execution.

The relation established between the Government and the bank, by the sixteenth section of the charter, is a financial one, and its superintendence is confided to the financial officer of the Government. It would, therefore, seem but rational that financial reasons and considerations should govern his conduct; and where the Secretary of the Treasury has found authority to constitute himself the general censor of the bank, or the political monitor of Congress, I am unable to conceive. By what means of official information can he pronounce the bank guilty of interference with the politics and elections of the country? The charge may be true; it may, moreover, well justify the issue of a *scire facias*, or a refusal to recharter. I stand here as no apologist for the bank, but I utterly deny the right of the Secretary to investigate or pass judgment on them. What would be thought of the civil engineer who, being charged with the duty of locating an improvement along a given direction, unless he should think another more eligible, should make the change, and assign as his reason that the one originally proposed passed through a population opposed to a particular "succession" to the Presidency? Or what of the subaltern military officer, who, in time of war, being ordered with men and munitions to occupy a particular post, and there to remain, unless, in his judgment, it became advisable to remove them to another, should order the removal, and assign as his reason that the abandoned post was opposed to the war, and the administration which conducted it? And especially, what, if, as in the present instance, the shaft of the enemy, which was designed for the refractory post, should glance, and sink deep in the heart of the country? Sir, the bank may be sunk irretrievably deep in all guilt, moral and political; but let her enjoy the privilege secured to the vilest criminal of the land—let her at least suffer and die according to law. Had the public money been unsafe in her custody, the financial interest of the country would have required the financial officer of the Government to remove them; had she failed or refused to transmit the funds from place to place, to meet the demands of Government, the fiscal operations of the Government would have been stopped, and it would have been the duty of its financial officer to select another and more faithful agent; had she violated any of the duties pertaining to her fiscal agency, the immediate removal of the deposites would have been just, proper, and necessary. But has any default, in these respects, been charged upon her?

Sir, the Secretary has not assigned to Congress one solitary financial reason for his conduct. He has thrown aside his leger, and, seizing on the political pamphlets and newspapers of the day, has proceeded, in a few hours after he entered on the duties of his office, to pass political condemnation on the bank, and to do—what, sir? Inflict the punishment called for by retributive justice. In this country we have been used to see the punishment suited to the offence, the remedy to the disease, and the antidote to the poison; but the modern Secretary has discovered that political intemperance may be cooled by relentless persecution, and a bank's capacity to loan money enlarged by withdrawing money from its vaults. What evil has been cured, what error corrected, what beneficial result secured, by the removal of the deposites? None, sir—not a solitary one; and the fact furnishes incontestable proof that the remedy selected was totally inadequate and inappropriate; and I submit it to the country, if it did not behoove the President of the United States calmly and dispassionately to calculate the cost before he risked so great and hazardous an experiment. Ought he not to have calculated the heavy loss to the Government in the deterioration of her seven millions of stock, and in the diminution of her future dividends? Ought he not to have foreseen the almost certain deficit in the impost revenue of the Government, from the natural and necessary despondency and stagnation of commercial enterprise? From the daily intelligence received from England and elsewhere, of countermanded orders and restricted operations, I hazard but little in saying that the revenue for twelve months to come will fall one-third short of that of the twelve months past; and, as the President himself has informed us that the ordinary receipts would barely defray the probable expenditures, I see nothing before us but (what I look on with dismay) an increase of the tariff. Above all, sir, did it not behoove the President, when, instead of suffering the bank to expire in peace, and allowing the people time to prepare for the event, he resolved on this instantaneous and hair-trigger experiment, to foresee the alarm and dismay it would produce, and the wide-spread misery and ruin it must infallibly inflict on this hitherto prosperous and happy country? Ought he not to have foreseen this, knowing as he did that the bank was "a hard master, reaping where he had not sown, and gathering where he had not strewed?"

The more patiently and earnestly I have examined the Secretary's reasons, the more irresistibly has the conviction fastened itself on my mind, that other and more urgent reasons must have existed, for the adoption of such a measure, than those assigned in his report. I cannot, if I would, believe that these alone could have led to a system of policy so momentous, so hazardous, and untried. They are totally insufficient.

Evidence is not wanting to show that other reasons did exist; the history of this question furnishes it abundantly; but I feel impelled by duty, on the present occasion, to call the attention of the House and the country to the testimony of William J. Duane, the late Secretary of the Treasury himself, who was evicted from office because, in relation to this very question, he could not force his discretion to conform itself to another man's judgment.

He informs us that the President of the United States declared to him that he would not resort to the writ of *scire facias*, because the courts were committed and prejudiced tribunals; and, further, that he would not await the judgment and action of Congress, because, had the last Congress been permitted to sit one week longer, a sufficient number of its members would have been bribed by the bank to secure a vote of two-thirds for its recharter; and that, if he did not remove the deposites beforehand, the same would be the case with the Congress now in session. This is the solemn declaration of a man of spotless truth and honor, made to his country in the most public manner, and under the most imposing circumstances, and now standing a portion of recorded history, unimpeached and uncontradicted. Yes, Mr. Speaker, the President of the United States, but sixty days before the session of Congress, in opposition to the advice of his constitutional advisers, "assumes the responsibility" of doing wrong himself, to save the representatives of the people from apprehended bribery and corruption! And who is it that utters this sentiment, so injurious to us, so injurious to the character of free representative government? Is it the generous, high-minded, chivalrous soldier? Who believes that our present Chief Magistrate, left to the influences of his own heart and sense of justice, would have cherished such a thought? Sir, his ears have been poisoned and his confidence abused. With high and excitable passions, warm enmities, and ardent attachments, it has been his misfortune to be surrounded by those who have fed his passions, inflamed his enmities, and claimed for themselves all his attachment and confidence—wretches who, with the hollow profession on their lips of devotion to him and his glory, harbor in their hearts no other design but their own advancement, and that of a particular "succession," under whose auspices they may retain their power and place.

This opinion is not carelessly or inconsiderately hazarded. I have not been an altogether inattentive observer of men and events since I reached here; to my judgment, it is sustained by abundant testimony; and I express it, standing here, on my representative responsibility, and with all the earnestness of religious belief. The conviction has given me no ordinary pain, for I have been a zealous supporter of many of the measures of the present administration; and whenever I have reflected on the triumph with which it came into power, and the glory and success of its earlier measures, and contrasted them with the gloom and melancholy which now pervade the country, I have invariably turned with mournful recollection to the history of the reign of Queen Anne of England. The sun of her glory rose with spotless lustre, and unmixed success attended her measures, whether of distant achievement or domestic government, until, in an evil hour, she was tempted to hearken to a voice charging upon others bribery and corruption; until, disregarding the counsels of her constitutional advisers, she yielded her confidence to the maid of the bed chambers, and elevated Harley to office. Then it was that a magic change passed over her fortunes; then it was that internal dissensions distracted her domestic councils; the brilliant achievements of Marlborough were arrested in mid-career, and the inglorious treaty of Utrecht followed; and then it was that miscarriage and defeat tracked the progress of all her measures, and the sun, which had risen in glory, went down, if not in gloom, certainly without splendor.

Mr. Speaker, I yield to no gentleman on the floor in candid and steadfast opposition to the Bank of the United States; and I have sought, with anxious solicitude, for some course by which the errors of the Executive might be corrected, separate and apart from all considerations connected with the bank; but there is no such course. The only mode of correction left to us is legally to undo that which has been illegally done. Do this, and Executive encroachment is rebuked, the constitution and laws vindicated, and justice and the public faith preserved; but do it not, and a precedent is ingrafted on our constitution which all future time cannot eradicate or erase, and which, in its operations, must eventually change the action and character of the Government.

I have none, not the slightest, apprehension of benefiting the bank by restoring the deposites; and I declare to you, sir, that I have heard the watch-cry of "recharter," which has been rung through this House and the country, not only with indignation, but disgust. It is a false and insincere appeal to the honest and well-founded prejudices of the public; and it is only necessary for the device to be detected, that the weakness of the cause intended to be sustained by it may be exposed. This apprehension, instead of being true, has not even plausibility to sustain it. My colleague [Mr. Patton] says truly, when he says that the question of recharter will be lost in this House by a majority of forty votes. A large majority of the entire representation south of Mason and Dixon's line is in favor of restoring the deposites; and of the whole number there is not one in five favorable to a recharter. This majority is composed of men who yield to none in this country in their devotion to the cause of State rights and strict construction. But is this all? Why, sir, the President is opposed to a recharter; the Vice President is opposed to a recharter; this House is opposed to a recharter; and still we hear nothing but the cries of "recharter" and "battle of New Orleans." How is this? Will the people—can the people—be deceived by such delusive and unfounded issues? For one, I rejoice and congratulate the country, that the Committee of Ways and Means has put it in our power to decide and thus remove this separate issue. I thank the honorable gentleman from Tennessee [Mr. POLK] for the first resolution which accompanies his report, and I hope that we will decide it promptly; and, after having decided that "the bank shall not be rechartered," I trust in God that we shall be able to approach the consideration of the real question involved in the removal of the deposites, relieved from false alarms, and divested of unjust prejudices. I trust that then our hearts may not only open to the truth, but will expand with sympathy for the distress and ruin which pervade the land.

As to the existence of distress—wide-spread, unaffected, deep distress—there is now no doubt on this point at least; the day of scepticism has passed; and, sir, permit me most respectfully to ask, if it is becoming in Congress to answer the prayers of a distressed and suffering people for relief, by learned arguments to prove that the distress was inflicted by the bank, and not the President? Sir, I care not how it has been produced; sufficient is it for me to know that it exists, and that it is in our power to relieve it without the violation of any duty which we owe to God, man, or the constitution. Party shall not rise up to obstruct me in the performance of so solemn and holy a service; and in this resolution I call on my honorable colleague for his co-operation and support. I call on him to aid me in restoring the deposites, and thus restore to his country its alarmed and banished confidence; restore its business and enterprise to their wonted channels; restore, at least for a period of twenty-four months, its usual prosperity and happiness—I call on him with confidence, for most surely he will not sustain a measure which he thinks "unwise, ill-timed, and inexpedient," at the expense of the general tranquillity, welfare, and happiness of his country.

My text then, is, sir, restoration of the deposites—no recharter of the bank; a rescue and vindication of the Legislature from the spirit of executive encroachment, and a rescue and vindication of the constitution from legislative usurpation. My eloquent colleague, [Mr. GORDON] who presented the resolutions of Virginia, justly said, that the advocates of her ancient principles, the party to which he and myself belong, the old party of State rights and strict construction, had long stood and were now standing on a "narrow isthmus." It was a most felicitous and appropriate expression; for while the waves of legislative invasion have broken over us on one hand, the silent but deep and rushing current of executive encroachment, on the other, has been undermining and carrying away the very foundation on which we stood. But a kind and merciful Providence will still the waves, bring light out of darkness, and shield the faithful. Already, if I mistake not, is the sun-light of truth breaking asunder the clouds and darkness which prejudice and error have hung around our "isthmus;" and the Spirit of State rights and strict construction, waking from her long sleep, rouses herself to action, and shakes off the apathy and slumber which have so long bound her in inglorious repose. Then, in the language of encouragement, I will say to my colleague,

"Who that views the narrow span of earth,
* * * * * * * * *
The isthmus 'twixt two boundless seas,
Will desert the spot or leave it bare,
When he may build a proud temple there."

When Mr. G. had concluded,

Mr. MOORE, of Virginia, rose and said: I did not imagine, Mr. Speaker, that any circumstance could have occurred which would have induced me again to have obtruded any remarks of mine upon the attention of this House, in reference to the much-agitated question of the removal of the public deposites, in any shape in which it could have been presented for our consideration. Having discharged what I considered a duty to my constituents, at an early period of the session, by declaring the motives which would govern my vote upon that question, it was my purpose to have remained a silent and attentive observer of the progress of the debate, until it should be brought to a termination. It is with extreme reluctance, sir, that I now relinquish that purpose. But, sir, the remarks of my colleague, [Mr. PATTON,] who addressed this House on Monday last, when the resolutions of the Legislature of Virginia were presented, have left me no alternative. It is known to you, Mr. Speaker, if not to the members of this House, generally, that Governor Floyd, whose conduct has been so severely criticised by my colleague, [Mr. P.,] is a citizen of the district which I have the honor to represent on this floor. And, sir, considering it my duty to defend every citizen of that district against all encroachments upon his rights, which may be attempted in this place; and regarding the right, the exercise of which is denied to my constituent, as not only of inappreciable value to him, but one which ought to be secured to every citizen of the United States, I feel bound to trespass for a short time upon your patience. What, sir, is the right, the exercise of which is to be denied to Governor Floyd? It is, sir, the liberty of speech—a glorious privilege, which I have been taught to regard as the birthright of every American citizen.

Let it not be pretended, Mr. Speaker, that I am attempting to give to this matter a factitious importance. There is but too much reason to be alarmed at the disposition which has been manifested to encroach upon the rights of the people, and to curtail the liberty of speech. Were you not struck, sir, when an objection was made, a short time since, by a member of this House, to the printing of a memorial of some of the citizens of Pennsylvania, on the ground that it was disrespectful to the Government and the President, with the exact similarity, if not the identity of the language in which that objection was stated, with that of the famous, or rather the infamous, sedition law? Let me, sir, call the attention of the House to one section of that law.

"SEC. 2. *And be it further enacted,* That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall knowingly and willingly assist or aid in writing, printing, uttering, or publishing any false, scandalous, and malicious writing or writings, against the Government of the United States, or either House of the Congress of the United States, or the President of the United States, with intent to defame the said Government, or either House of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by the constitution of the United States, or to resist, oppose, or defeat any such law or act, or to aid, encourage, or abet any hostile designs of any foreign nation against the United States, their people or Governments, then such person, being thereof convicted before any court of the United States, having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years."

I think, sir, that all who heard the objection made to printing the Pennsylvania memorial will agree that the gentleman who made it must have been well acquainted, not only with the spirit, but with the language of this notorious and detestable law. Sir, when that objection was made, I almost began to apprehend that this obnoxious law was to be revived, and its penalties enforced against a portion of the citizens of the United States. I was gratified to find some of the representatives from the old republican State of Pennsylvania, who were near me on that occasion, manifest a feeling worthy of the State from which they came. And, sir, if the objection had not been withdrawn, I think some, at least, if not all, of the representatives of that State, would have shown that they were worthy of their ancestors, who stood by our fathers in the great struggle of the revolution; and, again, in the dark hour of 1798, to maintain the rights which they had purchased with their blood.

Now, Mr. Speaker, it is no longer the people of Pennsylvania, but a citizen of Virginia, the Chief Magistrate of that ancient Commonwealth, who is to be deprived of his rights and privileges; and it becomes my duty, both as a Virginian and as the immediate representative of the person whose rights have been infringed upon, to stand up in his defence.

What, sir, is the act for which the Governor of Virginia has been held up here before the representatives of this nation, not only to the censure, but to the scorn and contempt and derision of mankind, by having his conduct compared to that of a wretched madman—a miserable maniac? Why, sir, it is said that when he forwarded the resolutions of the Legislature of Virginia, which are now before us, he had the presumption to accompany them with a letter, in which he has had the unparalleled effrontery to express his hopes as to the course which the representatives from Virginia will pursue in reference to the subject to which the resolutions relate. Yes, sir, this is the head and front, the sum and substance, of his offending. Nay, sir, it was not so much; for you will perceive, from an examination of the letter, that the Governor merely says, "It is hoped," &c. But, sir, granting that he has been so forgetful of our dignity, as to express his hopes as to what course we may pursue, is there any thing so unusual or improper in that, that he should be arraigned for it here? I had supposed, sir, that it was not only usual, but that it was the invariable practice of the Governors of the several States, when forwarding similar resolutions to the representatives of their States in this body, to accompany them with letters of their own. And, sir, I presume it is not unusual for them to express their own views and wishes in their letters, especially when they are in exact accordance with those expressed in the resolutions which they are to accompany, which is the case in the present instance. But, sir, suppose Governor Floyd has departed in some degree from what is usual in such cases; had those to whom his letter was addressed any ground of complaint, if there was nothing in the letter disrespectful to them? Surely not, sir. And I undertake to affirm that there is nothing in the letter which could appear objectionable even to the most fastidious, so far as it relates to those to whom it was addressed.

What then, sir, let me ask, is the real ground of complaint against Governor Floyd's letter? It is, sir, that he has had the hardihood to offend against the letter and spirit of the sedition law, by expressing his sentiments freely, in reference to the conduct of this Government and its officers. That this is the true cause of complaint, is evident not only from the remarks of my honorable colleague, but from certain letters which we have lately seen in the public prints. And, sir, it remains to be seen whether or not a citizen of Virginia is now to be subjected to the penalties of an odious law, long since stricken from our statute book at the command of an indignant and insulted people, for having dared to exercise the privilege of a freeman, by expressing his opinions as to the conduct of our public agents.

As to the justice or injustice, the propriety or impropriety, of the sentiments expressed by Governor Floyd, I have nothing to say; it would be improper in me to do so here, if I had; because, sir, this House has not a right to hear any thing on that subject. It is my duty, as his representative, and as a representative of the State, to take care that he is not deprived of his rights; and it is for him to judge when and how he will exercise them.

Mr. Speaker, permit me to suggest to my honorable colleague, [Mr. **Patton**,] that if it was proper for him to introduce Governor Floyd's letter into this House, and to make it a subject of animadversion and of serious complaint, he ought, in pursuance of the rule he laid down a few days ago, (viz. that those who believed that the President had been guilty of any usurpation or improper conduct ought to impeach him, or at least move for an investigation into his conduct,) to have demanded that Governor Floyd should be arraigned at the bar of this House.

You know, sir, that such is the beneficent spirit of our laws, that even the meanest culprit is entitled to a fair trial, to be confronted with his accusers, and to be heard in his defence. And surely, sir, Governor Floyd is at least entitled to privileges which cannot be denied to the vilest criminal. Let me ask you, sir—let me ask every Virginian, (if, indeed, they can brook the idea for a moment,) what sort of sensations it would create in their breasts, to see the Governor of that State arraigned at the bar of this House, to be tried for an offence either real or imaginary? Sir, I am sure they would rather see this splendid fabric rent to its foundations, and the massy materials of which it is composed ground into dust, than witness so degrading a spectacle. For myself, sir, I would rather the waves of the ocean should roll back upon our mountains, and blot the State out forever from existence, than that she should submit to such ignominy and disgrace.

My colleague [Mr. **Patton**] wished to know where Governor Floyd got the right to express his hopes as to the course which we would pursue in reference to any matter pending before Congress. Sir, I will tell you where he got it. He got it, sir, in his own native mountains of Virginia, where the people are as free as the air they breathe—as free as the eagle whose flight they are taught to look upon in their infancy as the emblem of the liberty they are to enjoy—where, sir, the genuine spirit of liberty is inhaled with the first breath of life. And, sir, let me tell you that, although I cannot claim a very intimate acquaintance with Governor Floyd, I know him to be a man of such unflinching firmness, and so resolutely determined to maintain his rights, that he will speak his sentiments at every hazard, and in defiance of all opposition.

But, Mr. Speaker, I should be pleased to learn how it has happened that my colleague [Mr. **Patton**] has found so much to censure in Governor Floyd's having presumed to express his hopes, whilst similar conduct on the part of others has entirely escaped his attention. The concluding sentence of the famous letter of the Secretary of the Treasury, communicating to Congress his reasons for removing the public deposites from the United States Bank, is in these words: "And I rely with confidence on the representatives of this enlightened nation to sustain a measure which the best interests of the country called for, and which had become absolutely necessary to preserve untainted its pure institutions, and to secure the liberties and happiness of the people." Now, sir, I might, if I chose to follow the example of my colleague, [Mr. P.,] ask, where did the Secretary of the Treasury get the right to express his confidence, or the want of it, in the representatives of the nation? And who authorized him to decide what was necessary to secure our free institutions, and to secure the liberties and happiness of the people? When I first read this part of the Secretary's letter, which seems to have escaped the attention of my colleague, [Mr. P.,] I suspected he had forgotten himself, and supposed that he was the President, engaged in writing a message. But, sir, it never entered my imagination that the Secretary had been guilty of any serious offence in that, for which he should be subjected to the penalties of the sedition law.

Again, sir, I feel some curiosity to hear upon what principle, or in what manner, my colleague, [Mr. Patton,] who sees so much to condemn in Governor Floyd's having undertaken to express his hopes, will undertake to justify his own remarks upon the memorial from the citizens of Richmond, upon which he commented with some severity. He had less connexion with the memorialists than Governor Floyd has with the representatives of Virginia on this floor. They were not his constituents, (which I infer, from the practice of this House, as I have observed it in repeated instances of late, would have authorized him to abuse them as much as he pleased;) nor had they asked him to communicate their memorial to Congress. And, sir, where, I pray you, did my colleague [Mr. P.] get the right to animadvert upon the President's address to his cabinet; a paper which the President refused to send to the other branch of Congress, on the ground that it was a private paper, which they had no right to call for, and to characterize it as a stump speech? Where did he get the right to make the remarks he did on the resolutions of the Legislature of Virginia? If I were disposed, Mr. Speaker, to treat this subject with levity, I might say that my colleague [Mr. P.] had not been altogether happy in appropriating the characters in the Dutch story he told us the other day; he had but two actors to play three parts; he made the President play the parts of both the Fulwilers, and Governor Floyd that of Henry Snider. Now, sir, allow me to suggest that a better disposition would be, to let the President and the Governor stand for the two Fulwilers, and that my honorable colleague shall himself fill the place of Henry Snider. And I think, sir, that all must agree that, from the readiness my colleague has manifested to condemn others for that which he is so ready to do himself, this would be no very inappropriate arrangement. And I am satisfied that, if my colleague [Mr. P.] has been able to excuse his own acts to himself, whilst he condemns those of the President, the Governor, and the Legislature of Virginia, it must be, as it was with Henry Snider, (to use the language of the story,) "a tamned dight squeeze." And, sir, his acquittal, like Henry Snider's, will be much more owing to the partiality of the judge than to any merit on the part of the accused.

It is not a little remarkable, Mr. Speaker, that the disposition to which I have alluded, to encroach upon the rights of the people, and to deprive them of the liberty of speech, should be manifested by those who claim to be the exclusive friends of the administration, at a time when the representatives of the people, and the representatives of the States in the other branch of Congress, are openly, wantonly, and shamefully, assailed with charges of falsehood and corruption, by presses which are in the constant receipt of large sums of money out of the public treasury—and when a very large proportion of the people themselves are insultingly and falsely charged with being bought up by the bank!

It is not my intention, Mr. Speaker, to go into an examination of the resolutions adopted by the Legislature of Virginia, or a defence of the principles they assert, at this time. It would consume too much of your time were I to do so, and I have not had time to examine them with that care to which (emanating from the source they do) they are entitled to at my hands. They may not be, perhaps, in all respects, in accordance with the opinions which I entertain; but I have too much respect for the body by whom they were adopted, lightly to set up my opinions in opposition to any thing they assert. Happily, sir, no defence of these resolutions can be required at my hands, since my friend and colleague, [Mr. Gholson,] who has just addressed this House, has so ably and eloquently answered all the objections which have been urged against them. And, Mr. Speaker, I feel that I have reason to felicitate myself upon the fact, that I now find my colleague, [Mr. G.,] against whom I have so often had to contend upon another theatre, upon questions of State policy, whose power in debate I have so often experienced, and whose talents I have so much reason to respect, is now arrayed upon the same side of the question which agitates this nation that I am. And I have experienced the highest gratification in seeing him so prompt (as I am sure he will always be) to stand up in defence of his State and her constituted authorities.

I must be permitted to express some astonishment that my colleague [Mr. Patton] should, whilst he denies all right to the Governor of Virginia to express his hopes as to the course he [Mr. P.] would pursue in reference to the deposite question, have not only failed to object, but have expressly admitted the right of the General Assembly to express its opinions and its wishes, as it has done in the resolutions before us. I imagine it would be as difficult to discover where the Legislature got its right to make a request of the representatives of the people in this House, to pursue or not to pursue a particular course upon any matter which may come before them, as it would be to ascertain from whence Governor Floyd obtained his right to express his hopes of a similar character. If the right to express a hope as to the course we may pursue is confined exclusively to our constituents, then I presume the General Assembly had no more right to make any request of us than the Governor had. I do not mean to deny the right of the Legislature to express its wishes as it has done; it has been the practice for it to do so ever since this Government was established; it has been ascertained by experience to be a good and wholesome practice. So far from denying the right of the Legislature to make such a request, I hold it to be the right of every citizen of the United States, from the Governor of a State to the humblest individual in society, to make known his sentiments, his hopes, and wishes, to the representatives of the people on this floor, at all times, with unreserved freedom, provided he does not treat them with disrespect. And, sir, whenever this right is denied, restricted, or questioned, there is reason to apprehend that the liberties of this country are in danger.

The resolutions adopted by the General Assembly of Virginia are objected to by my colleague, [Mr. Patton,] on the ground that, by them, the settled principles of the State are abandoned. In what that abandonment of principle consists, I confess my utter inability to perceive or comprehend. And with all imaginable deference to his better judgment, I think he has totally failed to sustain his objection by argument. His principal objection appeared to be to the preamble of the resolutions, which asserts that "the General Assembly of Virginia deem it of the utmost importance that the power to control the public revenue should be made to abide, in practice, where it has been vested by the constitution, in the immediate representatives of the people and of the States in Congress assembled." What principle, I ask, sir, ha

Virginia ever asserted, which contradicts that which is here announced?

I venture to affirm that Virginia never has, and never will, assert any principle incompatible with that affirmed in this preamble, so long as she professes any respect for the principles of free government. So far as I was able to comprehend the nature of the objection of my colleague [Mr. Patton] to this preamble, it was, that it claimed power for the legislative branch of this Government, whilst, heretofore, the complaints made by the General Assembly of Virginia have been on account of the disposition which has been manifested, by that branch as well as the other branches of this Government, to usurp powers reserved by the constitution of the United States to the State Governments. That Virginia has complained of the acts of the legislative branch of this Government as well as of the others, and, in some instances at least, with good reason, is most true; but does it follow that, because she will not allow the exercise of all power to this Legislature, that therefore she cannot claim for it any power whatever? Still more extraordinary would the inference be, that because the General Assembly have heretofore denied the right of Congress to exercise certain specified powers, that they meant to contend that all power should be placed in the hands of the Federal Executive. And yet this appears to be substantially the idea contended for by my colleague, in his attempt to convict the General Assembly of having abandoned the principles of the State. This would be guarding against the evils of a consolidated Government, of which my colleague seems to have so much apprehension, with a vengeance.

A slight recurrence to the principles assumed by the General Assembly of Virginia, in their celebrated resolutions of 1798, satisfies me that the principle affirmed by this preamble is not only not contradictory, but is in exact accordance with those so solemnly announced upon that occasion. One of the strongest objections urged against the alien law, was that it violated the constitution of the United States, by conferring legislative and judicial as well as executive powers upon the President. The language of the fifth of those celebrated resolutions is this:

"That the General Assembly doth particularly protest against the palpable and alarming infractions of the constitution in the two late cases of the 'alien and sedition acts,' passed at the last session of Congress; the first of which exercises a power no where delegated to the Federal Government, and which, by uniting legislative and judicial powers to those of the executive, subverts the general principles of free government, as well as the particular organization and positive provisions of the federal constitution."

Now, Mr. Speaker, if I am not very much mistaken, it is admitted by the President himself, in his address to his cabinet, in his "stump speech," sir, as my colleague [Mr. Patton] called it, and in this letter of the Secretary of the Treasury, (which was approved by the President, that the power over the public deposites properly belongs to the "Legislative Department of the Government;" but it is contended by them that this power was transferred to the Executive by the act of 1816, by which the United States Bank was chartered. It is obvious, then, that the objection now urged against the exercise of power over the public revenue by the Executive, is identically the same with that urged in 1798 against the alien law, with this difference—that it is not admitted that there has been any such grant of power by the legislative branch of this Government, in reference to the deposites, as there undoubtedly was by the alien act. I do not hesitate, then, sir, to say, that the principle asserted in the preamble of the resolutions from Virginia is not only free from the objection which has been made to it, but that it is one of the great fundamental principles which lies at the bottom of all free government, and the only sound republican doctrine; whilst the whole argument of my colleague, [Mr. Patton,] in favor of the right of the Executive over the public revenue, is founded upon the principles of absolute despotism, such as have never before been contended for in America, or even in England, since the expulsion of the Stuarts from the throne.

A great deal was said by my colleague [Mr. P.] in reference to the removal of the late Secretary of the Treasury (Mr. Duane) from office, to much of which I deem it unnecessary to reply. The principles upon which this part of his argument was based, were not, I believe, very different from those I laid down myself, when I had the honor to address to this House some observations on the same point some time since, but which seem to have brought us to very opposite conclusions. I understood my colleague [Mr. P.] to say that, although the President had the power, under the constitution, to dismiss any Executive officer from his station, from mere caprice or whim, yet he had not the right to do so, except for good cause. The good cause which would justify a removal of a public officer, I infer, as well from the observations of my colleague, as from the reason of the case, is the neglect or refusal to do that which ought to be done, or a determination to do that which ought not to be done. And it follows of course that the President has not the right to dismiss an officer for refusing to do an act which is wrong in itself. I understand it now to be admitted that Mr. Duane was dismissed because he would not consent to a removal of the public deposites from the United States Bank. And I thought I understood my colleague very distinctly to say, when he addressed the House some time ago, that the act of removing the deposites from the United States Bank was "unwise, inexpedient, and ill-timed." And yet, sir, he now tells us that, if the President had not removed Mr. Secretary Duane from office, for refusing to do this very act which he denounced but a little while ago in such strong terms, he would have been recreant to the trust reposed in him by the people of the United States. How such a conclusion was deduced from such principles, I frankly confess my utter inability to comprehend. That the President having been induced to believe, as no doubt he was, that the public deposites ought to be removed, may afford some ground of excuse for him, I can readily understand; but I cannot for my life see how it will be possible for my colleague to vote against a restoration of the deposites to the United States Bank, unless he has changed his opinion as to the original act of removal, or can assign some other reason than he has done for giving such a vote.

It seems, Mr. Speaker, that my colleague [Mr. Patton] has heard a voice from a portion of the people of Virginia, expressing sentiments differing from those of the majority of the General Assembly; and hopes a majority of the people of that State will sustain this Government in the measure which the Legislature has condemned. But, sir, let me tell him he must not put that "flattering unction to his soul." It is not surprising, sir, that the great efforts which have been made to deceive the people as to the true cause of the distress which they feel, and to delude them, by bringing them to decide on false issues, should have been crowned with partial success. But, sir, the true source of the mischief must soon be exposed to an injured and insulted people, and then, sir, they will speak to you in a language too plain to be misunderstood, and in a voice too loud not to be heard.

I concur, Mr. Speaker, in the opinion expressed by my colleague, [Mr. Patton,] that the question about the restoration of the deposites has sunk into utter insignificance compared to others with which it is connected. What, sir, is the true question which the American people have to decide? It is, sir, in my humble estimation, a question of liberty or slavery. There is, Mr. Speaker, but too much reason to suspect that the removal of the public deposites was the first step in a dark, dangerous, and cunningly devised scheme by which this Government is to be converted into a corrupt elective monarchy. A scheme, sir, by which it is proposed to unite the power of the office-holders under this Government to that of the State banks and brokers and money changers, so as to control, by their united influence, all future elections to the office of President and Vice President in the United States. The extent of the dangers to be apprehended from such a combination must readily be perceived by those who will reflect, that there is an army of no less than forty thousand office-holders under this Government, who hold their commissions at the will of the President, and draw the means of subsistence out of the public treasury. That, in addition to them, there is an auxiliary band, consisting of an almost innumerable host of office-hunters: lean, hungry, and ravenous; all ready to obey the nod of those who hold the purse-strings, and to perform whatever service may be required of them. What additional strength will be gained by adding to this power the influence of the State banks, you must judge from the fact, that the number of State banks, including their respective branches, in the United States, is probably not less than from three to five hundred. That the whole number of officers in these banks, including the directors and others, amount probably to several thousands--and of stockholders to several hundred thousand persons; all of whom must, if the arrangement entered into by the Secretary of the Treasury be confirmed by Congress, (and which has now been recommended by the report of the Committee of Ways and Means,) be brought into subjection to the will of the executive branch of this Government. For, sir, although the deposite banks are not very numerous, it is obvious that, inasmuch as it will be in the power of the Secretary of the Treasury to direct what bank notes shall and what shall not be received in the payment of the revenue; and, as the circumstance of the notes of a bank being receivable or not in payment of the revenue, will increase or diminish the value of the stock of the bank four or five per cent., that it will be to the interest of the stockholders in these banks to act in subservience to the will of the Secretary of the Treasury.

The real character of the arrangement which has been entered into with the State banks, and the danger to be apprehended from the influence of a host of dependants on the bounty of Government, is forcibly depicted in that part of the address of the General Assembly of Virginia to the people of that State, published in 1798, in which an enumeration is made of the causes which may lead to a consolidation of this Government, or rather its conversion into an absolute monarchy. These causes are there stated to consist--

"In fiscal systems and arrangements, which keep a host of commercial and wealthy individuals embodied and obedient to the mandates of the treasury.

"In swarms of officers, civil and military, who can inculcate political tenets tending to consolidation and monarchy, both by indulgencies and severities; and can act as spies over the free exercise of human reason."

The true question, Mr. Speaker, which the people of the United States have now to determine is, in my estimation, of infinitely more importance than any in which the fate of the United States Bank is alone involved. I repeat it, sir, it is a question of liberty or slavery. The people, sir, in Virginia at least, have been awakened to the danger that threatens them, and will detect the efforts which have been made to deceive and mislead them. The attempt which has been made, sir, to delude the people of the South, by pretending that the effect of restoring the deposites to the United States Bank will be to insure its recharter, and to induce them to believe that the only question to be determined is one of "bank or no bank," is, as we all know, nothing more than an artful appeal to the prejudices of the South against the bank, intended to conceal the dangerous attempt which is being made to subvert the constitution. Every man of common sense must know that there is no chance of the bank being rechartered, when he reflects that its charter will expire before the termination of the period for which the present Chief Magistrate of the United States has been elected, and that it is his determination not to sanction a recharter of the bank in any event. One simple fact in the history of the times will be sufficient to enable the people to decide how much reliance is to be placed upon what they hear about the tremendous influence which the bank can and does exercise in elections; it is the fact that one year ago the Legislature of Pennsylvania, (in which State the bank is located, and where it is said to have exerted its influence most,) passed resolutions by almost a unanimous vote in favor of a recharter of the United States Bank; and that a majority of the Legislature, elected since that time, are opposed to its recharter. Very little reflection, sir, must satisfy every man that the influence of the United States Bank, whatever it may be, which has but a few branches located in our great commercial cities, with only twenty-five directors, and perhaps one hundred officers in all, must be very inconsiderable, compared with that which may be exerted by some four or five hundred State banks, with an amount of capital three times as great as that of the United States Bank, with branches scattered all over the country, and with ten times as many officers and agents as the United States Bank; all acting in concert, in obedience to the will of one man, as they will do if the arrangement made by the Secretary of the Treasury be confirmed. The glaring injustice done to the United States Bank, by attributing to it the existing pressure in the money market, will be manifest to the people from the fact that the curtailment of its discounts, since the order to remove the deposites, has not been more than equal to one-half of the amount of money transferred from its vaults to those of the State banks. And, sir, when the people reflect, as they will do, that the notes of the United States Bank are still receivable by law in payment of the revenue, that many millions of dollars will be collected in its notes and placed in the States banks, that the State banks will have a right to demand specie from the United States Bank for those notes, and that an attempt has already been made to injure the credit of the United States Bank by making a run on one of its branches for specie; they will see the injustice of the charge which has been made against the United States Bank of hoarding up specie. Yes, Mr. Speaker, the time has come when the people will detect all these attempts to impose upon their credulity. The decline in the price of the products of the soil will induce every farmer to inquire into the true causes of the commercial distress which prevails. The merchants, when they pass on to the North to purchase goods, and are compelled to pay from four to five per cent. discount to the brokers, upon money which was at par last summer, will look into the causes of such a state of things. The infamous conduct of a corrupt press, in withholding the truth from the people, in misrepresenting facts, and drawing false inferences from votes given in this House, of which we have had recent and flagrant instances, will be exposed; and the whole system of fraud by which an attempt is being made to delude the people, will be detected.

Another idea has been gravely advanced through the medium of the press, for the purpose of deceiving the people, which is almost too preposterous to deserve even a passing notice; it is that of putting down all banks, and returning to a specie medium. The consequence which would result from a sudden effort to return to a specie medium, in a great commercial country, in which the precious metals do not exceed one-tenth of the whole circulating medium, are too obvious to escape the observation of any one. The immediate consequence of putting down the banking system would be, that money would become of ten times as much value as it is now, and that property would be worth only one-tenth of what it is at present. Every man who owes a debt would have to sacrifice ten times as much of his property as would now be sufficient to pay his debts; and a farmer who owes a debt of one hundred dollars, and has a plantation worth a thousand, would have to sacrifice his farm to pay the debt. We have all heard, Mr. Speaker, about the times when our ancestors were content with the simplest food and the plainest raiment, and we have every reason to believe they were more active, vigorous, healthy, and happy, than the people of the present day, with all the luxuries they enjoy. Let me recommend, sir, to those who talk so lightly of changing the settled order of things in relation to our circulating medium, first to try the experiment of compelling the people to abandon all the luxuries which have become so generally diffused among them, before they undertake the more difficult experiment of substituting a metallic for a paper currency. Another slight objection, sir, to this idea of having a metallic currency only, is, that it will be utterly impracticable to get to it, unless the Legislatures of all the States in the Union will come into the measure, which will never happen. Let me tell you, Mr. Speaker, that the attempt to appease the discontents of the people, by making what may be termed glorification speeches about the Hero and the battle of New Orleans, will be unavailing in the present emergency. What, sir, has the military fame of the President to do with a question about the removal of the deposites? His fame is the common property of his country, and no good man will be disposed to see it diminished. It will be in vain, sir, to appeal to the personal or political attachments of the people for the President, in order to palliate the misconduct of those who have deceived him in order to promote their own ambitious schemes, especially whilst they are experiencing the consequences of that misconduct.

The truth can no longer be hid from the public, sir, or from the real friends of the President—that he has been deceived by the misrepresentations of those who, under the guise of friendship, are seeking to use the popularity of his name as a passport to popular favor. The people of the United States know, Mr. Speaker, however strongly they may be attached to the President, and however much confidence they may have in the purity of his intentions, (and I do not mean to call them in question,) that he is but mortal like themselves; and, being so, he is liable, like all other men, to be deceived and misled. And, sir, in no situation in life is a man so liable to be deceived, as when surrounded, as the President is, and all men in his office will be, by persons whose interest it is to deceive him.

Mr. Speaker, the day of reckoning is at hand, when the extravagant expenditure of the public treasure, by those who are seeking to pave the way for the accession of their favorite to the presidential chair, can no longer be concealed by an appeal to the feelings of gratitude entertained by the people towards our present Chief Magistrate, for his past services. Sir, the people have a right to know, and they will demand of their agents in this Government to be informed, what has become of the enormous sum of twenty-two millions of dollars, expended by this Government during the last year. What has become of it, sir? They will not be satisfied, sir, with general professions and harangues about economy and retrenchment. What examples will you give them, sir, of retrenchment and economy? Will you tell them, sir, of a contract to build a bridge over the mud flats of the Potomac, for the moderate sum of 1,350,000 dollars? and that this was probably but the entering wedge—that it may probably cost five millions of dollars to complete the work, all of which is to come out of the public treasury? Or will you tell them, sir, of the glorious system of economy practised in your Post Office Department, (of the prosperity of which we heard so much but one short year ago,) by which it has fallen in debt to an amount little short, perhaps, of a million of dollars?

Sir, if you tell the people of these things, they may desire to find out some of the secrets contained in what is called the Blue Book; ay, sir, and some that are not to be found there; and they may demand that you inform them whether or not any portion of the enormous sums which have been paid to editors of newspapers, and others, have been expended for the purpose of influencing popular elections. Or whether these experiments were considered (as we are told, by the famous letter of the Secretary of the Treasury, the removal of the deposites was,) as a "measure necessary to preserve untainted the free institutions of our country, and to secure the liberties and happiness of the people." And, Mr. Speaker, when we shall be compelled at our next session, as we have reason to believe may be the case, to impose new taxes upon the people, in order to supply the deficiency of the revenue, occasioned, sir, by this hopeful system of economy; and either to revive the disputes about the tariff, by increasing the duties on foreign importations, or to levy a direct tax, and create a necessity for another swarm of excise officers, we shall hear the voice of the people, speaking to us in accents of thunder.

In answer to all that has been said about the misconduct of the bank, in expending its funds for political purposes, I have nothing now to say. I am no apologist for the bank; it is well known, sir, I do not approve of all its acts, although I think it "more sinned against than sinning." The question about the restoration of the deposites, about the rechartering of the bank, and the bank itself, shrinks into insignificance when we are considering the proper means of defeating designs against our liberties, and of preserving the constitution from violation.

I repeat it, Mr. Speaker, that the voice which my colleague has heard from Virginia, condemning the proceedings of the Legislature, is nothing more than the voice of a few who have been deceived by having a false issue presented for their decision, or who have been deceived as to the source from which their distress comes, or misled by artful appeals to that deep feeling of gratitude which the whole American people have towards the President for his past services. Sir, I am perfectly aware of the fact, which is perhaps known to every body here, that the whole efforts and energies of those whose movements are governed by the motions of the Magician's wand, are to be directed to Virginia for the next month, for the purpose of revolutionizing public sentiment there. But, sir, I hope there is too much intelligence among the people of that ancient State for the deceptions which are to be practised to succeed. And, Mr. Speaker, vain will be the attempt which I have reason to believe will be made to induce Virginia, the mother of Washington, of Jefferson, of Madison, of Henry, and a long list of other distinguished patriots, to bow her neck to receive the collar, by tempting her with an offer of the Vice Presidency for one of her sons. No, sir, she never can accept of such an offer, or any offer, as the price of her prostitution. Sir, I allude to the subject of the Vice Presidency from no unkind feelings towards any man in Virginia, but because I have reason to suspect that this is one of the means which is to be relied on for the conversion of Virginia. And I shall not be surprised if we shall see the name of a citizen of that State announced as a candidate for the Vice Presidency in less than a week from this time, in some of the presses belonging to what is called "the party."

Permit me, sir, to say, in conclusion, that notwithstanding the general demonstration which we know is to be made upon the Old Dominion in the course of the next month, I trust the time has come, sir, when we shall forget the family jars which have so long divided us and kept us too much estranged from each other; that now the banner of Virginia will be planted on the tall mountain which separates the east from the west; and that the people will rally around it from every quarter, firm and united, in defence of their rights, their liberties, and of the constitution.

Mr. **PINCKNEY**, of South Carolina, next addressed the House, also in support of the resolutions, and continued to speak until half past three, when he yielded to a motion for adjournment.

The House then adjourned.

TUESDAY, MARCH 11.

After the usual morning business had been gone through with,

Mr. **ADAMS**, of Massachusetts, asked the consent of the House to present certain resolutions of the Legislature of his State. Objections being made, he moved to suspend the rules for this purpose.

Mr. **R. M. JOHNSON** suggested that, if the motion were made general, so as to admit of the presentation of other resolutions and memorials, it would be more likely to be generally voted for.

Mr. **ADAMS** consented so to modify his motion, and did so accordingly.

The question being twice put, and no quorum voting, he withdrew his assent to modify, and renewed the motion in its original form.

The question being once more put, it was negatived—ayes 70, noes 56, (not two thirds.)

Mr. **CAVE JOHNSON**, Chairman of the Committee on Private Land Claims, moved for the discharge of that committee from the further consideration of a bill allowing claimants of land under the treaty for Louisiana to prove their titles before a tribunal for that purpose, which is to report the evidence taken to Congress.

Mr. J. explained the nature of the bill.

Mr. **WILLIAMS**, of North Carolina wished to know why the bill was to be taken out of its usual course.

Mr. **JOHNSON** replied, and further explained.

Mr. **SEVIER** supported the motion.

Mr. **ELLSWORTH** inquired whether this was the same bill which had been before the Committee on the Judiciary.

Mr. **SEVIER** replied in the affirmative, and went into a very warm and spirited remonstrance in favor of the bill, stating the equity of the claims of his constituents, the hardship of their case, and the equity of the proposed relief.

Mr. **ELLSWORTH** said, he only wished to say, that, from what he knew of the bill, there was no good reason why it should have any precedence.

Mr. **MANN**, of New York, supported the motion of the chairman of the committee.

Mr. **JOHNSON** further explained and urged the object of his motion.

The question was at length taken and carried—ayes 85, noes 60.

The **SPEAKER** now proclaimed the order of the day, and stated that there remained two minntes to the expiration of the hour.

Mr. **CLAYTON**, who had the floor, stated that he had been "knocked out of the middle" of one week into the middle of the week after, and threw himself on the indulgence of the House for leave to complete the residue of his remarks.

After some conversation, the request was acceded to by the House, and Mr. C. then proceeded in his speech, on the subject of Mr. MARDIS's resolution respecting the public deposites, as given entire in the preceding pages.

When Mr. C. had concluded—

On Motion of Mr. **POLK**, the House went into a Committee of the Whole on the state of the Union, Mr. WAYNE in the Chair, and took up the

ARMY APPROPRIATION BILL.

The bill having been read by sections—

Mr. **McKAY** moved to amend the first section in the bill which appropriates $1,381,772 for the pay and subsistence of the army, (including $94,786 of arrearages,) by separating the arrearages, and naming the balance only for the pay and subsistence.

Mr. **POLK** assented to this, and replied to a complaint of Mr. McKAY, in reference to the regular increase of the expenses of the army, by showing the increase which had taken place in the army itself, by the addition of several corps, in the ordnance corps, rangers, surgeons, &c.

Mr. **McKAY** replied, and further insisted on what he had before urged, as to the regular increase of expense, though the increase in the army had only been at occasional intervals.

The amendment was agreed to, and the bill altered so as to add a clause, stating that $94,786 of the amount appropriated was to cover arrearages of 1833.

The next clause having been read, appropriating for the Quartermaster General's Department.

Mr. **McKAY** urged the same complaint of increased expenditure. The article of forage alone had swelled since 1822, from 17,000 to $59,000. He objected to having appropriated for any more horses than were actually employed.

Mr. **POLK** replied, that the appropriation was only for the number of horses expressly allowed by law, and it was only in proportion to the increase of the army.

Mr. **McKAY** moved to reduce the amount to the same sum as for last year, viz: $54,331.

Mr. **BULL**, of Missouri, explained, and stated the addition of several hundred horses purchased for the use of the dragoons.

Mr. **McKAY** said the dragoons were provided for in another section of the bill.

Mr. **POLK** rejoined, and referred to the estimates from the War Department. The item was increased but $5,000.

Mr. **McKAY** withdrew his amendment.

On the clause for clothing of officers' servants, Mr. **McKAY** urged again the same objection he had made to the other.

Mr. **POLK** replied, the increase was just $450 over last year. The clause was agreed to.

Mr. **EVERETT** moved an additional clause to the bill, including $1,828 for Surgeon Beaumont, in performing a series of experiments on the stomach of a wounded soldier, in illustration of the process of digestion. The appropriation had been recommended by the Surgeon General. Allowances were made to the officers of the line for extra services, but this could not be done to surgeons unless by express provision.

Mr. **POLK** professed ignorance of the subject, and suggested it would be better to have this provided for in a separate bill.

Mr. **EVERETT** said his motion was made by order of the Joint Library Committee of both Houses; and the measure was recommended by the Surgeon General, and approved by the head of the War Department.

Mr. JONES objected to the appropriation, though small in amount, as establishing a dangerous principle. The officer had not been ordered to make these experiments, and Congress might as well remunerate a student for his studies.

Mr. EVERETT replied, that this soldier had been placed under the care of Surgeon Beaumont; and he had expended upwards of $5,000 out of his own pocket in the process of measures by which his life had been saved and prolonged. He might, no doubt, have left the man to die, but because he acted first from humanity, and then from the love of science, and had thereby succeeded, not only in saving his patient, but in presenting the most curious and valuable results in aid of the great objects of the surgical department of the army, was he to be refused such a pittance as this, when it was recommended by the head of the Surgical Staff?

Mr. McDUFFIE suggested that possibly the gentleman from Georgia had not examined the results of Surgeon Beaumont's investigations, as published to the world: he himself considered them as the most valuable gift that had ever been presented to physiological science, and highly honorable to the country. He was not disposed to go into any nice constitutional questions in agreeing to an item of this kind; he thought the money well deserved, and should vote for the amendment.

Mr. CHILTON expressed his hearty concurrence in these views. The House voted thousands upon thousands to reward persons who had killed men; but in this case, not only had the life of a man been preserved, but facts discovered and plans suggested, which might lead to the saving of millions of human lives.

Mr. JONES explained; admitted he had not examined the work, but had seen it, and knew its general nature from seeing it advertised. He considered the experiments as having been made by Surgeon Beaumont for his own benefit and improvement, and that of science generally, but not in discharge of any part of his duty to the United States, as employed by Government. Was the Government to pay for experiments it had not ordered? As to saving the man's life, that was a duty of humanity from which no surgeon in the country would have abstained, if in his power. But was this House to pay this individual for his humanity? Was that a proper ground of appropriation? This surgeon was paid by the month, and had fixed rations. Was not all he had done included in the duty for which he was paid?

Mr. CROCKETT rose: Gentlemen objected to paying for experiments; but in these days, when we were trying experiments on the currency, why not try experiments on the sciences? Though, for his part, he thought it was hardly necessary to make any appropriations at all for this or any thing else. He had been almost ready to go against all appropriation bills till he knew where the money was. If one man in the country could take all the money, what was the use of passing any bills about it? It was a mockery--it was childish to sit there and appropriate at all. If one man could take the money, and put it where the law had not placed it; how did the House know where it was? How could they tell but it might be in his royal majesty's pocket, or in the pocket of that imp of famine, his 4th Auditor. The money was not where the law put it, and who knew where it was? He would vote for one experiment, but he should for certain vote against the other.

The question was now put, and the amendment proposed by Mr. EVERETT agreed to--ayes 80, nays 53.

Mr. McKAY next proposed to amend the bill in the item for the Quartermaster's Department from $365,000 to $306,000. He objected to the large increase of expenditure in fuel, in repairing barracks, on clerks in the Quartermaster General's office, and those of his assistants, and in the postage of letters.

Mr. POLK replied, and read the reports and estimates on which this part of the bill had been drawn. He was willing and had himself designed to reduce this item $6,000; but was opposed to so large a reduction as $50,000, now proposed.

Mr. WILDE now moved that the committee rise. The motion carried--ayes 66, nays 64.

The committee thereupon rose and reported progress, and then

The House adjourned.

Wednesday, March 12.

REPORT OF THE COMMITTEE OF WAYS AND MEANS.

This being the day to which had been deferred the consideration of the report of the Committee of Ways and Means on the subject of the letter of the Secretary of the Treasury respecting the removal of the deposites, together with sundry other documents on that subject--

Mr. POLK, Chairman of the Committee of Ways and Means, stated to the House, that, although the report of the committee had been printed, and was now on the tables of the members, the appendix, containing sundry documents referred to in the report, and necessary to the due consideration of it, had not yet come from the hands of the public printer; and he therefore moved that the consideration of the report be further postponed to Tuesday next.

Mr. WILDE objected to the postponement. All the members of the House were in possession of the report; and, as to the documents which had been ordered to be printed by way of appendix, they were all, or nearly all of them, he believed, on the files of the House or the Departments, and within the reach of those who were desirous of consulting them. There must necessarily be more or less debate on the subjects of the report. He was himself desirous of submitting his views to the House, and was ready now to proceed. As it would take some time for him to do this fully, and as Friday and Saturday were appropriated to private bills, and Monday was petition day, it would probably be Tuesday before any other gentleman addressed the House on the report. His own course of argument would not require him to refer to the documents in question. He was, for these reasons, opposed to the postponement.

Mr. ELLSWORTH said he should regret the postponement, as moved for by the honorable gentleman at the head of the Committee of Ways and Means. For more than three months this subject has been discussed in this House and spread before the country. The committee, both parts of it, have made most elaborate and able reports, which some days since were laid on our tables. We are ready to go on. Every one must see, that the four resolutions reported by the committee will require from us great, very great consideration, and inevitably lead to extended discussion. Let us begin. The gentleman from Georgia says he is ready to address us; so, too, said Mr. E., he was ready to follow him in expressing his sentiments, as unimportant as they may be. Sir, the anxiety of the people of Connecticut is great; their business and enterprise are seriously deranged. They wish to see something settled and established; and if their former channels of trade and business cannot again be opened, they will seek, as well as they can, new ones. The capitalist and the laborer are alike in suspense, and he assured the House, they desired and ought to see something certain ahead. If the House is really to pass these resolutions, as he feared they were, he believed the sooner it was done the better, and let us be dismissed to bear home the sad intelligence to them. If the body politic must be medicated before it can regain health, the sooner it is done the better. For himself, he would stay here ever so long to ward off this blow upon the currency, property, and labor of the entire country; but he saw no hope. The administration is inexorable. At an early opportunity he hoped he should be able to present his sentiments to the House; he was ready now, and would go on at once if it were the pleasure of the House.

Mr. DICKSON, of New York, declared himself in favor of the motion of the Chairman of the Committee of Ways and Means. He wanted to see the documents of which the gentleman had spoken. He had not seen them. The reports, both that of the majority and that of the minority of the committee, were in his hands, but the documents in the appendix were not yet printed. Let the House have them in its possession before it proceeded to the debate. Nothing would be lost by this delay: for at present there were seven Congressional districts not represented on that floor; and should the delay asked for be conceded, it was probable some, if not all of them would be supplied. He considered it as all-important that there should be the fullest and most complete expression of the will of the people through their representatives on a matter of such vital interest to the whole country.

Mr. CHILTON said he perceived that he should, on this occasion, differ from many of those with whom he had been in the habit of acting in that House. The relative attitudes of the two sides of the House towards each other in this matter, it did not, perhaps, become him to speak of. Whether the gentleman at the head of the Committee of Ways and Means had not assumed a new attitude in moving to postpone a subject on which he had some time since been so zealous for action, was a question which possibly did not particularly concern him. Be this as it might, he was in favor of postponing the consideration of the subject at least beyond Monday, in order that opportunity might be given for the reception of petitions and memorials. Very possibly the individual feeling of gentlemen, who, like himself, were opposed to the present administration, might be gratified by indulging in a fiery debate, and, in the language of zealous denunciation againt those who at present wielded the destinies of the nation. They might give vent to their indignant feelings, and might obtain relief and gratification by doing so; but there was a more sacred obligation which they owed to themselves and their country. That the present situation of those in power was embarrassing, none would deny; but, as patriots, it was the duty of gentlemen on all sides to rise superior to personal and party considerations. Those of one party ought to deny themselves the triumph of sustaining the Executive if he was wrong, while those of the other would do as wisely to abstain from pouring out their feelings in censures of his course.

His own position was well understood; every body knew that he differed from the Executive *toto cœlo;* nay, was as violently opposed to him as any man in the nation. Yet he was in favor of discussing the great topics which were before them with coolness and forbearance. He was for trying whether they could not, by meeting their opponents in a proper spirit, succeed in speedily adjusting the questions which agitated the country, and restore once more the peace and prosperity it lately enjoyed. What, he asked, would the postponement effect? It was not, he knew, in order to refer to what was passing at the other end of the Capitol. But he might be permitted to say that he had heard of some propositions which were to be made in another place, and he rejoiced that there was even a gleam of hope that the murdered tranquillity of the country might be restored. He trusted that some proposition would be brought forward on which all could meet. And he implored all those who acted with him on that floor, he entreated them in the name of an agitated and suffering country, to pursue the course most likely to eventuate in such a result. He hoped that his agreeing to the motion for postponement would not be interpreted by any as implying the least acquiescence whatever in the views of the majority of the committee. He agreed to it, because he could see no evil that would result; while there was a possibility of some advantage.

Mr. WAYNE, of Georgia, disclaimed, in behalf of the Chairman of the Committee, any disposition to create unnecessary delay; but thought he would have subjected himself to merited censure had he consented to proceed to debate the report before the appendix should be in possession of the House. There was matter in that appendix to which gentlemen could not have access otherwise, as a portion of it had never been in print, being now printed for the first time from manuscripts in the Departments. There could be no great delay occasioned by agreeing to the motion; inasmuch as there remained but two open days between now and Tuesday next. The documents appended to the report had an important bearing on the subjects it treated of; and how could gentlemen be called upon to vote upon papers which they had never seen? He was ready to enter upon the debate next week, and to persevere in it without intermission from day to day, till some conclusion should be arrived at.

Mr. BURGES said, that, in common with others, he felt a deep anxiety that Congress should listen to the voice of the country, and should respond to it in accents which should intimate a desire to obey its mandate. There was nothing so oppressive as hope deferred. The country had been led to hope that to-day the House would take up this subject in earnest, and begin to discuss the report of the Committee of Ways and Means. And now they were met with a motion to postpone. Gentlemen might rest assured the people would scrutinize closely the reasons for such a postponement. Could they postpone the calamities which were pressing them down to the very earth? Could hunger postpone its call for bread? Why postpone debate? Why not suffer gentlemen who were prepared, to go on and deliver their views to the House? They were ready: why should they not be heard? Why, forsooth, gentlemen wanted the letters of certain Secretaries of the Treasury. What! must the House go to the letters of Secretaries to learn what was the law? If he believed that a Secretary of the Treasury had acted faithfully, though he might have been in error, he should not be for condemning him. But if, in such great concerns, he had knowingly perverted the law, he would arraign him. He would arraign him, living or dead. If living, he would arraign the man: and if dead, he would arraign his memory.

Don't tell me, said Mr. B., of letters of a Secretary going to justify a transaction which has brought upon the whole country a greater, more universal, more overwhelming flood of wide-spread ruin, than any single measure that ever had been attempted since the foundation of the Government. Tell me not of the letters of Secretary Crawford, or Secretary Dallas, or Secretary Hamilton, or any other Secretary. Have we not the law? Why are we to go to them? Do not gentlemen tell us that they are the mere instruments of the Executive? Why not go to the *dicta* of former Presidents? Why are we told that we must have the views and opinions of their underlings? when, in the same breath, they preach to us that the President has a perfect right of control over all their doings? The President! sir, the President is the only power in such a Government! It is he who must tell us what the law is—what it means—and what should be the practice under it!

Mr. Speaker, if it be—oh, if it be, indeed, as the gentleman from Kentucky [Mr. Chilton] would have us to believe—if there is, indeed, any gleam of hope that there is relief for the country coming, I, for one, will agree to sit here fasting, and in sack cloth and ashes, till the moment shall arrive when an oppressive, an arbitrary, a tyrannical Government shall say to the people, "it is enough—we will now give you relief" But what is it that the gentleman from Tennessee [Mr. Polk] tells us? The appendix is not ready! Ay, sir, when hunger is gnawing at our vitals, and we are all but sinking in despair, we are told the appendix is not here! You must wait for the printer! Why keep up this shadowy phantom of a paltry controversy that has no longer an existence? Why, instead of telling us what the Secretary of the Treasury has done, keep ringing in our ears that the bank must not be rechartered? That is not the question. The great thing we have to consider is the act of removal; it is not the two-penny appendix. It is a mere shift—a miserable put-off. When gentlemen are prepared and anxious to present their views on the great question before the nation, they must wait for an appendix. They tell you they don't want the appendix, nor any thing that is in it. Yet they must wait, because somebody else wants it. Well, sir, and when we get it, what then? Why then comes the previous question. A committee is ordered, and next summer we shall have a few sinecure officers made into a vagabond committee, going up and down the country, printing evidence against the bank, and to be paid for it! Ay, sir, to be paid for it! God forgive me! every thing now-a-days is to be paid for! paid for! I implore gentlemen not to bring forward such a proposition as this, and then sustain it by arguments, which anywhere else would be called boyish and puerile. Here, I know, every thing advanced is entitled to be heard with respect. But, sir, in a country village, such reasons would be objects of contempt.

Mr. MASON, of Virginia, observed, if all the members in the House were in the same state of mind as the gentleman from Rhode Island, it must be apparent there could be no reason for postponing the debate. That gentleman's opinion was made up. Nothing could satisfy him that the course of the administration was any thing but a gross assumption of power. The gentleman, begging the very question in debate, had pronounced it such; but Mr. M. trusted that the members of the House who were to pass upon the question submitted to their judgment, had not prejudged it. To him it was a perfectly novel proposition, that the report of one of the standing committees was to be precipitated upon the House in the absence of documents which ought to accompany it. The gentleman, indeed, had told the House that the reasons for postponement were puerile, and that the documents would not sustain the positions they were intended to support. Such, no doubt, was his opinion, but common courtesy required that, before the House undertook to act on a committee's report, it should have all parts of that report. He trusted that the discussion (for the country would not fail to see that the purpose of gentlemen was not to take the question, but to engage in a protracted discussion,) would not commence until an opportunity had been afforded fully to examine the ground of the committee's report.

Mr. M., through the whole progress of this matter, had hitherto sat a silent, but he trusted not an inattentive observer, and he entertained the opinion that the panic in the country which had occasioned such great distress to all the interests of trade and industry, arose, in a great measure, from the delay which had occurred in settling these questions. He implored the gentleman from Rhode Island, when the subject should be presented in some tangible shape, that he would show a disposition to have as speedy a decision of it as Mr. M., and those who acted with him. He would not consent to the imputation of being in favor of delay, which could only aggravate the evils of the country. Supposing we should refuse to postpone, what are we told? Why, sir, that no decision can be had, because the observations of the gentleman from Georgia alone will extend far enough to put off a decision beyond Tuesday. Sir, if that gentleman is disposed to favor the House, by presenting his views, I shall be an attentive, and, as I hope, an instructed listener; but I cannot consent to go into the discussion until we have before us the materials on which the committee acted.

Mr. ALLAN, of Kentucky, said that the report of the Committee of Ways and Means was the most important subject before the pesent Congress. We have now reached it in the regular progress of business. After a postponement of over a week, the chairman of that committee proposes another delay of almost another week; because he says certain papers, referred to in his report, are not yet printed. This might be an argument proper to be used by one who desired to use these unprinted papers; but the gentleman from Georgia [Mr. Wilde] is willing to proceed in the debate without them. Mr. A., therefore, did not see the necessity of delay. But, sir, whether this debate shall now commence, or next week, is unimportant. There has been certain indications manifested in regard to the disposition of this report with which he [Mr. A.] was not satisfied. When this report was first presented to this House, why was it not referred, agreeably to the rules and usages, to the Committee of the Whole on the state of the Union, where that full and free discussion could be had which is due to this all-important subject. But, sir, in violation of usage, the chairman keeps this subject under the power of the previous question, with the view, as was to be feared, to prevent discussion. Against such a course he protested, as the State from which he came had, as yet, had no opportunity of being heard.

The gentleman from Virginia [Mr. Mason] has expressed a willingness to postpone discussion, while he commends speedy action.

Mr. MASON said that he had been misunderstood.

Mr. ALLAN said he was glad that he was mistaken. He hoped that he also misunderstood the chairman of the Committee of Ways and Means. He would call upon that gentleman to state whether it was the intention to keep this report from the Committee of the Whole, and to prevent discussion.

Mr. POLK said, in reply, that he did not know that the gentleman from Kentucky was warranted to propose to him any such question. He would, however, answer the gentleman. At the same time that he would do nothing which might operate to restrain a full discussion of the subject, he would consent to do nothing that must delay decision: he would do nothing by his vote which should put the subject in a situation where no decision could ever be had upon it. As to the matter immediately before the House, the House itself had ordered that the report of the committee, with the accompanying documents, should be printed for the use of the members. He considered it important that this should be done. The printer, however, had not yet furnished those documents to the House. They were not upon the tables of members; he knew no member of the House or of the Committee of Ways and Means could have controlled the action of the printer. He knew not why the papers were not here. The gentleman from Georgia [Mr. Wayne] was perfectly right in the opinion he had expressed that, if Mr. P. had consented to go into the discussion under present circumstances, he might justly have been charged with precipitancy. It was no part of his purpose to produce procrastination; he wished to have the subject discussed; he desired that the House should give the fullest expression of its opinion. The opposition of the gentleman from Georgia behind him [Mr. Wilde] did, he confessed, surprise him—because, in private conversation with the members, he had understood that the postponement would meet with general acquiescence. He had nothing to say in reply to the gentleman from Rhode Island, farther than that, when the question should come up, he hoped to find that gentleman among those who were ready to come to a decision upon it. As to the preliminary discussion which had consumed from seventy to eighty days of the session, he well remembered that it had been urged by the gentleman from Rhode Island and others, in opposition to Mr. P.'s wishes. After that great consumption of time, the subject had ultimately taken the direction which the committee desired. They had now returned to the House with the result of their deliberations, in the shape of certain distinct propositions. These they desired should go to the House in company with documents intimately connected with the general subject, a part of which had never before been in print. How far they might throw light upon the subject, it was not for him to say: they certainly had had weight with the Committee of Ways and Means. He had no desire respecting these papers, but that they should come up in regular form. He had no wish to procrastinate; and, if such an impression had been attempted to be thrown out, it had no foundation in truth—none whatever. It had been his intention to submit to the House, for its adoption, an order which would insure a full discussion, viz: that the report of the committee be the standing order of the day on every day in every week, Saturdays excepted, and should so continue until the House should come to some decision. When that order was submitted, they should see whether the gentleman from Rhode Island would vote for a measure which went to insure both full discussion and speedy action.

Mr. MILLER, of Pennsylvania, observed that he had but little to say. On such a question there ought not to be much debate. It was simple, and easily comprehended. It amounted, in effect, merely to putting off the speech of the gentleman from Georgia [Mr. WILDE] for two days longer. Mr. M. would not have risen, had he not discovered an attempt to raise the impression that those who voted for the motion now before the House were desirous of postponing a final discussion this evening. He was in favor of having a decision as soon as practicable. The sooner the better for the nation. And if he believed that a decision would be arrived at any the sooner by commencing the discussion now, he should vote against the motion to postpone; but, if he had any correct knowledge of the condition of that House, the length of the proposed debate would be measured only by the length of the session. Should the discussion commence now, it must take precedence of every thing except the private bills on Friday next. Now, he thought the House might with advantage give to-day and to-morrow to the consideration of many important bills of a public nature. Some gentlemen, however, seemed so anxious to vent their feelings, so impatient to use the words "tyrant and usurper," and apply them to the Chief Magistrate of the country, that they could not wait. The House had already indulged a course of this nature, against all rules of order, for many days. Much abuse had been uttered against the Chief Magistrate. There were some who used these terms in reference to the same individual, when he was risking his all, both property and life, for the defence of the country. He did not know whether the gentleman from Rhode Island was one of those persons or not. But such there were. Surely the gentleman should entertain some liberality of feeling towards those who differed from him. Their differences were matters of opinion, and those who differed from him the most widely might be just as honest as the gentleman himself. Mr. M. was prepared, when the subject should come up, to present his own views in relation to it. They were as satisfactory, at least to himself, as the views of the gentleman from Rhode Island were to him. And he possessed, and should exercise, the same right to express them.

Mr. WAYNE rose to explain. The House must be aware that it was not competent for gentlemen to go into the discussion to-day, if but a single member should object to it. And, without intending to be either perverse or forward, he would now say, that, if discussion should now be insisted upon, he should himself be the individual to object. As soon as the subject was called up, he should demand the reading of the report. But the House had it not, and could not get it to-day; and, such being the case, all argument was in vain. Even if a majority of the House should resolve to go into the discussion, he gave notice that he should call for the reading of the report.

Mr. BAYLIES said, that he was in favor of the postponement. He did not wish, however, to be subjected to the censure which, as it seemed to him, the gentleman from Rhode Island had cast upon all those who were unwilling to enter at once upon the discussion of the subject, by imputing to them an indifference to the embarrassment and suffering under which the country was laboring. He had, he believed, as much feeling for the distresses of the people as that gentleman or any other; and he would go as far in all conciliatory measures to provide relief. He was for a decision at as early a day as practicable; but it was evident that the House was not prepared at this time to commence the debate. He had not himself caused one moment's delay, by speaking upon the question of reference, but he had done nothing to prevent others from exercising that privilege. He thought, it was true, that the discussion upon that preliminary question was unnecessarily protracted, but he had been willing that gentlemen should judge for themselves, and had uniformly voted against the previous question. He thought there was business enough to occupy the House till next Tuesday. There were the appropriation bills; the bill concerning revolutionary claims, and the resolution touching the deposites; and he would hear the gentleman from Rhode Island upon that subject with great pleasure. Friday and Saturday would be taken up with private business, and Monday with petitions. He thought, also, that the suggestion of the gentleman from Kentucky, [Mr. CHILTON] was worthy of some consideration. He should not at this time intimate, he said, any opinion as to the merits of the report, it not being in order, upon this question, to discuss them.

Mr. ASHLEY, of Missouri, said, that no gentleman in that House could be more in favor of a final disposition of the question before the House than he was; and, if he believed that entering on the subject to-day would expedite such decision, he should certainly vote for it. But he must oppose it, and would give the reasons which induced him to do so. This vexed question of the bank and the deposites was likely to consume the greatest part of the residue of the session, and, if the House should take it up at this time, matters of great importance must unavoidably be postponed. Mr. A., therefore, said he should vote for the postponement, in the hope that the House would take up the appropriation bills. The departments were embarrassed for the want of the money; nor was that the only consideration. Did gentlemen forget that, as soon as those bills were passed, the money would immediately go into the hands of the people, and so far help to relieve them? Not only were the officers of Government embarrassed, but multitudes of individuals were suffering for want of money to which they were justly entitled, but which was now locked up in the treasury for want of those appropriations which alone could take it out.

Mr. HUBBARD said, it would seem that no discussion can be had in this House, upon any subject connected with the public deposites, without the manifestation of an extraordinary excitement. This course was most certainly to be regretted.

In order to ascertain the propriety of adopting the motion presented by the Chairman of the Committee of Ways and Means, we should inquire, in the first place, (said Mr. H.,) what were the subjects referred to that committee. It will be found, that not only the report of the Secretary of the Treasury was committed to that committee, but also various memorials, touching the bank and the deposites, were also referred. Many of the memorials called for a recharter of the Bank of the United States; others petitioned for a restoration of the public deposites to that institution. What has been the report of the committee in relation to these subjects? The committee have recommended the adoption of a resolution, that it is inexpedient to recharter the Bank of the United States. They have assigned their reasons for this. The committee have also recommended the adoption of a resolution, that it is inexpedient to restore the deposites to the Bank of the United States. They have stated in the body of their report the consideration which induced them to present this last resolution. And it must occur to every member of this House that the power of the Secretary of the Treasury over the public deposites has been questioned and denied; and, in relation to that point, the committee have, at great labor, collected, prepared, and arranged a body of documents fully sustaining the power of the Secretary. They have considered this as of the utmost importance, and they think that the documentary history appended to the report will clearly show that this same power has been exercised by the head of the Treasury Department, from the foundation of the Government to the present time.

And now, sir, what is the motion of the gentleman from Tennessee? It is that the further consideration of this subject should be postponed until Tuesday next; and why? Because, sir, the report thus prepared, with the documents, have not been published and placed upon the tables of the members; that no opportunity has been given to examine that report. His honorable friend has not asked for the postponement for his own accommodation, or for the accommodation of the other members of the Committee of Ways and Means, but, with reference to the report, the motion has been made in justice to himself, and in justice to the other members of that committee. This is due to them, and it is due to the House. The grounds taken by the committee have been distinctly presented in their report. They think that the members of this House should have an opportunity fully to examine and well to consider those grounds, before the debate should commence. It is no more than an act of justice to them. No fault can be imputed to the committee. They cannot be answerable for the delay which has taken place in the printing of their report with the accompanying documents. On every consideration, therefore, it does seem to me that the motion should be adopted, and the consideration of the subject postponed.

Mr. **EVERETT**, of Vermont, said that when he came to the House he was aware that this question would be the order of the day; and if the Chairman of the Commitmittee of Ways and Means had not made the motion for postponement, he should himself have moved it. He was obliged to the gentleman from Tennessee for having done so. He trusted the report would receive a full discussion. The object of postponement was not to prevent, but rather to aid and facilitate it. Besides, it was due as a matter of courtesy to the chairman of any one of the standing committees of the House, on his mere request, to postpone a subject, particularly referred to him, for a short time. Mr. E. said he had not yet even read the report; his time had been fully occupied with other duties of his situation. [Mr. E. being Chairman of the Committee on Indian Affairs.]

Mr. **HARDIN**, of Kentucky, said that he did not know whether he had heard the gentleman from Tennessee correctly, but understanding him to have moved a postponement, for the want of important documents; and, understanding him further to say, that he should move that this subject should be the standing order for every day, and that the previous question should not be called till every gentleman should have had an opportunity of being heard; and thinking that the gentleman's propositions were fair, he should accede to them; and, with the understanding he had now expressed, he should vote for the postponement.

Mr. **McKENNAN** said, that he intended, before he sat down, to offer an amendment to the resolution of the gentleman from Tennessee, [Mr. Polk,] the purpose of which would be to postpone to a later period than he proposed, the consideration of the report of the Committee of Ways and Means, and begged briefly to state his reasons. In the first place, he said, there were important bills, of great interest to the country, which ought to be acted on before the debate on the agitating question, which must necessarily be a protracted one, should be commended. A few of those bills he would call to the attention of the House. They would recollect the bill emanating from the Committee on Revolutionary Claims, the discussion of which had been commenced, and the final passage of which was so necessary for the speedy adjustment of many just claims, the payment of which has already been too long deferred.

Again, there was the army appropriation bill, upon which the House had yesterday gone into Committee of the Whole, and made some progress, but had not passed it. It was of essential importance that it should be acted on finally, without any delay.

But there was another of deep interest to his constituents, the bill for the continuance and repair of the Cumberland road. That part of it which lies east of the Ohio is in a most miserable condition, and a regard to its situation, as well as to economy in the expenditure of the funds which may be appropriated, demands speedy action. The time for working upon the road has now arrived; and if it is intended to do any good during this season, the appropriation ought to be immediately made. From the manner in which legislation is conducted in this House, every member must be satisfied that it will be impossible to pass those, and other important bills, before next Tuesday; and if they are postponed till after the discussion on this all-engrossing topic is commenced, who can tell when they will be again reached? But, said he, Mr. Speaker, there is another reason why the consideration of this subject ought to be longer postponed, which, to my mind, is all-important and controlling. We require, sir, a full expression of the views, feelings, and wishes of the people, and not yet has sufficient time elapsed to enable us to hear from the whole country. Before the subject is brought to a decision, I would be glad to afford the whole people an opportunity of pouring into the ears of their representatives their distresses and complaints; for it is manifest that it is to them, and them only, they are to look for a remedy of the evils which are pressing upon them. It is well known that it is idle to apply to the Executive for relief. He has closed his ear against those complaints. His mind is made up; and there is no concealment of his views. He is obstinately fixed; and there can be no hope of moving him from his purpose, although desolation should sweep over the land. Those who have wormed themselves into the confidence of the Executive, and obtained his ear, have made him believe that, in wringing the very hearts of the people, he is "subserving the cause of morality and the country;" and no expectation can be entertained that he will recede.

To this House, then, only, are the people to look for a redress of their grievances, and for the adoption of such measures as will save millions from bankruptcy and ruin; and I hope, sir, that a voice will come from the valleys and the mountains of the country, which will not be disregarded. And to afford the people an opportunity of being fully heard, as well as with a view of obtaining action upon the important bills to which reference has been made, I move to amend the motion of the gentleman from Tennessee, by inserting Tuesday week instead of next Tuesday.

Mr. BURGES rose to explain. The whole object he had in view was to put the question into such a shape as it ought to bear, before the House should enter on the debate. The great question before them was on the reasons submitted by the Secretary of the Treasury for removing the public deposites. That was the first question. Were those reasons sufficient or not sufficient? Gentlemen could not escape the question—they could not wink it out of sight. It was not the question whether the bank should be rechartered. That question was not before the House. He said his own wish was, to move a recommitment of the Secretary's letter, with instructions to the committee to report that the reasons were insufficient. That would bring the question fairly up, and every gentleman must vote directly. If it should be announced that the reasons were sufficient, then ulterior measures would have to be adopted. But if the reasons should be pronounced insufficient, the sound would reach, as in a moment, to the utmost bounds of the country, and it must be followed by a restoration of the dedeposites. For this reason he was opposed to any postponement. There was another reason, which came as near to him as even the welfare of his constituents—it had relation to some members of the House. Mr. B. said he would do much to stand well in the opinion of a gentleman from Massachusetts, [Mr. Baylies,] who seemed to have understood him as accusing that gentleman of wishing for delay. God forbid that he should utter such a sentiment. He only meant to entreat that the discussion might not be delayed. All that he did, there and elsewhere, he did directly; and if he had intended so to accuse the gentleman, Heaven knew that he should have said so expressly. His fault was to say more than he meant, rather than less. He had had no intention to wrong that gentleman's feelings. The gentleman had told the House, and he had told them with that voice and countenance which was always the index of truth, that he had voted against the previous question. The previous question, however, had been carried, and Mr. B. had been voted off the floor very uncourteously. He had been at that time the only representative from Rhode Island, and his friends wished to hear from him.

The reasons advanced in favor of postponement seemed to him wholly without force—nay, almost absurd. He wanted to have the question put, when every man might speak upon it freely. He now found, however, from what had dropped from the gentlemn from Tennessee, that the report was not to go to the Committee of the Whole, but was to be retained in the House, where the axe might at any moment fall and cut short the discussion. And now they had held up certain rules and orders to amuse the people, by giving out that the House would do nothing else but attend to this subject, from Monday morning till Saturday night. But what was this? It was no more like relief than the ashes that filled the apples of Sodom were to sound and wholesome fruit. The gentleman from Massachusetts, [Mr. Baylies,] however, wished that the discussion should be put off, and, as he well knew that that gentleman had none but honest reasons, he should yield his assent to it.

As to the gentleman from Pennsylvania, [Mr. Miller,] he had said that gentleman had been indulged with liberty to speak about the President. Now, he wanted to know if it was held to be an indulgence that representatives on that floor should speak with freedom of the first Executive officer of the Government. He should certainly endeavor, in speaking of that officer, to keep himself within the bounds of civility, though he might sometimes make use of the word tyrant. But when he heard the President say to the delegations who addressed him, "go home and go to work; I am accustomed to govern; I shall take care of my glory, and my Government, and my people," (meaning all of us here, and our constituents,) I think it is time to tell the people that there is something more in the country than a President. I think we might be indulged with some little freedom of speech, when we are ruined and ground down under the measures of the President and his counsellors. Nay, sir, I think we ought to be permitted to call him a tyrant, if we think him so, without asking leave. He is certainly denounced as such by millions who once admired him; yet the gentleman considers it as an indulgence. No doubt, the gentleman is far more courteous than I, and he may have other reasons, besides, for not using this indulgence; but I am not used to being restrained from saying or doing what shall be for the advantage of my constituents.

Mr. BYNUM, of North Carolina, said he was disappointed in observing that the proposition of the chairman of the committee was not met by gentlemen in that conciliatory spirit which, from the remarks especially of the gentlemen from Kentucky, [Mr. Chilton,] he had been led to expect. He had pleased himself with the hope that there were some symptoms of such a spirit beginning to manifest themselves. The question was of such intrinsic importance, that it stood in no need of the aid of declamation. The House needed every particle of light that could be thrown upon it. They should approach it divested of every thing like party feeling. The consequences to flow from its decision were too momentous for the indulgence of any such feelings. They ought to approach the subject as members of the same family. As to designs of tyranny, if any such existed in the country, he trusted we had patriots enough also in the country to strangle it in its very cradle. But if gentlemen would thus cry wolf! wolf! when there was no wolf, he hoped that the people, the honest yeomanry of the country, would brand those who raised such false cries as deceivers. He stood there representing a portion of the freemen of this land, and responsible for interests which might be affected by his action there. If there were any facts not now in possession of the House, but which would shed light upon the subject of their deliberations, he called for them to be laid before it. He wished to examine them for himself. He could not take the contents of important documents upon trust; neither on the representations of the honorable gentleman from Georgia, [Mr. Wilde,] nor of any other gentleman. It had been said that the report was before them. He denied it; the report, in all its parts, was not before them; yet they were called to vote upon it—to vote upon what they had not examined. He should not take an *ex parte* statement, nor a partial and imperfect report. Gentlemen had seized the opportunity afforded by the present motion of the chairman of the Committee of Ways and Means, to cry "oppression! tyranny! despotism!" but all this was well understood—it all went on a presumption of the ignorance of the people; but gentlemen would find themselves mistaken. Did the people of the United States believe Andrew Jackson to be a tyrant, a usurper, or that they were themselves in distress? No: they believed no such thing. They would take no man's word in such matters. They would judge for themselves. If they had taken gentlemen's words up the subject, the President would have been executed long ago. He never would, at this day, have been found in the "White Palace," as it was in derision called. The people fully understood the game. They knew it was all for effect; and, in due time, some of those gentlemen who were here forever crying "wolf! wolf!" would be dealt with accordingly.

[The CHAIR here called Mr. Bynum to order.]

Mr. B. then concluded by saying that, if facts necessary to their deliberations were not before them, he would wait till they were, and would not act without them, if he should wait a month.

Mr. McDUFFIE said, he rose merely to state that he hoped the time of the House would not be consumed in collateral debate. He was anxious that the main question should be discussed. It was time to act. One of the members of the Committee of Ways and Means [Mr. Wilde] was ready now to address the House. Let the House hear him. And if no other gentleman was ready to follow, then let the subject be postponed as proposed. The report of the committee, and the attitude in which it placed the whole subject, was better calculated to increase the distress which prevailed than any other thing would be. If, however, the chairman of the committee insisted on pressing his motion, common courtesy would require that it should not be refused.

Mr. LANE, of Indiana, said that though the gentleman from Georgia [Mr. Wilde] might be prepared now to discuss the subject of the report, he (Mr. L.) was not now prepared to hear him. He could not hear him understandingly. He had not yet seen either the report or the documents which were to accompany it. As he desired the aid of all the lights that could be thrown upon the subject of deliberation, whether from documentary matter, or from the talents and eloquence of gentlemen on that floor, he could not now go into the subject. He wished first to have an opportunity to examine the report and the appendix. He had sat in that House now for three months, while the discussion on this deposite question had been going on, a silent and a patient listener. Nor should he have risen now but for an imputation cast on the gentleman from Tennessee, and on those who had the honor to act with him in that House, that the object of their motion was delay.

It was important sometimes to retrospect the conduct of gentlemen. He trusted he never should so far violate the order of the House as to call in question the motives of any gentleman who held a seat there. But he could not but recollect that, on the 12th of last December, a gentleman from Pennsylvania [Mr. Binney] had declared that action, speedy action, was necessary; and with a view to that end had insisted that the report of the Secretary of the Treasury should be referred to a committee of the whole House. He well recollected the eloquence of a gentleman who sat near him, and to whom he always listened with pleasure, who had told the House that, though debate might be pleasant to the House, it was death to the people. Mr. L. had then occupied the floor for a moment, merely to state that he should vote to send the Secretary's letter to the Committee of Ways and Means, and should then be for a speedy decision of the question. Now, who was the most consistent? He who had sat silent, or other gentlemen who had continued to speak day after day, and as soon as any attempt was made to bring the debate to a close, had resisted it, and been the first to procrastinate? The Committee of Ways and Means had now reported: he had not yet seen their report; and now the delay of a single week was complained of.

Mr. L. repeated that he was not prepared to hear the gentleman from Georgia, and he trusted the motion of the gentleman from Tennessee would prevail. In reply to the gentleman from Rhode Island, he would say that he always listened to him with pleasure; that he was always glad to avail himself of all the light which that gentleman's illuminated mind never failed to throw around it. He was anxious to avail himself of every resource, and hailed every new light he could obtain—always excepting a blue light.

Mr. BURD, of Pennsylvania, thanked the gentleman from Tennessee for having moved the postponement. He had risen not to examine the report—he wished to approach its examination as advised. All the lights which could be obtained were desirable, that the question might be decided on its merits. He did not impugn the motives of the Executive; he had been one of his earliest friends, although he was entirely opposed to him in the present matter. He had been in favor of referring the Secretary's letter to a select committee, and that it should not be made a party question. It was a great question of law, and was to be settled without regard to whether distress had or had not followed. One portion of the House declared that there was the most alarming distress in every quarter of the country: others insisted that there was no distress at all. Time would decide between them. He was for having the question decided as law and the constitution should require.

Mr. WILDE said, as this seemed to be considered as an argument whether the House would or would not now hear his speech, he presumed he should be entitled to the last word. Whether the gentleman from Pennsylvania [Mr. Miller] was right in so treating it or not, he (Mr. W.) should not inquire. If he were, gentlemen who spoke for the motion, and, by consequence, (according to the gentleman,) against the speech, attached much more importance to it than he (Mr. W.) did. What he had to say, when heard, though it would not, perhaps, be entirely innocent of all meaning, might be little better than some of the reasons against hearing it. He rose, however, not to say a word in its favor, but to relieve the House from all anxiety on the subject, as soon as he had discharged his obligations to all the gentlemen who had honored him with their remarks. In desiring to proceed at this time, the time assigned by the Committee of Ways and Means themselves for taking it up, he was actuated, as far as he could answer for his own motives, solely by a wish to save time, and fulfil his duty. He had understood that the chairman of the Committee of Ways and Means, who, on a former occasion, laboriously argued this subject, did not design defending his report until it was attacked, and he (Mr. W.) had, therefore, urged his right to the floor. It was his fortune, however, in the view of the gentleman from Tennessee [Mr. Polk] and his friends, to be always too fast, or too slow. When he last wished to speak, the previous question was called, and persisted in, because he was too late. Now a postponement is moved because he is too soon; and the gentleman from North Carolina [Mr. Bynum] expressed surprise that he (Mr. W.) should persevere in a course which, in his (Mr. B.'s) opinion, implied a want of courtesy to the chairman of the Committee of Ways and Means.

He (Mr. W.) would always be happy to be instructed in courtesy, by so distinguished a professor as the gentleman from North Carolina; but he did not perceive how his wishing to speak, when the gentleman from Tennessee did not, implied any discourtesy; and, in justice to himself, he was bound to add, he had several times attempted to get the floor, with a view of withdrawing his opposition, but other gentlemen, who had not spoken, always got it from him. He had competed with the gentleman from North Carolina [Mr. Bynum] himself, and was only prevented from interrupting him, to state his object, by the very quality in which the gentleman supposed him deficient.

He had not, therefore, exhibited any pertinacity of opposition to a motion which virtually told him he was premature in desiring to be heard, as he had before been told he was tardy. But if he had, undoubtedly, under all the circumstances, he would have been justified, and he wished to right himself on that point, in the opinion of the House. The papers came in a week ago. Every gentleman had been in possession of the majority report and the minority report, several days since. Some documents to be appended to the former were alone wanting; and this is urged as a ground for not proceeding with a discussion of the report, which he was prepared to discuss without those documents. If he were suffered to proceed, he should occupy the time allotted to the subject to-day and to-morrow. Friday and Saturday were assigned to private bills, and Monday for petitions. The postponement, therefore, was unnecessary. It would not be necessary for him, in the view he proposed to take, to advert to those documents, nor would it be requisite to advert to them for the purpose of testing its correctness. The most important of them were documents already printed, and on the files of the House; such as the report and counter report from the majority and minority of the Committee of Ways and Means of last year, of which a large number of extra copies had been voted, and which, he supposed, every one in the House had read.

The gentleman from Indiana, indeed, [Mr. Lane,] appeared to believe he should not be able to understand his (Mr. W.'s) speech, without the aid of the papers in question. He feared, if this were so, he must abandon all hope of being understood by the gentleman from Indiana. For, undoubtedly, if he could not understand Mr. W. without documents, to which it was not Mr. W.'s present purpose to refer, he would not be able to understand him with them.

His colleague [Mr. Wayne] seemed to think it would be a waste of time to attempt proceeding, since any one might call for the reading of the documents, and so interrupt the progress of the discussion. With great deference to his colleague's superior knowledge of rules and order, he ventured to affirm he was mistaken. The reading, having been once dispensed with, could not again be insisted on, if any one objected to it.

The gentleman from Virginia [Mr. Mason] and others, as it seemed to him, argued against delay and voted for it. Gentlemen cry out for action; and what action do they propose? An action to confirm what has been done, and to leave all things just as they are.

The gentleman from Tennessee, [Mr. Polk,] with whom the gentleman from Virginia [Mr. Mason] voted, declined bringing this matter into the Committee of the Whole, where every body could have fair play. They had resolved to keep the tourniquet on the debate, and to amputate it whenever they thought proper. They professed great liberality. They intended to admit a reasonable length of debate; but they were to be the judges of that, and kept the power in their own hands. What did gentlemen mean by a reasonable length of debate? They professed a great willingness to hear him, if they thought it would advance the period of a decision in the least; but not seeing how that could be at all affected, they would vote against hearing him.

Again, he asked, what did gentlemen mean by a reasonable length of debate? If they meant, ten, twenty, or thirty days, or any fixed time during which they could find patience and leisure to listen or not listen, as they pleased, to the complaints and sufferings of the country, then he said to gentlemen it was a very simple question of arithmetic. By beginning two days sooner, they would finish two days earlier. The decision for which gentlemen appeared to be so anxious would be had eight, eighteen, or twenty-eight days hence, according to the urgency or clemency of gentlemen and their friends in assigning, in the first instance, a fixed period during which the voice of reason or the wail of misery was permitted to be heard. If the words of gentlemen who made these declarations were to be interpreted by their acts, they were anxious to decide, but indisposed to discuss. Mr. W. did not complain of that; and the gentleman from North Carolina, [Mr. Bynum,] unintentionally, no doubt, did him great injustice when he imagined he (Mr. W.) was inclined to compel the House to listen to him. That was a miracle which even the gentleman himself could not effect. Mr. W. considered that the liberty of speaking and the liberty of not hearing went together. During certain kinds of re-marks, they were all troubled with the malady of not *marking*. For himself, however, whenever the subject, in his opinion, was worthy of discussion, give him permission to speak, and he would take his chance of being heard, ay, and understood, too, without documents. He had pressed for a hearing, because he was ready for trial. If others were not, it was not his fault. Their time for preparation had been equal to his own; their capacity certainly not less; and their industry, no doubt, greater. Why this indisposition to open the debate? Whence this opposition, from gentlemen themselves so opposite? The gentleman from Tennessee [Mr. Polk] having apprised, as he says, some of the gentlemen with whom Mr. W. usually acted, of the intended motion to postpone, and met with no objection, had not expected any from him.

He (Mr. W.) had never heard a hint of the motion before it was made; a proof that the gentleman from Tennessee had mistaken the persons with whom he (Mr. W.) usually acted, or that his usual course of action was little concerted with any one. In the opinion of his honorable friend from Missouri, [Mr. Ashley,] that we ought to proceed to the appropriation bills, he could not concur. The moment those bills were passed, Congress would be no longer necessary to "the Government," and there was a measure (which might be resorted to) which had been mooted, and which would as effectually preclude all further discussion as the favorite remedy of the majority for that great evil—freedom of debate. He need not be more explicit. Every one understood him. The gentleman from Kentucky [Mr. Chilton] wished delay, because he hoped a great remedy was preparing. What revelations, by vision or otherwise, the gentleman might have had, he could not say; still less, how their fulfilment of his prophetic hopes could be in the slightest degree affected by an argument, however feeble, against the committee's remedy, and in favor of some other.

Since it was obvious, however, if this debate went on, his speech would be cut off, (whether the postponement should be carried or not,) having, as he hoped, set himself right before the House, and acquitted himself of all debts of gratitude to the gentlemen who so much lamented that they could not hear him then, he would, so far as he was concerned, withdraw his opposition. They should hear him "another day."

The question was now put on postponing the consideration of the report till Tuesday week, and negatived.

It was then put on the original motion to postpone till Tuesday next, and carried without a count.

MASSACHUSETTS RESOLUTIONS.

Mr. ADAMS, of Massachusetts, said he had already twice requested of the House leave to lay before it certain resolutions from the State of Massachusetts, with the presentation of which he had been charged. He would now prefer that request for a third time, assuring gentlemen that he should not occupy the time of the House with any debate on the resolutions, but should reserve to a future opportunity the expression of his views in relation to the subjects to which they had reference.

Objection being made—

He moved a suspension of the rules of the House, for the purpose of offering these resolutions.

The motion was negatived—ayes 79. It requiring two thirds.

REPORT OF COMMITTEE OF WAYS AND MEANS.

Mr. POLK asked consent of the House to offer a resolution intended to insure a fuller consideration to the report of the Committee of Ways and Means on the subjects referred to them in connexion with the removal of the deposites.

Mr. ADAMS loudly objecting—

Mr. POLK moved to suspend the rule, to enable him to make the motion he had indicated.

The question being put, it was carried—ayes 119, noes 47.

The rule being suspended,

Mr. POLK offered a resolution to make the report of the Committee of Ways and Means the order of the day for every day, at one o'clock, until finally acted upon.

The **CHAIR** said, the resolution, going to change the course of business, must, by rule, lie on the table one day.

Mr. POLK moved that that rule be suspended, and that the House now consider the resolution.

Mr. ADAMS requested Mr. Polk to withdraw his motion.

Mr. POLK declining,

Mr. ADAMS was about giving some reason why he made the request.

The **CHAIR** pronounced this not to be in order; as a motion to suspend the rules did not admit of debate.

Mr. ADAMS. The voice of Virginia has been heard here, and—

The **CHAIR** called Mr. Adams to order.

Mr. ADAMS said he hoped there was some sense of justice in the majority of the House; after refusing him—

The **CHAIR** repeatedly called Mr. A. to order, and at length directed him to take his seat.

Mr. McDUFFIE inquired of the Chair whether, if the resolution now offered was laid upon the table, its consideration would not be superseded by all other resolutions already lying on the table, and previously offered?

The **CHAIR** replied that it would.

The question was thereupon taken, and carried—ayes 115, noes 56.

So the House determined that the resolution should now be considered; and it was considered accordingly.

Mr. ADAMS, of Massachusetts, then addressed the House, as follows:

Mr. Speaker: I hope the House will not pass this, nor any such resolution; for I do not feel at all relieved from a serious apprehension, by the exception with which it has been so modified as to leave the weekly day allotted to the reception of petitions and memorials yet open for that service. And if this resolution should pass, and be adhered to, it is exceedingly probable that not another petition or memorial will obtain admission to the House to the end of the session. And, sir, I will now say, what I was about to say a short time since, when the Speaker arrested me on a point of order, and compelled me to take my seat. I trust it will not now be out of order. About a fortnight since, certain resolutions of the Legislature of Virginia were presented on the regular day (the Monday) by one of the representatives from that Commonwealth on this floor. They related to the great topics which have almost engrossed the attention of this and the other House of Congress, from the commencement of the session. Sir, I read in the 45th rule for conducting business in this House, that the "petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read." I am not aware of any direction of the House, on the day to which I allude, that a debate should take place on the resolutions of the Legislature of Virginia; but, by the indulgence of the Speaker, the member who introduced them commented largely upon their contents, and, immediately after he sat down, another member from the same State rose, and called for the reading of the letter from the Governor of Virginia, which enclosed the resolutions, upon which he commenced a speech of three hours against both the Governor's letter and the resolutions. He kept the House in session till six o'clock, listening with well deserved attention to that speech; I listened to it myself, sir, with delight, with admiration, with every thing but conviction. But, sir, he had opened a field of debate, of which there is every prospect that it will outlast the session.

An extraordinary day was, in the course of the last week, devoted by the House to the reception of petitions and memorials; but, even on that day, not one of them could have been received but by the courtesy of a third member from Virginia, who had obtained the floor, and was anxiously desirous to present his views upon the resolutions of the Legislature, and to vindicate the character of the Governor, which he thought had been arraigned by his colleague.

Last Monday, the regular day again for the presentation of petitions and memorials, I was prepared to present sundry resolutions of the Legislature of Massachusetts, upon the same important and absorbing interests upon which the voice of the Legislature of Virginia had been heard. But the honorable member who had obtained the floor to reply to his colleague, and who had on the intermediate day yielded it, with the understanding that he should retain the privilege when the stated day for petitions should come round, he now stood upon his right; and although he obligingly offered to allow me the few minutes of time which I pledged myself not to exceed in presenting the resolutions of the Legislature of Massachusetts, yet others, equally eager with him to take part in the debate on the Virginia resolutions, were more inflexible than he, and I was unable to obtain the permission of the House to present the resolutions from Massachusetts. He replied to his colleague, and was followed by another member from the same Commonwealth. But the speech of the first antagonist of his own State Legislature had opened other fountains of eloquence than those that flowed from the Virginia resolutions. He had touched upon the sensitive nerves of South Carolina. A gentleman from South Carolina then took the floor, and then we had the triumphal song of nullification—a song which, however enchanting to other ears, has no charms to mine—not but that it came from a most melodious voice, but that its strain was in unison or in harmony with no feelings of mine. Sir, I can distinguish between the cause and the eloquence which sustains it. I can admire the talent, and lament its application. But the note of nullification was sounded, and the tariff and the compromise, and the force bill, and the whole system of our policy, and every discordant note of our system, was summoned to the encounter; the sun went down upon the indignant eloquence of the gentleman from South Carolina, without exhausting it. The House adjourned, leaving him in possession of the floor, and upon the next regular day for receiving petitions and memorials he will retain it. Others have already announced their intention to succeed him. The debate spreads as it proceeds, and, to judge from present appearances, it may occupy every succeeding Monday of the session, were it to continue till the first Monday in December.

The proviso, therefore, that the Monday shall remain open for the reception of petitions and memorials, offers no security for their reception, especially for such as may not happen to be acceptable to the majority of this House. I hope no such rule as this will be interposed, to bar the avenue to their admission.

There is another reason which, in my estimation, renders this resolution altogether unnecessary. It may be, that, in this respect, I differ in opinion from most of the members in all parts of the House. In the argument of this day, it appears to have been conceded, by all who have taken part in the debate, that a speedy decision of this House, on the questions relating to the bank and the deposites, is of extreme importance. I entertain no such opinion; I hold it not of the value of one straw, whether the decision of the House shall take place sooner or later. Yes, sir, I say and repeat it here, in the face of the nation, I believe there is not the difference of a straw, whether the decision of this House shall be made this day or this day three months. I say further, that the decision of this House, whether made now, or three months hence, will decide nothing, and they who lay the flattering unction to their souls, that the agitation and terror, and distress, which now convulse the country, will be composed by any thing that this House shall decide, will find themselves wofully mistaken.

If, indeed, I believed that an immediate discussion of the resolutions reported by the Committee of Ways and Means could result in the adoption of any measure which might afford relief to a suffering community, no man in this House would be more eager than myself to enter immediately upon the deliberation, and to press it to the earliest possible conclusion; but no such measure of relief is to be expected from this House. From the present and approaching pressure upon the nation, it is clear that no relief is to be expected from any thing that this House will do; and in this hour of difficulty and danger, it is my consolation that nothing that this House can do will have any other effect than merely to refuse or withhold relief. It appears to be the opinion of some, that a decision of this House, whatever it might be, would quiet the agitation of the public mind. That, I believe, is a fallacy. I have seen in the public prints a statement by some of those who have placed some reliance upon appeals to the Executive Magistrate, that such reliance is vain. That they must not go to him for relief. However that may be, I tell them, and I believe it is best for them to know the truth, I tell them it is vain for them to come to this House for relief—no such relief will be granted. It is upon themselves that the people must depend for relief—upon themselves alone, and not upon this House or upon the Executive; and if so, it is very immaterial when or how the final determination of this House may be taken. Believing this, I cannot enter into the feelings of those who are under so much anxiety as to the time when this debate is to commence. To me, it seems quite immaterial whether it shall commence this day, or the next week—and equally indifferent, whether debate should be continued from day to day, or be postponed from week to week.

Why, then, should this House clog itself, and its own action, with new and inconvenient rules. This eagerness and impatience to begin and continue, uninterruptedly, the debate, fills the public mind with delusive hopes, to be extinguished in bitter disappointment. There are other bills of great importance to the interest of the people, which may be taken up in their turn, and upon which it may be hoped there will be no disagreement in the action of the two Houses and of the Executive. Most of the appropriation bills, for example. Some of these have, as yet, scarcely been approached. Should this resolution pass, even they must be postponed; even those for the speedy passage of which the chairman of the Committee of Ways and Means has manifested so much laudable concern.

Besides this, that gentleman has informed the House that it is not his intention to restrain the debate upon the reported resolutions of his committee. No! he will allow all reasonable freedom of debate; but he reserves the definition of what is reasonable time, or otherwise, to himself. The manner in which he replied to the intimations this morning of the gentleman from Georgia, [Mr. WILDE] has sufficiently indicated that he does not intend to trust his report to the searching scrutiny of a Committee of the Whole House, where alone debate, in this House is, or can be, unrestrained. It has, indeed, been freely surmised around this Capitol, and circulated in whispers within this Hall, that Congress itself is not to be indulged with a session unreasonably long; but, when the deliberations of the House shall be sufficiently matured, according to the judgment of the chairman of the committee, then, by his *fiat*, they are to cease, and as we had not had examples sufficiently signalized with arbitrary power, a disagreement is to be gotten up between the two Houses of Congress, in the result of which this House—the immediate representative body of the whole people of this Union—is to be made the servile instrument of ministering to another exercise of royal prerogative. I am not disposed to give credit to idle rumors, of which there are, no doubt, now, as all times, many in circulation without this House, and sometimes within it; but, from what I have seen and heard this morning, I cannot but cast, within myself, ominous conjectures upon the humiliating uses of which this House is to be made the submissive instrument. You cannot levy upon the people a tax of a hundred dollars; you cannot appropriate five dollars of their money without going into Committee of the Whole. Why? Because there alone you can have full and free discussion. But here, the keys of free discussion are to be kept by the Chairman of the Committee of Ways and Means. The members of this House are to enjoy the freedom of debate at his discretion; and when he and those who think with him, shall have enjoyed the freedom of speech till they shall be tired of the sound of their own voices, and shall have given what they deem a reasonable time for reply, then, sir, we are to have a new application of the screws of the previous question; and, in aid of them, another screw from abroad, about which there is much profound constitutional argument afloat; and the latitudinarian constructionists and the strict constructionists are already at issue upon a question of presidential power, which, until this memorable day, has slept undisturbed in the constitution, without a dream that there would ever be two opinions upon its meaning. The voices of the members of this House are to be silenced; and the voice of petition and memorial from the people, ay, and of the Legislatures of sovereign States, is to be smothered, at the judgment of the Chairman of the Committee of Ways and Means, that they have had reasonable time for speaking before. How else am I to account for the fact, that, upon the presentation of resolutions from the State of Virginia, we have already had, in utter violation of the rules of the House, three days of debate, and may, with the good pleasure of the Speaker, and of the Chairman of the Committee of Ways and Means, have three weeks or three months more of it; while I, since last Monday, have yet found it impossible to obtain a hearing in this House for the resolutions of the Legislature of Massachusetts, upon the very same subjects as those from the Legislature of Virginia, though I pledged myself not to consume five minutes of the time of the House in commenting upon them, at their reception? Sir, I cannot help feeling that there is something illiberal in this comparative treatment of two different States of this Union; and I put it to the members of this House, who have ideas far more expansive of State rights than I ever had, or professed to have, to ask themselves whether this is not making an invidious and odious distinction between State and State? whether the thermometer of their zeal for the rights and dignity of the States, rises and falls according to the geographical latitude in which the State is situated, and whether I have not just reason to complain that, while day after day of debate has been allowed, and week after week is in prospect, upon the resolutions of the Legislature of Virginia, I, as one of the representatives from the Commonwealth of Massachusetts, am unable to obtain five minutes of the time of the House to present the resolutions of her Legislature.

Sir, I am seriously apprehensive, that, if the House should shackle itself with this resolution, to devote all its time, with the exception of Mondays and Saturdays, to the report of the Committee of Ways and Means, and if that other screw of the previous question is to be kept constantly ready for a turn, at the will of the gentleman from Tennessee, it will never be in my power to obtain admission for the resolutions from the Legislature of Massachusetts during the remainder of the session.

Now, sir, where is the necessity for all this? Why must this single subject (the report of the Committee of Ways and Means) be nailed down upon this House, day and night, for all the remainder of the session, and to the exclusion of all others? I ask every member of the House to lay his hand upon his heart and say whether he does not believe, as I do, that the decision of the House on the bank and deposite subjects, will be the same, after three months more of discussion, (should that be allowed,) as it would be if the question were taken this day. But we all know that the decision here is not the decision elsewhere. There are no converts made here or there. The decision here will be one thing—the decision there will be another; and the result will be nothing. Nothing for the relief of the people—nothing to sanction with the approbation or support of Congress the Executive experiment—nothing to control, censure, or punish it. The responsibility will rest where it has been assumed. The people will continue to suffer and to complain, but they will obtain no relief; you do not intend to relieve them; the experiment must have its course. Where, then, is the necessity of this hasty, this precipitate, action upon that which will decide nothing? If you have determined not to listen to the cries of distress from the people, at least do not refuse to hear them. Let them come and tell you of their grievances: complaint itself, even in its pouring forth, is some relief. Do not grudge the people even that. Let them come and tell you how much they suffer, even if you deny their sufferings, because you have determined to deny them all relief. The right of petition is expressly secured to them by the constitution; do not deprive them of the practical enjoyment of that right, by depriving yourselves, in the distribution of your time, of the power of hearing them.

If there be a member of this House who believes that there is any material difference between the decision which the House would make upon these questions tomorrow, and that which may be made two months hence, he will vote for this resolution. I would hope that all others will vote against it. It will interfere with all other important business in this House, and upon which the concurrence of both Houses and the assent of the Executive may reasonably be expected. Besides the appropriation bills, there is a bill, perhaps bills, for the disposal of the public lands. We have now before us, also reported by the Committee of Ways and Means, a bill for the total annihilation of the tariff compromise; that bill, I take it for granted, will not pass without consuming time in debate. My own mind is not definitely made up concerning it. I have no partialities for the compromise. I voted against it, as did every member from Massachusetts in both Houses. I neither hold myself nor the nation bound by any of its provisions, so that they may not be repealed; nor have I ever believed that it will go into full effect. I trust that whatever countenance Congress may have given to a uniform ad valorem duty upon all articles of importation, looking forward eight or nine years, and foretelling that it will then be law, wiser and juster councils will prevail, if ever it should become a question of legislation for present time. I have, therefore, no attachment to the compromise, nor do I care how soon it shall be annulled; nor have I any prejudice against the establishment of a warehousing system, which I believe might be advantageous to the commercial interest—an interest which I consider the nation bound to cherish and protect as faithfully as that of the manufactures; but how a warehousing system, with long credits and auction sales, will operate upon the competition between your domestic manufacturer, mechanic, artisan, and the foreign importer of merchandise from abroad, will, I trust, be well considered before you pass the bill reported by the Committee of Ways and Means, to sweep the compromise from your statute book, and from the laws of the land. There are many other important bills calling for the action of Congress, and upon which it may be hoped that action will be effective. Why, then, should they all be made to give way to one subject of contestation, all deliberation upon which we already know will terminate in nothing? We are told in theory that the rules for the preservation of order, in deliberative bodies, are made for the protection of the rights of the minority; but, as used and practised in this House, they are instruments much more of oppression than of protection. If a member of the minority asks their suspension, even to receive a communication from a sovereign State of the Union, an inflexible majority is at hand to deny him the indulgence; and the next moment after, a member of the majority twice in succession moves the suspension of all rules, to place the control of free debate upon all the business before the House in his hands, and a majority even of two-thirds is found to sustain him. Sir, I can assent to no such thing, and I hope it will not receive the sanction of this House.

The CHAIR, in reference to the remarks of the gentleman from Massachusetts, stated that the debate on the resolutions of the State of Virginia had been arrested by him at its commencement; and had been continued, not under his sanction, but by express permission of the House itself.

Mr. POLK rose in reply to the gentleman from Massachusetts. As much of what had fallen from that gentleman was not relevant to the question before the House, Mr. P. said, it did not call for particular notice or reply. The gentleman complained that he had not been permitted to present to the House certain resolutions of Massachusetts which seemed to oppress him. But what connexion had this with the resolution now under discussion, Mr. P. could not perceive. The gentleman had given out that there was reason to look for some exercise of "royal prerogative." Mr. P. was perfectly ready to concede to the honorable gentleman more knowledge by far on the subject of exercising "royal prerogative," than he (Mr. P.) could make any pretence of. The gentleman, however, had further said that it mattered not a straw whether the House decided the question on the report sooner or later: that he had no doubt as to what its decision would be; but that the decision of this House would not settle the question. Well, this was a matter of speculation and opinion; and the gentleman had a right to hold and express his opinion in relation to it.

But, in all the preliminary stages of the discussion, it had been the wish of the gentleman, and of others who thought with him, that very speedy action should be had. If the resolution Mr. P. had offered should not be adopted, the consideration of the committee's report would be liable to be cut off every day at the expiration of the morning hour, and would also be subject to the interruptions of any other resolutions, leave for which could be obtained. The subject would therefore come back upon the House, morning after morning, perhaps for months to come. His object was simply to insure the fullest discussion of it, consistent with a due regard to other business. He had therefore excepted Saturdays from the rule, as it was set apart for the consideration of private business; and Monday would, of course, be open for petitions.

In reference to all that part of the gentleman's remarks which had relation to the previous question, he should only say, that that subject was not even remotely involved in the question now before the House. The gentleman seemed to have taken up a peculiar aversion to the previous question, but he would ask the honorable gentleman whether, at a former session, when the question of rechartering the Bank of the United States was to be decided, that gentleman had not been one of those who turned "the screw" upon the House, and repressed debate? And on a subsequent occasion, when the resolution was pending respecting the safety of the deposites in that bank before the House, had not the gentleman been one of those who labored the hardest at the screw? Why such reference to the previous question? And why were gentlemen's remarks thus pointed toward himself? He knew not why. He only endeavored to perform, in his place, the duty assigned him, as other gentlemen did theirs. Every body knew that there was a necessity that Congress, that every Congress, should hold the power of exercising some control over debate, when deeply exciting questions had been long under discussion. As to the resolution he had offered, the House would make what disposition of it they pleased; but when these charges about the use of the previous question came from those who made use of it themselves whenever it would suit their purpose, it was fit they should be reminded of the past. As to the delay of other business of importance to the country, he regretted it as much as any one could do; but the House had a great question before it, and they must come to some decision in regard to it. For himself, he wished as speedy action as was consistent with full and fair discussion. Whether a decision, then, would be obligatory on the people or not, still it would be the decision of Congress; and that was all they were responsible for. In order to receive a full and uninterrupted discussion, he had offered the resolution now before the House. Such an order had been found necessary when the tariff had been under discussion; and on this very deposite question an order of the same kind had been passed at the instance of the gentleman from Georgia, [Mr. WILDE,] and, but for the effect of it, the House would have been in the preliminary discussion at this day. As to the resolutions of the Legislature of Massachusetts, which seemed to press so heavily upon the gentleman, he should have Mr. P.'s vote for the presentation of them. And although the gentleman seemed to dread that the debate on the Virginia resolution would be interminable, yet Mr. P. could not but hope it would sooner or later come to a close.

Mr. VINTON moved to amend the resolution, or order, so as to confine its operation to so much of the report as had respect to the removal of the deposites.

Mr. V. said he was opposed to the resolution in any shape. He objected to having the House trammelled by any resolution or order which should preclude a majority of the House from governing itself. He did not desire to prevent or to throw any obstacle whatever in the way of the discussion of the report; on the contrary, he was in favor of continuing the discussion from day to day, till it should be disposed of. But the effect of such a resolution as was now proposed would be to take from the majority the power of self-government. Perhaps he should not have felt it necessary to oppose such an order had it not been for the previous experience of its effects. But he had had that experience, and all must remember how embarrassing the operation of such a rule was found in practice to be. Some gentleman who was entitled to the floor would be taken ill; or one would close his speech at an hour when it was too late for his successor on the floor to commence one. A thousand unforeseen occurrences rendered the rule perplexing. The moment it was passed, the House would be thrown into the hands of one-third of its number. Why should this be? As long as a majority were disposed to continue the discussion, they could, and would, of course, continue it; and when a majority was otherwise minded, why were they to be defeated by one-third of the House?

He had offered the amendment, because the question of the removal of the deposites, which was the real and the great question to be settled, ought alone to be kept before the House till it was decided. But the order now moved by the gentleman from Tennessee embraced a wide range of subjects, more, indeed, than Mr. V. had ever seen thrown together in one such resolution before. It included, among other matters, the charter or recharter of the Bank of the United States. Would gentlemen bind themselves to sit in that House from day to day until the question of the recharter of the bank should be decided? Was there any petition for a recharter of the bank before the House? Did the bank petition for it? Did any body ask for it? He believed not. And must all business then be suspended till the House should have passed upon the questions both of the removal of the deposites and the recharter of the bank? But the order contained more; it included a system of law, governing the future depositories of the funds. Was there any necessity for this? Were they to bind themselves to obey the control of one-third of their number till all this should have been debated and concluded on? He hoped either that the order would not be adopted, or that it would be restricted by the amendment proposed.

Mr. COULTER said, that the last observation of the gentleman from South Carolina [Mr. McDUFFIE] so touched the quick of the case, that he had been surprised at observing that gentlemen in the minority had not at once felt its force and assented to it. Every member who had had any experience in that House must know that every hour and every day wasted on preliminary or incidental questions operated as so much restriction upon the general discussion. He thought that, under all circumstances, the motion of the gentleman from Tennessee ought to be agreed to. Whether the debate should commence now or next week, the majority had, at all times, the previous question in their hands; and every body knew that, when they believed the exercise of that power would be sustained by the country, they would use it. The discussion of this day had not advanced the business of the House one step. Although he was not one who approved the report of the Committee of Ways and Means, he was in favor of adopting the order proposed.

Mr. HARDIN made some remarks, which were too imperfectly heard to be correctly given.

Mr. DICKSON, of New York, inquired of the Chair whether, if the order should be adopted, it would be competent for a majority to refer the report of the committee to a Committee of the Whole House?

The CHAIR replying in the affirmative,

The question was taken on Mr. VINTON's amendment, and decided in the negative.

Mr. POLK modified his resolution, and it was then adopted in the following form:

Resolved, That the report of the Committee of Ways and Means, on the removal of the public deposites from the Bank of the United States, be the standing order of the day for Tuesday next, at 1 o'clock, and in each succeeding day in every week, Saturday excepted, at the same hour, until disposed of; and that, until the hour of 1 o'clock, P. M. on each day, the business of the House shall proceed in the order prescribed by the rules of the House: Provided, that it shall be in order to present petitions and memorials on Mondays.

Thursday, March 13.

Mr. **DUNCAN**, from the Committtee on the Public Lands, moved that the Committee of the Whole be discharged from the bill providing for the establishment of two additional Land Offices in the State of Illinois, for the purpose of having the bill immediately considered. He stated that a large district of country had been surveyed, and the maps filed in the General Land Office, and only waited the passage of this bill to be brought into market. He said that the sales of public land usually took place in the spring and fall; that if this bill could not be passed out of its present order on the files of the House, the sales must be postponed until fall; which would be equally injurious to the interest of the Government, and that of the citizens residing in the country, who wished to purchase their homes and make permanent improvements.

Mr. **BURGES** moved to recommit the report of the Committee of Ways and Means to that committee, with instructions to report that the reasons of the Secretary for removing the deposites were insufficient.

Mr. B. addressed the House at length in support of the motion he had made, and continued to speak till the expiration of the morning hour; when the residue of his remarks was cut off by the House passing to the order of the day, which was the Commutation Pension Bill. Before the order, however, was proclaimed from the Chair—

Mr. **POLK** moved to go into Committee of the Whole on the state of the Union, with a view to take up the appropriation bills.

Mr. **MARSHALL**, who had the floor on the pension bill, contended that his right could not be superseded by that motion.

The **CHAIR** decided otherwise.

Whereupon the motion of Mr. Polk was put, and decided by yeas and nays, as follows:

Yeas 134, nays 37.

The House then went into Committee of the Whole on the state of the Union, Mr. **WAYNE** in the Chair, and resumed the consideration of the

MILITARY APPROPRIATION BILL.

Mr. McKAY, of North Carolina, had proposed several reductions in this bill; but afterwards, in consequence, as he said, of a conversation with the chairman of the committee, in which that gentleman had consented to modify the bill, by reducing several items of appropriation, he gave up the amendments he had proposed; and Mr. Polk moved to amend the bill in that clause which provides for various expenses in the Quartermaster's Department, by making a reduction of $10,000 in the item of fuel, and of $2,000 in the provision for expresses from the frontier posts, so as to reduce the total sum in this clause of the bill from $356,000 to $344,000. He further proposed a reduction of $5,000 in the clause for transportation, diminishing the gross sum under this head of expenditure from $150,000 to $145,000.

The clause for the transportation of officers' baggage, when travelling on duty without troops, and for the per diem to officers on topographical duty, was, on his motion, reduced from $70,000 to $53,000, being the same amount as was allowed last year.

An item (now for the first time specifically mentioned) of $8,000, for expenses incident to the pursuit and apprehension of deserters from the army, was stricken out entirely.

The remaining items were agreed to, until the committee arrived at the following: "For carrying on the works in the city of Savannah, Georgia, $25,000;" when the debate commenced by an inquiry from Mr. Vance, chairman of the Military Committee, as to what works were here intended.

Mr. **POLK** went into an explanation in reply, and stated that the works consisted of barracks which had been ordered by the House last year, the site for which had been purchased, and the works commenced.

Mr. **VANCE** considered those items in the bill which provided for the erection of barracks, as its most objectionable feature, and made some general remarks on the length to which this species of expenditure had gone. Buildings, more splendid and costly than the largest hotels, were erected at vast expense, and then abandoned. He thought that the troops were very competent to build their own barracks, and ought to be required to do so.

After some further explanation from Mr. Polk,

Mr. **JONES**, of Georgia, went into a speech of some length, in opposition to this item of the bill. He compared the expense of the barracks erected in various parts of the country with the number of troops in the army, and remonstrated against it, as an unnecessary and a lavish expenditure. Where soldiers were to be permanently stationed, there were forts to receive them; where they were posted for a time, such temporary buildings as they could put up themselves were sufficient. He was opposed to the whole system, and thought it ought to come to an end.

Mr. **GAMBLE**, of Georgia, replied with much spirit to these objections. He protested against expenditures in other parts of the country being urged against appropriations for Savannah. However able soldiers might be, where timber and other materials were plenty, to erect temporary barracks for their own accommodation, that argument had no force at Savannah, where the Government did not own a stick of timber, and where building materials were scarce and dear. He referred to his own experience and observation in the last war, when he had had an opportunity to witness the sufferings of the troops for want of proper shelter and accommodation. He dwelt upon their hardships and exposure, and insisted that every consideration of justice and humanity bound the Government to provide them with comfortable quarters.

After an explanation by Mr. **JONES**, signifying that he did not object to the purchase of necessary materials, where they could not otherwise be procured, and some inquiry by Mr. **WILLIAMS**, of North Carolina, respecting estimates, which was replied to by Mr. **POLK**, the item was passed over, no motion being made to strike it out.

The items for the works at Baton Rouge, at Annapolis, and at Green Bay, were passed over without objection. But when the committee proceeded to consider the following clause, viz: "For extending the works and erecting additional barracks at Fort Gibson, Arkansas, 25,000 dollars," a debate of much interest and spirit commenced, and occupied the House till the hour of adjournment.

Mr. **SEVIER**, the Delegate from Arkansas Territory, opposed with great earnestness and animation the continuance of any military post at Fort Gibson, and moved to amend the bill by striking out this clause, and inserting an appropriation of 10,000 dollars for the purchase of a site and the erection of barracks at Fort Smith, a point on the Arkansas river, forty miles to the eastward of Fort Gibson, and where the western boundary of the Arkansas Territory crosses that river. He represented this change to be the almost unanimous desire of the inhabitants of that Territory, expressed by repeated votes of their Legislature, and this year imbodied in a memorial to the

President, to which there were 1,100 signatures. He stated that, in 1826, the western boundary of the Territory had been where it now is, and Fort Smith had been erected upon the line, for the protection of the frontier. The line, by order of Congress, was subsequently removed forty miles further west, and Fort Gibson was erected where the new line crossed the river; and, had the boundary continued there, it would have served the same purpose as Fort Smith had formerly done; but owing to the difficulties respecting the Southern Indians, between the Government of the United States and the State Governments of Georgia and Alabama, the additional portion of territory was appropriated to the settlements of the emigrating Cherokees and Choctaws, the white settlers were driven in, and the line re-established where it had been at first. Under these circumstances, he contended that, if the object of the fort was to defend the frontier, it ought to be removed and re-established upon the line, and not kept forty miles in advance, in the heart of the Indian country. He dwelt, in addition, upon the inconvenience of retaining a post nearly forty miles above the head of navigation, the increased expense arising from transshipments, &c., and insisted that, if the barracks were to be rendered permanent at Fort Gibson, the post would operate as a defence, not to the people of Arkansas, but to the Indians.

In these views Mr. **Sevier** was fully supported by Messrs. R. M. JOHNSON and CLAYTON, who scouted the idea of having a fort for the defence of our settlements any where but on our own territory; and who adverted also to the corrupting effects of the presence of a garrison of soldiers in the midst of an Indian tribe, partially civilized, and which it was the design and wish of the Government to protect and improve.

Mr. POLK, in reply, quoted the opinions of the Secretary of War, which were, that, in consequence of the removal of the Southern Indians, and their location to the west of Arkansas, Fort Gibson became a post of very great importance, and would probably be the head-quarters of the troops employed to defend that portion of the frontier of the Union; that to erect permanent barracks there, of suitable extent, would probably require 100,000 dollars; but that 25,000 would be sufficient as an appropriation for the present year. He adverted to the high character of Mr. Secretary Cass, his opportunities, from his station, to take a general view of what was necessary for the defence of the Western frontier, and the peculiar advantages he enjoyed for doing this with propriety, from his acquaintance with the Indian habits and character, and his experience in treaties and negotiations with them. So far from Fort Gibson being too far to the west, it might be requisite to advance our posts still further in that direction. Besides, the dragoons, a new and important corps organized under the order of Congress last session, were to be stationed at Fort Gibson, and would require barracks for their accommodation.

Mr. H. EVERETT, chairman of the Committee on Indian Affairs, considered our relations at the West not to be such, at this time, as to enable Congress to enter into any definitive course of policy as to the location of its posts of defence. He was willing that the barracks, where they were now placed, should be kept, for the present, in a state of repair; but was inclined to believe that it would eventually be proper to establish a line of small forts upon the boundary which separated Arkansas and Missouri from the Indian tribes which had been removed to the West. These would be required for a double purpose—to protect the intercourse between the whites and Indians, and to restrain it within the limits of law; and also to defend our trade with Santa Fe. He doubted the policy of maintaining any forts within the Indian territory.

Mr. CAGE, of Mississippi, concurred in the view of the Secretary of War, and repelled the idea that the location of this fort was to be controlled by the wishes of the people of Arkansas, who had an obvious local interest in desiring the garrison at Fort Smith, as it would consume much of their produce, and furnish a desirable market for their pigs and poultry. The location of a military post was a matter that ought to form part of a general system of defence, and should be fixed upon with a regard, not to local advantages, but to the safety and advantage of the whole country. He could not concur in the opinion that it was ridiculous to place a fort, for defence of our territory, in the heart of the Indian country. On the contrary, this was the very best means of preventing Indian aggression. They would never attempt invasion or depredation, with a United States force in their rear, and in the immediate vicinity of their towns.

Mr. HUBBARD remarked that he would submit a few remarks to the consideration of the committee. Before he proceeded, however, he would, in the outset, express a strong desire that the committee should go through with this bill, and, on rising, report it to the House. The public interest requires this at our hands. The public service is now actually suffering for want of the appropriations provided in this very bill. The gentleman from Ohio has urged some objections to this particular appropriation for the purpose of extending and repairing the barracks at Fort Gibson, on the ground that the other appropriations contained in this bill, having relation to the same subject-matter, were sufficient to enable the Government to put in repair the barracks connected with this fortification. The gentleman is mistaken. If any reliance is to be placed upon the communications made by the Secretary of War to the House and to the Committee of Ways and Means, this appropriation is necessary for the purpose designated. The gentleman from Vermont had made an objection to the item on the ground that it was too large. He very distinctly admitted that the proposition of the gentleman from Arkansas ought not to receive favor; that if any change whatever in the location of the fortifications should be made, it certainly should not be removed to the east upon the line of Arkansas, but that it should, and probably at some future time would, be removed still further west.

He entirely agreed with his friend from Vermont upon the subject of the location of Fort Gibson; but he differed with him as to the amount required for making the necessary barracks at that point for the accommodation of the officers and soldiers of the army who might be quartered there. It does seem that some reliance should be placed upon the explanatory communication which had been received from the Secretary of War, and which had been read to the committee. It is there expressly stated what would be necessary to erect permanent quarters at this point, such as would be necessary for the proper use of the army. The Secretary has expressly stated that, for such a purpose, one hundred thousand dollars would be required; but he does not ask you for such an appropriation; he only calls for an appropriation necessary to put in proper repair the barracks for the accommodation of the dragoons ordered there, in addition to the troops previously stationed at that fort. It is necessary that the works should be extended, in order to answer the purpose. Stables are indispensably necessary for the horses used by the corps, and every consideration of policy, of justice, and of humanity, combine in favor of extending the works and repairing the barracks at Fort Gibson, for the due protection and preservation of the public property, and for the due comfort of those who are in the public service; and he felt assured that a less sum than that named in the item under consideration would not suffice.

The gentleman from Kentucky opposed this part of the bill on entirely different grounds. He has ably sustained the amendment of the gentleman from Arkansas. He contends, in short, that Fort Gibson is not in the right position, in reference to the white settlements; that it cannot afford the protection to our own people that it would if it was carried to the west line of Arkansas. In this he differed entirely from the gentleman from Kentucky. What is the object of this fort, and of the other fortifications erected near your frontier? It is to give security to our own people; to excite the fears of the Indian population; to stay the violence of savage ferocity. And, in his judgment, these objects would be more effectually accomplished by keeping your forts a little in advance of civilization, a little ahead of our own jurisdiction, than they would if located directly upon the line which divides our own from the Indian country. You do not hear of depredations committed by the Indians residing between these forts and our own settlements. No, sir. The establishment of these forts, armed and supplied with all the means of offensive and defensive operations, in the midst of the Indian population, seen by them and known to them, cannot fail to keep them in check more effectually than if the same forts were erected more remote from them, and nearer to our own settlements. It is, as before remarked, for the protection of our own people against Indian depredations, that these forts have been kept upon our frontier. And if he could be satisfied that they were not properly located, he would go as far as any one to put them where they should be for the most ample protection and security. We are bound to provide for that portion of our community who may be settled upon our frontiers.

The gentleman from Kentucky has remarked, that Fort Gibson is erected not only too far west, but amidst the Cherokees, and upon the land of the Indian enemy. In this the gentleman is mistaken. By the treaty of 1828, between the United States and the Cherokees, it is expressly provided: "It is understood and agreed by the parties to this convention, that a tract of land, two miles wide and six miles long, shall be, and the same is hereby, reserved for the use and benefit of the United States, for the accommodation of the military force which is now, or which may hereafter be, stationed at Fort Gibson, on the Nearcho or Grand river." And after describing the tract thus reserved, the treaty further provides as follows:

"And the Cherokees agree that the United States shall have and possess the right of establishing a road through their country for the purpose of having a free and unmolested way to and from said fort."

In the views which he had expressed, he was fully sustained by the Secretary of War. He had, in the fullest manner, expressed his conviction that Fort Gibson was one of the most important posts upon our frontier; that it should be preserved; and recommends, in the most decided terms, the appropriation of twenty-five thousand dollars for extending the works and for erecting barracks. In the expression of this opinion, the Secretary of War had only concurred in opinion with those who had gone before him. Fort Gibson was in range with the other fortifications upon our frontier, and they were, with but one exception, in advance of the white population, and established on Indian territories. From the entire confidence he had in the views of the present Secretary of War, and from the considerations he had urged, he was opposed to the amendment of the gentlemen from Arkansas, and in favor of the item as it now stands in the bill.

Mr. H. EVERETT stated his intention of moving an amendment, striking out so much of the clause as went to provide for extending the works at Fort Gibson, and reducing the appropriation from $25,000 to $5,000. He again adverted to the views he had before expressed, as to the probability that no forts would be permanently established within the Indian country; on which ground he concluded it to be improper to appropriate large sums for works not intended to be permanent.

Mr. SEVIER replied with great warmth to the views of Mr. Hubbard. As to the reservation of which that gentleman had spoken, the fort was already there, and the reservation was made that the United States might retain a garrison there during the removal of the Indians. He professed the highest respect for the Secretay of War, but believed that his opinion, in this case, had been based on the information of interested officers.

Mr. WATMOUGH replied with some severity to the remarks of Mr. Hubbard. He complimented the views which had been expressed by Mr. Johnson, and observed that, if the military notions of the Secretary of War were such as had been expressed by the gentleman from New Hampshire, he should be sorry to commit what little military reputation he himself possessed to the care of that officer. When the gentleman spoke on financial matters, he should listen to him as a member of the Committee of Ways and Means; but when he entered into a contest with military men, he must be permitted to decline yielding to his judgment. The gentleman did not understand the subject, nor was the House in need of any explanations from the Committee of Ways and Means, in regard to arrangements of a military kind. He hoped the amendment would prevail, for the two reasons which had been advanced by the chairman of the Committee on Military Affairs, [Mr. Johnson:] the one of a purely military, the other of a moral character.

Mr. GILMER further explained the views of the Committee on Indian Affairs. That committee had had before it the subject of the formation of a system of government for the Indian tribes who had been located west of the Territory of Arkansas. They had had conversations on that subject with the Secretary of War, and were satisfied that a plan of government could be devised which would greatly advance the happiness of the Indians. But, in order to carry such a design into effect, it was exceedingly important that all jealousy towards the designs of the United States should be removed from the minds of those people, and that nothing should be done which might lead them to believe that they were to be kept in a state of subjection and control. As to the Cherokees and Choctaws, there was not the slightest danger to be apprehended of the horrors of barbarous warfare. There was no more probability of murderous outrages being committed by those Indians on our people, than by us upon them. In regard to these tribes, that state of things had ceased to exist. Their warlike spirit was broken down, and their government essentially civilized. There was, therefore, no need of keeping up a strong fort to protect our people from them; but it would be very useful to have a small force stationed among the tribes themselves, to repress any hostile dispositions toward each other. Steps would probably be taken to have such a measure applied for by the Indians themselves.

Mr. POLK observed, that any plan, of the description referred to, would be entitled to great consideration. What disposition the House might make of it, he was not prepared to say. He again adverted to the opinions of the Secretary of War, and remarked, in relation to what had been said by Mr. Watmough, that it was a gratuitous attack upon the Committee of Ways and Means.

Mr. WATMOUGH disclaimed such an intention, but considered it as rather too heavy a draught upon his faith to be obliged to swallow every statement, whether military or civil, which proceeded from any member of that committee.

Mr. HUBBARD said the gentleman from Pennsylvania has passed a high encomium upon the military acquirements of his friend (as he was pleased to call him) from Kentucky, the chairman of the Committee of Military Affairs. And he had seen fit to condemn as futile the considerations which he (Mr. H.) had suggested in answer to the views of the gentleman from Kentucky. The able argument of the gentleman from Kentucky had produced entire conviction on his (Mr. W.'s) mind; while the military argument (for he could call it by no other name) of the member from New Hampshire, was so weak and unsatisfactory as not to command his assent. He differed altogether with the member from New Hampshire on the subject; and he has seen fit, with great severity, to attack the views of the member from New Hampshire, without presenting to the committee one single remark by way of objection to any particular position which he (Mr. H.) had advanced. The condemnation of the gentleman was unqualified in its character and general in its terms; but the grounds of his condemnation are within his own breast; they are unknown to him, (Mr. H.,) and to every other member of this committee, save the gentleman himself. He would not repeat again what he had urged when he was last up. The remarks he then submitted must be in the recollection of the committee. He had said, and he now repeated, that he had reason to believe that the opinions he expressed were in perfect accordance with the opinions of the Secretary of War. But the gentleman has not only condemned the military argument of the member from New Hampshire as futile, weak, and unconvincing, but he has seen fit to denounce the Secretary of War himself, if he entertained opinions in accordance with those which he (Mr. H.) had expressed, as unworthy of the place he filled. Such declarations, proceeding from the gentleman from Pennsylvania, he trusted, would have little effect upon the Secretary of War; and, as for himself, it was matter of little consequence as to what opinion the gentleman entertained of him. He thanked his God that, as far as the opinions of that gentleman were known on any subject, he differed with him, and he trusted that he should never find it necessary to take up the opinions of that gentleman for his guidance. But he could not be mistaken, that, in relation to the subject now under the consideration of the committee, he had but expressed the general views of the Secretary, as made known by the communication which had been read by the chairman of the Committee of Ways and Means.

Mr. **ASHLEY** expressed great surprise at the opinion put forth by the Secretary of War, that Fort Gibson was to be the head-quarters of a large military force, employed in the protection of the frontiers, and that $100,000 would be requisite to complete the barracks at that post. The reason given for this by the Secretary was, that numerous tribes of Indians had been located in that vicinity. A reference to the Indian agencies in the Blue Book would soon show that not one-tenth part of the Indians on our frontier were in that vicinity. The great body of them lay to the north. And, if there should ever be an Indian war, its seat would probably be on the west of Missouri. As to the country west of Arkansas, it was all taken up already, and the United States commissioners were now applying to the Pawnees for territory six hundred miles up the Missouri. Of the fifty-five Indian agencies, forty-five were at the North, and on the Northwest. Yet it was proposed to abandon the fort at Rock river, and erect extensive barracks on the Arkansas. The pretext for abandoning this most important military point, was, that the Indians had been removed west of the Mississippi. That was true; they had been removed about forty miles westward; but this, by concentrating their forces, had only rendered them the more formidable. The important points to be defended, were Rock river, Fort Leavenworth, the Arkansas, and Red river; but the main seat of war would be on the Missouri and Mississippi. As to the necessity of keeping up a great post at Fort Gibson, because the dragoons were to be quartered there, Mr. A. thought that he had some knowledge of what was the intention of the Government in locating the dragoons upon the Arkansas. They were not to be permanently located anywhere. He had opposed their being located at St. Louis. To fix them down in any one spot would be to defeat the whole end and purpose for which the corps had been raised. They were to be placed on the Arkansas, in order that they might avail themselves of the earlier opening of the spring, and thus be supplied with grass for their horses, when starting on their contemplated tour to the West; but their location there was temporary altogether. If they were to be fixed to any spot, he should vote for their being disbanded. And, if they could not erect for themselves such shelter as was necessary, the corps was not worth keeping up. He insisted that the people of Arkansas would be in no danger from an Indian war. Such a war, if it ever arose, would arise on the Northwestern frontier, and then of what use would the dragoons be if they were located in Arkansas? However high gentlemen's opinions might be as to the character and attainments of the Secretary of War, he should not be governed in that House by the opinions of the Secretary, nor of any body else, in reference to matters which he had himself had an opportunity to investigate. Now, it did happen that he had enjoyed a better opportunity to see and know the actual state of things among the Indians of our frontier than the Secretary of War had, and he should not take his ground upon the opinion of any Secretary, or other officer of Government. He should be in favor of the amendment proposed by the gentleman from Vermont.

Mr. **DUNCAN** was opposed to the amendment offered by the member from Arkansas; he preferred removing this military post further out, if it was to be changed, but concurred entirely with the views of the Secretary of War, in keeping up and extending the works at Fort Gibson, so as to accommodate the corps of dragoons, and was ready to vote for an appropriation to establish a line of posts, with suitable stables, for the accommodation of this corps, to extend from the Arkansas river to the Northern lakes. He approved of the policy of displaying a force on the whole frontier, at least once a year, and believed they should be changed frequently. He regretted that he could not view this subject in the same light with his friend from Missouri, [Mr. ASHLEY,] as he knew they were equally interested in affording the most efficient protection to the frontier. The corps of dragoons, he said, were raised for the purpose of defending the whole frontier against the Indians, and to protect the trade which is now extensively carried on with Santa Fe. He was well aware of the arduous duties which the country expected of this corps, and was disposed to throw no obstacles in the way of their usefulness. He was confident that more would be saved annually in the articles of horses and equipage, by furnishing those stables, than the sum asked by the War Department. Every one knew, he said, that men and horses could not render the important and arduous services expected of this portion of our army, without they are well wintered, and properly provided at all times, and at all points. He had no doubt the troops could be usefully and properly employed, as the infantry are, in constructing posts, barracks, &c., necessary for their accommodation, but an appropriation was always made to assist their exertions, and he was ready to vote for it in the present case, and hoped it would be extended along the whole line of the frontier, and he hoped very soon to see a plan submitted by the experienced gentleman at the head of the War Department.

Mr. **GAMBLE** now moved that the committee rise, but the motion was negatived—ayes 65, noes 81.

Mr. **CLAYTON** again advocated Mr. SEVIER's amendment, and went more particularly into an explanation of the geographical position of the two points referred to in the debate, insisting that it was absurd to place a fort upon the farthest line of the tribe against which it was to protect the country. Such a fort might protect the Cherokees, but not the people of Arkansas.

Mr. VINTON considered this as the best of reasons why the post should be maintained where it was; for the Cherokees had ceased to be a warlike tribe, and one of their chief objections to going west had been the dread of their more savage neighbors, to remove which objection the United States had promised to protect them.

Mr. GORHAM would receive the Secretary's opinion as conclusive in relation to the importance of this post, but whether it was to be a permanent one or not, was for Congress to determine. He was opposed to removing the fort, but not prepared at present to say that it ought to be permanently fixed there. As a middle course, he proposed an appropriation of $15,000.

Mr. GILMER, again adverting to the pacific character of the Choctaws and Cherokees, contended that, if any fort was wanting in this vicinity, it ought to be on the west and not on the east of those tribes, that it might protect them from the warlike assaults of the Creeks, the Osages, and, above all, of the Pawnees, those Arabs of the American desert. A garrison here would answer the further purpose of protecting the trade between Missouri and Santa Fe—a trade of already great, and every day increasing, value.

Mr. WATMOUGH said he owed the House an apology for intruding himself again upon its notice. He desired, however, in this matter, to be distinctly understood. I have been honored (said he) with a passing notice from two distinguished members of the Committee of Ways and Means. Sir, the honorable chairman of that committee, in this instance, does me injustice, and, let me add, sir, he does himself injustice. So far as this bill is concerned, his action in the House has been most unexceptionable. He has, however, thought proper to exonerate me from all faith in the committee over which he presides, and I have nothing left but to thank him for the very comfortable position in which he has placed me.

It is insinuated, Mr. Speaker, that my remarks on the item of appropriation now under consideration have sprung from a spirit of opposition solely. Sir, I entirely disclaim all such motive; I believe myself incapable of any such principle of action, or rather of any such want of principle, in reference to any question involving the general interests of my country. I have, from the first moment on which I took my seat here, acted on grounds always the reverse of this; and, sir, so long as I shall be held worthy of the trust reposed in me, I shall continue so to act.

I considered the question before the House one of a purely military character. I listened attentively to the remarks of the honorable gentleman from Kentucky, [Colonel Johnson,] and take great pleasure in stating my entire coincidence in the views he presented; he sustained himself fully in all his military positions, and urged a high moral ground in addition to the military view he took, which, in my humble apprehension, ought to be held paramount to all other considerations in the judgment of the House. I heard, too, the argument of the honorable gentleman from Arkansas, whose constituents are more immediately interested in this measure, and I heard from him the fact, which ought to have all weight in our deliberations, that those constituents were unanimously opposed to this measure. But, sir, this was not all. I have expressed in this matter no hastily formed opinions, on *ex parte* statements alone. When I rose to address the House, I had likewise had the benefit of the brilliant military conceptions of the member from New Hampshire.

I heard him elaborate opinions purporting to be those of the honorable Secretary of War, and, sir, I did not hesitate to say, nor do I now hesitate to repeat, that I consider those opinions a downright satire upon the Secretary, and such as I could, under no view of the case, subscribe to. Sir, I made no attack upon the honorable Secretary, I esteem that officer highly, and believe him utterly incapable of uttering such stuff as came from the member from New Hampshire. I rose, sir, to defend the Secretary, to exonerate him from the imputations of the member from New Hampshire. I pronounced the arguments to be, what I believed and still think them, futile and unsound, in a military point of view; and, I trust, when this gentleman next ventures to enter the lists with an experienced soldier, like the chairman of the Military Committee, he will come prepared with the sensible arguments of the honorable Secretary of War, written out in a plain and legible hand, for the benefit of all concerned, and not undertake to thrust his own lucubrations down our throats as military arguments not to be assailed. I promise the gentleman that I for one, at least, will then listen to him, if not with patience, at least without disgust.

But, sir, the member from New Hampshire has gone further; he has solemnly thanked his God that there was no opinion, on any subject, which he could hold in common with me. In this matter, sir, the gentleman shows a most remarkable degree of obliquity, which he ought rather humbly to implore Heaven to avert, than thus solemnly congratulate himself for being possessed of. Mr. Speaker, I mean not to stir up the opinions of the member from New Hampshire. The task would be somewhat offensive to my own taste, and rather shocking to the sensibilities of many of the honorable gentlemen with whom the member from New Hampshire at present acts. Thank his God, sir, that he holds no opinion in common with me! What does the member mean? I warn him to be more guarded in what he utters. As to my own opinions, sir, as held by myself, and not in common with the member from New Hampshire, since they have been so rudely assailed, I have but one word to add—the House will pardon the egotism into which I am driven.

At the age of seventeen, I found my country embarked in a war for the maintenance of every right held dear by freemen. I stopped not, sir, to calculate time nor chances. I embarked with her, determined to see her through with honor, or perish with her. Under the purely democratic administration of the virtuous Madison, I entered the service of my country. What subsequently occurred, it is not for me to state. I trust I need never shrink from the perusal of the record, nor turn pale when the brilliant annals of 1814 are referred to. I entered to sustain the principles of a democratic administration, and from that hour to the present, I have lived as I propose to live hereafter, unvariably, sternly, unbendingly, democratic. Can the member from New Hampshire say as much?

Mr. HUBBARD replied: The gentleman has said that he made no attack upon the Secretary of War; that he considered the remarks of the member from New Hampshire as a satire upon that officer, and that he rose to defend him from what he regarded as an impeachment of the opinions of the Secretary, in the views which he (Mr. H.) presented when he first had the floor. Now, sir, can it be possible, that he had been so grossly misunderstood? Were not the sentiments of the Secretary of War touching this matter made known in the document which had been read, and repeatedly read, by the gentleman from Tennessee? And can it be possible that any other member of this committee, except the gentleman from Pennsylvania, understood him to attack and to impugn the opinions of the Secretary of War? He could not conceive how the remarks which he first made could have been understood by any one, or so represented by any one. And yet the gentleman from Pennsylvania felt himself called upon to defend the Secretary of War (on whom he has passed a high and, I admit, a deserving commendation) from the attack thus made. If the speech of the gentleman is for the Secretary, his vote on this question will probably be against him.

The gentleman has informed the committee that, when at the age of seventeen, he entered the military service of his country; that he was then a democrat, and that his political principles have remained unchanged to the present time. And he has appealed to the member from New Hampshire whether he could say as much. Of the military services of the gentleman, he knew nothing until they had been proclaimed by the gentleman himself. No doubt they were all that he has represented. And in relation to his (Mr. H.'s) political opinions, they were known to his constituents, and when he failed faithfully to represent their interests on this floor, they would call him to an account, and he should cheerfully submit himself to their judgment. He had nothing else to boast of but his industry and his fidelity. But if the gentleman from Pennsylvania possessed the political principles—if he entertained the political opinions he had just avowed; if he had been an unchanging democrat from his youth; all that he could say was, that since he had been a member of this House, since their aquaintance commenced, he had given the most miserable evidence of his political faith.

Mr. H. EVERETT then offered the amendment he had before referred to, viz: to strike out the words "extending the works and erecting additional," also the word "twenty," and to modify the clause so as to make it read "for temporary repairs of the barracks at Fort Gibson, Arkansas, $5,000;" which was agreed to.

The item "for new barracks at Fort Armstrong, or in that vicinity, $10,000," was, on motion of Mr. POLK, stricken out. Also, for the repair of barracks, and for defences at Fort Brady, $10,000.

On motion of Mr. ASHLEY, the sum of $8,500 was appropriated for an arsenal at St. Louis.

The bill having now been gone through, Mr. CONNOR, chairman of the Committee on the Post Office and Post Roads, proposed an additional section, extending the franking privilege to the chief engineer. In explanation, he observed that the adoption of such a section, while it would be an accommodation to the Department of War, would have no injurious effect upon the revenue; it would neither increase nor diminish the amount of postage. The same papers would be franked by the Secretary, but such an arrangement as this would prevent delays, which now frequently occurred for days together, in the transmission of important documents.

Mr. ADAMS, of Massachusetts, said he hoped the gentleman from North Carolina would withdraw the amendment. It contained a principle which, so far as it had been acted upon, he wished to see expelled from the House. It had nothing to do with the appropriation bill to which it was sought to be appended. And he warned the House not to sanction the principle of introducing matters of this description into their appropriation bills. If they did sanction such a measure as this, it would have consequences such as some gentlemen little expected.

Mr. CONNOR observed, in reply, that, some years ago, when the opinions of that gentleman could have been enforced, his warning might have been given to some purpose; but he remembered that, no longer ago than last session, at a late hour of the night, a clause had been inserted by the gentleman's colleague into an appropriation bill, which had no more connexion with it than this; it was a common occurrence; he had certainly meant nothing treasonable in proposing the amendment. The measure was approved by the Secretary of War. The propriety of it had been presented to the Committee on the Post Office and Post Roads, and it had received their sanction. The franking power was already in the Department, and nothing but time would be either saved or lost by suffering it to be exercised by the chief engineer.

The question being taken, the amendment was negatived.

Whereupon, the committee rose and reported the bill and amendments, and the House adjourned.

FRIDAY, MARCH 14.

PUBLIC DEPOSITES.

The consideration of the resolution of Mr. MARDIS, on the subject of the deposites, being the unfinished business of the morning,

Mr. BURGES resumed the course of his remarks in opposition to the resolution, and continued to speak for some time, though in a state of indisposition, when he gave way for a motion to postpone the further consideration of the resolution to-morrow.

The CHAIR having announced the consideration of private bills as the order of the day,

Mr. POLK moved to postpone them for the purpose of considering the army appropriation bill.

Mr. WHITTLESEY opposed the motion.

Whereupon Mr. POLK moved to suspend the rule: the question being put, the vote was, ayes 93, noes 50; there not being two-thirds in its favor, the motion was lost.

Several bills, which had passed the Senate, were then taken up, severally read a third time, and passed.

The bill for the relief of Walton and De Graff coming up for its third reading,

Mr. WHITTLESEY objected to the principle of the bill, (it pays for the depreciation on Treasury notes,) and moved for its recommitment.

Mr. POLK thought it better to postpone the consideration of the bill till to-morrow.

Mr. HUBBARD proposed to-morrow week; which was agreed to.

Mr. POLK again moved the postponement of the rule to take up the army bill.

The vote being taken, stood ayes 90, noes 49; there not being two-thirds, the motion was lost.

Mr. POLK then modified his motion so as to make it apply to the army bill exclusively; on which motion he demanded the yeas and nays.

Mr. McKENNAN moved to amend the motion so as to include a bill for the repairs of the Cumberland road.

Mr. POLK accepted this as a modification of his motion; but

Mr. EWING demanded a division of the question. It was divided accordingly; and the yeas and nays being taken first in relation to the army bill, stood as follows: yeas 125, nays 62; so the motion, on this part of it, was agreed to.

The yeas and nays being then taken in reference to the bill for the Cumberland road, stood yeas 94, nays 91, (not two-thirds;) so this branch of the motion was negatived.

The House then took up the consideration of the

ARMY APPROPRIATION BILL.

The amendment, adopted in the Committee of the Whole, granting $1,825 to Doctor Beaumont, of the army, by way of extra allowance, in consideration of extra services in making professional experiments, being under consideration,

Mr. HALL, of North Carolina, objected to the amendment. He hoped the House would not agree to the amendment, because he conceived that it was entirely out of place. Whatever might be its intrinsic merits, in opposing the amendment, he certainly did not intend to detract from the merits of the experiments made by Surgeon Beaumont; but it would be seen that this extra allowance purported to be for extra services; but it would be found, on inquiry, that this was not for any extra service in his public official character, but a course of experiments, not in pursuance of public duty, nor at the requirement of the Government. Mr. H. would oppose this upon the same principle he had voted against an amendment proposed for another purpose in committee, because this military appropriation bill was not its proper place. This was irregular, and would introduce a new principle, one of a very objectionable character. The old rule of *obsta principiis* he thought a very good one, and strictly applicable to this case. He was entirely in favor of correcting all abuses or excesses in public expenditures, as well in reforming old as preventing new ones. He was very glad to perceive that there was some disposition in the House to return to old radicalism, for which we were indebted to his worthy colleague, [Mr. McKay,] who he thought entitled to great credit for his industrious investigations in regard to this, as well as some other bills. Mr. H. said he was for thorough reform, but he was nevertheless of the same opinion which he had expressed a few days since on another occasion; that while he would curtail, in every instance, where an opportunity was presented, he was satisfied that success could be only partial, without we went to the source. He had intended to go at some length into other subjects, bearing a sufficient relation to the present not to be out of order, but felt unwilling to detain the House, and would, therefore, be content to repeat that this case was novel and out of place, and he hoped the House would refuse to concur with the committee. In closing his remarks, Mr. H. called for the yeas and nays.

Mr. CAMBRELENG opposed the amendment, for the reason, he said, that he was unwilling to make the appropriation bills pack-horses for every private claim.

Mr. HARDIN opposed the provision for the same reasons.

Mr. E. EVERETT, in reply to a question from **Mr. CAGE**, stated that Dr. Beaumont was a surgeon in the United States army, and that the person upon whom the experiments were made was a soldier in the service. In reply to the remark of the gentleman from New York, he said that the reason for making the provision in the appropriation bill was, that, in the present state of business in the House, there was no hope of obtaining its passage in any other way.

Mr. BROWN said that this reason would admit the attachment of a provision of any subject to the appropriation bill. If the subject was brought up in a separate bill, he would support it.

Messrs. **FILLMORE** and **WAYNE** spoke in favor of the amendment, and contended that the provision properly belonged to the army appropriation bill.

Mr. TAYLOR advocated the amendment making an allowance. He said that this allowance was for services of that character and public benefit which he thought should entitle it to the favorable consideration of the House. St. Martin, for whom these services were rendered, and who was the subject on whom the gastric experiments of Surgeon Beaumont were performed, was wounded at Mackinaw, Michigan Territory, by the accidental discharge of a musket, which entered the left side, fractured the ribs, lacerated the left lobe of the lungs, and perforated the stomach. Under the assiduous care and skilful efforts of Dr. Beaumont, a cure was finally effected, yet with such an extraordinary result, as to leave on opening through the side into the stomach, which could not be healed. Through this opening an opportunity was afforded of introducing and removing substances from the stomach at will, extracting the gastric juice, and even of examining the internal coats of the stomach; presenting a case for experiments relative to the process of digestion, such as is believed has never before occurred. This opportunity, he said, had been embraced by Dr. Beaumont, and the experiments conducted with much care, skill, and perseverance, throwing additional light upon this branch of science, of much public utility. He contended that, although these services were not a necessary part of the surgeon's official duty, as St. Martin did not belong to the army, yet they were extra services rendered necessary from his situation, in order to save the life of this individual, who was accidentally thrown upon his hands. And the series of interesting experiments which he instituted, and pursued at much personal expense, necessarily devolved upon him, or probably they could not have been performed at all; for St. Martin, having full confidence in his surgeon, from the care, skill, and attention which he had manifested, submitted to such experiments by him, as he would not have submitted to by any other person. Dr. Beaumont was, therefore, at the expense of transporting him from place to place, where his public duties called him; supported him in his family, and some part of the time paid him three hundred dollars a year, that he might continue his experiments. He contended, therefore, as it was a common practice to pay officers of the army for extra services, such ought to be paid for in this case; and he could hardly conceive of any which a surgeon of the army could render more meritorious and useful than had been rendered by Surgeon Beaumont in this instance; and he thought he ought at least to be remunerated for the expense which he had incurred in the discharge of these duties. He therefore expressed a hope that the amendment would be adopted.

The debate was continued by Messrs. **HARDIN, EVERETT,** and **CHILTON.**

Mr. POPE expressed his hope, as the subject was well understood by the House, that a vote would be taken at once upon the amendment, that they might go on to the consideration of the other parts of the bill.

Mr. WAYNE presented various letters from Doctor Douglass and others, descriptive and approbatory of the experiments which were submitted to the Joint Library Committee, and which had influenced them in recommending this extra allowance. He called for the reading of them.

The letters were read accordingly.

Mr. CAMBRELENG said, although he did not desire to undervalue the justice of the claims, yet he could not conceive that an appropriation bill was the proper place to have them attended to. If the claim was to reward merit, there was an appropriate committee for that purpose to take it up, if it was connected with the military affairs of the country.

Mr. SUTHERLAND would vote for this amendment, and thought nothing could be more important to the country, than any thing which could tend to illustrate the diet-system for the army, which the experiments of Surgeon Beaumont unquestionably did in an eminent degree. Surgeon Beaumont had advanced the cost of making these experiments out of his own funds. He contended that he was, upon every view that could be taken of the subject, fully entitled to remuneration, in justice to science, to the army, and to the country.

Mr. MANN, of New York, said, if all other objections to this were waived, there was something due to the consideration of the danger that would ensue from creating a precedent for remunerating services of this kind in this way.

Mr. TURRILL opposed the allowance.

Mr. P. C. FULLER supported it.

Mr. BEARDSLEY desired, if it was in order, to call for the previous question, that a decision might be procured without debate.

The **SPEAKER** explained that the previous question must cut off this and all other amendments.

Mr. JONES went into a constitutional argument against the allowance, and proposed that each member should purchase one or more copies of the book, which, in his opinion, would be the most constitutional way that the House could reward the meritorious services for which it was made.

Mr. SCHLEY adverted to the refusal on the part of the old confederation to grant to Congress the power of rewarding discoveries in science. He was therefore compelled to oppose it on constitutional grounds.

Mr. **HARD** justified the allowance on the ground of expense incurred by Surgeon Beaumont, which was to produce results beneficial to the public generally.

Mr. **J. Q. ADAMS** objected to the mode and form by which the allowance was proposed. It appeared to have come up upon a memorial presented to the other branch, (the Senate,) and which had by that body been referred to the Joint Library Committee. He reminded gentlemen, although he was not opposed to the claim if presented in another shape, that it was the peculiar province of the House to originate all bills making appropriations of money. He had no constitutional objections to the power of Congress granting rewards for discoveries in science, but he thought they ought to be only granted upon memorials presented to the House, and which, being referred by them to a committee to report, the House would be in a situation fairly to decide upon their merits.

The question on concurrence with the the Committee of the Whole in the amendment was taken by yeas and nays, and decided in the negative—yeas 56, nays 129.

The question being on concurrence with the amendment reducing the appropriation for works and barracks at Fort Gibson, Arkansas, from twenty-five to five thousand dollars,

Mr. **LEWIS** rose and addressed the Chair as follows:

Mr. Speaker: I have not yet taken my final leave of Fort Gibson, and, before it will be too late, I beg permission of the House to pay my respects to that subject once more. On yesterday evening, when in Committee of Whole upon the state of the Union, I moved to strike from the bill now under consideration the item of twenty-five thousand dollars to repair and extend the barracks at Fort Gibson, and to insert, in lieu of it, ten thousand dollars to defray the expenses of selecting, procuring, and erecting barracks at a suitable point on the Arkansas river, at or near the western boundary line of Arkansas Territory. My object in rising now is to renew that motion. I hope I shall be pardoned by the House for pressing this subject so earnestly and so repeatedly upon its consideration, when I state that, in taking this step, I am acting in accordance to the positive and unanimous instructions of my Legislature, and in obedience to a petition signed by upwards of a thousand of my constituents residing immediately upon the frontier: a people who are more deeply interested in the proper adjustment of this question than any other portion of the confederacy; and, lastly, I have taken this step in consequence of my firm and settled conviction, that what is respectfully asked by the Legislature of Arkansas, and by the people in their individual capacity, is reasonable and just, and ought to be granted. This is not the first time the people of Arkansas, through their Legislature, have humbly, but firmly and respectfully, petitioned the Government to remove the garrison, intended for their defence, from Fort Gibson, which is in the heart of an Indian country, to the western border of their country. They have asked for this removal of the troops at each of their sessions for the last four or five years, and I regret to perceive that hitherto their prayers have been of no avail; their petitions have been unheard and unheeded. They are modestly told, not only by honorable members of this House but by officers of the army, that the people of Arkansas do not understand their own interest; that they do not know what they want. This, sir, is the substance of the arguments adverse to the wishes of the petitioners; twist it and turn it as you may, and it comes at last to this result. To such arrogance and vanity, common alone to arrogant and weak minds, I have no answer to make. I cannot so far debase myself and those I represent, as to argue such a question. What! the people of Arkansas ignorant of their own interests—ignorant of what they want! They, sir, are an intelligent and modest people, and would not feel themselves justified, they would not justify me, in lecturing and insulting other portions of the Union about their local interests and want of capacity. No, sir, however strong they might be justified in sometimes forming such conclusions, I hope such honorable members, and especially the officers of the army, will learn a lesson of wisdom and forbearance from the people of Arkansas.

I now beg leave to repeat what I stated to the committee on yesterday evening, that, until 1825, the troops destined for our defence were stationed at Fort Smith. Fort Smith was, until that time, on the western boundary line of Arkansas; we had no settlements beyond that point. By an act of Congress, passed at that time, the boundary of Arkansas was extended forty miles further west; and when this was done, the troops were moved from Fort Smith to Fort Gibson, which was then the frontier, formed by the act of Congress to which I have referred; and all the country between those points, being forty miles deep and about one hundred and fifty in extent, was compactly settled by the citizens of the United States. Here they resided for two or three years unmolested. They organized themselves into a county; established courts of justice; sent members to our Legislature; cleared fields; built houses and mills, and all that; and, in short, no other portion of our extensive and thriving country presented more happiness, more prosperity, more contentment. Such was our happy condition until 1828, when I first had the honor to take my seat in this House. When I came here from the farthest west, I found great excitement, a strange state of things. I found Georgia, Alabama, and Mississippi, in consequence of their Indian relations, waging a violent warfare upon the administration. Governor Troup began it. He had, but a short time previously, literally "used up" our major general, and, throwing himself upon his reserved rights—standing at the head of his Hancock militia, he issued bulletins upon bulletins, couched in language of open defiance to the powers that then were. The administration truckled and succombed to this Hotspur of the South. They commenced a negotiation to satisfy, if possible, the respective belligerant States. The administration looked out for bounties and expedients; and ultimately adopted the fatal one of giving up the fairest and most valuable portion of Arkansas to appease the wrath of Georgia. A treaty was entered into with the Cherokees, regardless of all the objections and remonstrances which I could offer. By the first article of that treaty, our western limits were brought forty miles further east; it was brought back to Fort Smith, the point where it was before the passage of the act of Congress to which I have already referred. All this country, secured to us by a solemn act of Congress, and settled by our inhabitants, was given up to the Indians, and the occupants, without ceremony, were kicked from it by the hand of power. But the garrison has not been brought back with the frontier line. It is still in the heart of the Indian nation, forty miles from the frontier, and the object of my motion is to bring it back to the frontier. The treaty which lost us the country between Fort Smith and Fort Gibson was made on the 10th of April, 1828, and was immediately sent to the Senate for ratification. I did all I could to defeat it. I had a map of the ceded country made out; I wrote and conversed with the Senators upon its great injustice, not only to the people of Arkansas, but to the Government itself, and I hope I may be permitted to say that I was somewhat instrumental in producing a discussion upon its merits, which continued until the 24th of May following, when it was ultimately confirmed by a majority of one vote. This treaty fixed permanently our western boundary; and, as it is permanent, and not probable that it will be ever disturbed, why should not the garrison be brought back where it could also be permanent? My amendment suggests no particular point for the garrison, except that it shall be on the Arkansas river, and at or near the frontier line. I am for giving to the Government full scope for selecting the best position for it, where it can be permanent. I want that and nothing more. Fort Gibson is not at its proper place. If it be designed for our defence, it should be on the frontier; if for the defence of the Indians, it should be moved further west. I suppose it will not be contended that we keep up a standing army solely to defend the Indian tribes. The garrison is designed for our defence, and for no other purpose. Some gentlemen contend that this garrison is in the proper place; the Secretary of War throws out such an idea also, and, in orber to stifle the voice of my constituents, we are told that our object is trade and traffic with the garrison. Such are not our objects. But suppose they were, can your troops live without eating? Is it treasonable to procure supplies for them from the people of Arkansas, who have an abundance to supply them with? Will you turn your soldiers into a band of hunters, and feed them upon jerked venison and buffalo? I suppose not; this very question of supplies for the garrison should have great weight in the settlement of this question. If your garrison be moved further west, you will be unable to supply them. Even where it is, it is often difficult to supply the garrison. It is above safe and certain and steamboat navigation, and very often steamboats, freighted with supplies for the garrison, have to unload and send up the supplies in smaller crafts, and I am glad that I now have it in my power to prove this statement, from a document I now hold in my hand, which was sent to us this session by the Secretary of War.

What says Lieutenant Brown upon this subject?

"The point of junction of the Canadian and Arkansas may, I think with propriety, be called the head of steamboat navigation on the Arkansas. Between that point and Fort Gibson, the chances of getting up and down with safety and without detention, in a boat of any considerable draught of water, are too precarious to be at all relied upon. No steamboat captain, in entering the Arkansas from the Mississippi, can feel any certainty of reaching the garrison, though the water be ever so high below. The flood may be out of the Illinois, the Canadian, or the Poteau, in which case, he can, of course, get no higher than the confluence of those streams with the main current; or, if the rise proceeds from the Grand river, the Verdigris, or the Arkansas, it will, in the greater number of cases, have run off before a boat can traverse the space below. A very small steamboat, by remaining at Fort Smith, or the garrison, and watching the floods, may be very useful, and I understand it is contemplated by the Quartermaster General's Department, to adopt this course for the transportation of the large amount of stores required at Fort Gibson, which is now the focus of our relations with numerous powerful tribes of Indians."

Yes, sir, "the point of junction of the Canadian and Arkansas rivers, may, I think, with propriety, be called the head of steamboat navigation." The House will observe that it is near this junction I desired the troops to be removed to.

But Lieutenant Brown further states that "between that point and Fort Gibson, the chances of getting up and down with safety, and without detention in a boat of any considerable draught of water, are too precarious to be at all relied upon." Yes, sir, with this knowledge before them, our military men insist upon keeping a garrison at that point—a point from which both Indians and whites want it removed. And, to obviate this difficulty, Lieutenant Brown informs us, that "it is in the contemplation of the Quartermaster General's Department, to keep a very small steamboat at Fort Smith, (near which place I want the garrison) for the purpose of "watching the floods," and in that way be enabled to transport the large amount of supplies annually wanted by the garrison. I am amazed that the Quartermaster General has not sent in his estimate for his very small steamboat. I suppose he has deferred it to a more convenient season. What, sir! are we to have a garrison where we cannot supply it? Are we to have a battalion of United States troops sitting the year round upon the banks of the Arkansas at Fort Smith, "watching the floods," and counting the showers that may fall from Heaven upon that country? It would certainly be a very military employment. Sir, let the garrison be removed to where it ought to be, and we shall have no need of adopting such miserable expedients. Why not remove it? It ought not to be removed, we are told, because the Secretary of War says officially, that it is now at the right place. Sir, the Secretary of War is one of my favorites; I respect and honor him, and in no instance but this have I ever had occasion to differ with him. And, sir, if he had ever been upon our frontier—if he had seen its localities, I would be willing to leave this matter entirely to his better judgment; I should doubt the correctness of my own conclusions, if I then found him differing with me. But the Secretary never was there. His opinions upon that subject are founded upon statements made to him by others, who feel an interest in this matter. He has staked himself upon this question—he stands by his army; and I must be permitted to stand by my constituents in opposition to both him and his army. Are the wishes of a people of a great section of this country, yea, their interest and prejudices if you please, not to be consulted? Are their petitions to be thrown aside without examination, because the army (their servant) may differ in opinion from them? Is the army to give laws and direct legislation in this country? This is not the first time that the interest of the Government has been injured, materially injured, by not availing themselves of correct information. I will give you an instance or two. In 1820 or '21, the precise date I do not now recollect, a treaty was made by General Jackson and General Hinds, on the part of the Government, with the Choctaws, at Doak's Stand, in the State of Mississippi, by which they gave in fee and forever, to that tribe of Indians, all the country in Arkansas, lying west of a line commencing on the Arkansas river, at "Point Remove," and running south to the mouth of Little river, on Red river. This treaty embraced several entire counties, and large portions of others. It embraced the most populous and most valuable part of Arkansas. This treaty was ratified by the Senate, and had it not been immediately modified, by which we got back the greater portion of our inhabitants, the country would have been abandoned, and Arkansas would have been forever but little better than a desert and a howling wilderness. In repurchasing this country, the Government had some hundreds of thousand of dollars more to pay. Did we find fault with or blame the commissioners? No, sir, we did not. We knew they had acted upon false information. Nevertheless, the Government was greatly the loser by it. This of itself ought to induce you, if any thing can induce you, to pay a little more attention to the statements of those who reside in the country. What object can they have in practising a deception upon you? They have none—they can have none. I will give you another striking instance of the consequence of acting upon false information. It occurred, sir, with the distinguished gentleman from Massachusetts, when acting as Secretary of State. He made a treaty with the Spanish minister for the purchase of Florida, and to fix definitely our southern boundary between us and the Mexican Government. The line he fixed for us, whenever it shall be run, will exclude many of our oldest and most wealthy inhabitants south of Red river—individuals who have resided there for many years. Did we blame that gentleman for this? No, sir, far from it. We believed he had no intention to give up to a foreign Power any of our citizens; that he thought his line would embrace them all. Yet we know he failed in his intentions, and that that failure arose from false information. What is the consequence to the Government? We have lost an immensely valuable tract of fine country; we have lost a valuable population of American citizens, and we have got an unacceptable neighbor, and a safe harbor is afforded to absconding debtors, refugees from justice, and runaway slaves. Such are the consequences of acting upon false information. Listen, therefore, I beseech you a little more to the local authorities of the country, and you will avoid these public evils. Think of these things when you are listening to the Secretary's estimates and opinions about this garrison. Think less of estimates. Why, sir, if we are to pass, as a matter of course, all estimates coming from our ministers of war, of finance, or the navy, we should save a great deal of useless legislation, by telling these gentlemen to ascertain how much money they want, and then to help themselves out of the public treasury. This would be the most expeditious mode of doing business; we should not then be told, that, from the tardiness of this House, in passing the appropriation bills, that the public service was suffering. I hope, sir, that those who differ with me in the propriety of removing this garrison, will meet me with arguments, and not with a bill of estimates from the Secretary's bureau.

Other gentlemen have told us that there is no necessity for a garrison upon the Arkansas frontier, but that there may be a necessity for a garrison west of Fort Gibson; somewhere, I suppose, towards the foot of the Rocky Mountains. Yes, sir, the gentleman from Georgia [Mr. Gilmer] tells us that he considers a garrison upon the Arkansas frontier about as necessary as a garrison would be between Maryland and Virginia; that the warlike spirit of the Choctaws and Cherokees is broken down; that they are now civilized, peaceable, and harmless; and that he is confident the people do not fear them. Sir, the people of Arkansas fear nothing in the shape of a human being; but, because they are not cowards, does it follow that they need no protection? I should not think so. But the Cherokees and Choctaws are peaceable and harmless! Sir, has he so soon forgot the difficulties his own State had (while he was her Chief Magistrate) with the Cherokees, about the gold mines? Have the Choctaws forgotten the difficulties they have had with the Government about their reservations? They have not. After being excited almost to desperation on this side of the river, they are to be put over on ours, with irritable feelings, openly denouncing the Government as cruel, oppressive, and faithless to her treaties. Is there no danger to be apprehended from such men, with such feelings? A war with Indians is always popular. But they are *civilized!* The wilderness west of Arkansas, where there are but few schools, and but little intercourse with the whites, must have had a very powerful influence upon them. It was but a few years ago, if I am not greatly mistaken, that the gentleman from Georgia told us, here in his place, that they never could be civilized; that their own good required an immediate emigration to the west, or submission to the laws of Georgia. To accomplish his object, then, it was important to induce the House to believe that the Cherokees were barbarians then, and would be barbarians forever. He succeeded in his object. But now he tells us they have become peaceable, harmless, and civilized. Sir, some of them are civilized, I admit; some of them are intelligent, worthy men, can read and speak our language. But what proportion of the nation do they constitute? Not exceeding one out of a hundred; and, situated where they now are, that proportion will be daily diminishing instead of increasing; and, further, those intelligent half-breeds, of whom I have spoken, are not generally the influential Indians of the nation. The influential individuals of all your Indian tribes are your full blood, moccasin and hunting shirt fellows—those who do not speak your language, and, if they could, would scorn to own it. Those are the ones who, by giving the war-whoop, can put their tribes in motion. Those are the ones against whom we have to guard and defend our frontiers. I concur with the Secretary of War in believing that no point of the Union stands more in need of military defence than the Arkansas frontier, although I differ with him about the location of that defence. Sir, when the Indian bill was under consideration a few years ago, I expressed to the friends of the measure my apprehension about the propriety of placing so large an Indian population upon our frontier. Don't be uneasy about that, my dear sir, was the reply; your frontier shall be amply protected. I confided in their pledges; but what was my astonishment on yesterday, when I heard the gentleman from Georgia state that he thought any military defence in that quarter wholly unnecessary. If I properly understood the remarks of him and the gentleman from Vermont, [Mr. Everett,] both members of the Indian Committee, they intended to introduce a plan of an Indian government upon our frontier. Yes, sir, a kind of modern Hanseatic League among their royal highnesses of the different tribes. It is to be based, I suppose, upon something like the plan of our Government—they are to have a national confederacy—a President, a Senate, and House of Representatives. This project tickles me vastly; and should my constituents, upon finding I have not influence enough to carry the measure about which I am now contending, take it into their heads to dispense with my services in future, I don't know but I may emigrate to one of their tribes, and try at least to be a member of an Indian Congress. This project will be opening a fine field for political aspirants, and especially for those who may have outlived their popularity at home. I want to see this project of an Indian confederacy. I hope they will furnish us with it at an early day. When this plan is adopted, all the troops that will then be wanting are to be for use. Yes, it will doubtless present an imposing spectacle to see the major general of our army, at the head of his troops, waiting upon their majesties Mushalatubba, Nitabaga, or John Jolly; and, particularly, as the expense of such an establishment will have to be borne by those whose relations have been slaughtered and scalped by them. This project will doubtless be very popular in the west. But, to be serious: the main points of defence for the western frontier are Rock river, Missouri river, Arkansas river, and Red river; and if the troops are not to be stationed at these points, where ought they to be stationed? Will the gentleman tell us? Sir, if the troops, under any pretence whatever, are to be withdrawn from these points, it will then be a fit subject of inquiry into the expediency of abolishing the army entirely. And if no one else will do it, whenever they shall be withdrawn from these points, I myself, humble as I am, will try to abolish the army entirely, horse, foot, and dragoons, West Point and all. I will commence with your major general, and stop not till I reach the last private in your lines. I should not be for leaving a corporal's guard for your Secretary of War to swear by. And, as some of the officers seem to be disposed to thwart the wishes of the people, I am not so certain but it would be a good thing to disband them, any how, and get a new set.

Sir, I have gone more extensively into this subject than I had intended. I have done my duty. It is now for you to do yours.

Mr. H. EVERETT said that the amendment only went to prevent the extension of the works at Fort Gibson. All that it decided was, that we should not erect permanent works at Fort Gibson; not saying where a permanent post shall be established. So far the amendment aided the object of the gentleman from Arkansas, and he was surprised at his objecting to it.

The House concurred in the amendment.

Mr. SEVIER moved to strike out the section, as amended, from the bill, and insert in lieu thereof an appropriation of ten thousand dollars to establish a military post at Fort Smith, on the Arkansas line.

The motion was rejected.

The other amendments reported from the Committee of the Whole were severally concurred in, without debate.

The question being on the engrossment of the bill,

Mr. JONES, of Georgia, moved to add a provision to the bill, restricting the application of the sums granted for the erection and repairs of barracks to the purchase of materials necessary to be used.

Mr. J. said his object was to reduce the expense of these buildings, by making it necessary for the soldiers to do the work themselves.

The motion was rejected.

After the bill had been gone through,

Mr. ASHLEY, of Missouri, wished, before the question was taken on the engrossment of the bill, to notice one item in it, and requested leave so to do. He alluded to the appropriation of thirty-five thousand dollars for the pay of the militia of Missouri "ordered into service by the Governor of that State in the year 1832." He said that, at the last session of Congress, he submitted a resolution proposing an appropriation for this purpose, which he felt assured had resulted in the adoption of the measure. But, from some circumstances in reference to the case, the President of the United States did not feel authorized to order the application of the money. It therefore became the duty of Mr. A., at an early period of the present session, to again introduce the subject, by resolution, instructing the Committee of Ways and Means to inquire whether an appropriation was made at the last session, and, if not, then to provide for that object. Mr. A. said the bill now before the House contains an appropriation for the purpose, but no report accompanied the bill, showing the action of Congress on the subject at the last session. He felt it his duty, therefore, to call on the chairman for some explanation.

Mr. POLK said he would take pleasure in giving the explanation requested by the gentleman from Missouri, as far as his recollection of what occurred last winter enabled him to give it. He remembered that the gentleman waited on the Committee of Ways and Means at the last session of Congress, and urged the justice and propriety of making an appropriation to pay the militia of Missouri who had performed service in the recent Indian war with Black Hawk and the tribes he commanded on the western frontier. The gentleman, he remembered, seemed to have much solicitude that the appropriation should be made. As a member of the committee at that time, he thought the appropriation proper; and, as well as he remembered, the committee intended, in the bill which they reported, to embrace the payment of the six companies provided for in this bill. The appropriation bill passed through Congress, making an appropriation of upwards of six hundred thousand dollars to defray the expenses of the Indian war on the western frontier, and for the payment of the militia who performed service. His recollection was of course general, and could not be expected to be minute upon the subject; but he did not doubt but that the committee intended, in reporting the gross amount already stated, to have embraced that portion of the militia now provided for in this bill, and probably Congress intended the same thing. From the general character of the appropriation, however, as contained in the bill of the last session, for the payment of the militia of Missouri, Illinois, Indiana, and Michigan, some doubt had been entertained at the War Department whether Congress intended so to provide, and payment was withheld until Congress could act definitely on the subject at the present session.

The grounds of this doubt were fully explained in a report which he held in his hand, of the 7th March, 1833, from the Paymaster General to the Secretary of War. Mr. P. stated the substance of that report, and said that he had no reason to doubt that the last Congress intended, and probably thought, they had made provision for the payment of the militia in question. But as doubt had arisen upon the construction of the act of the last session, and as the appropriation itself was certainly a proper one, it should now be made, as proposed in this bill, to remove all doubt hereafter.

Mr. ASHLEY adverted to the conversation which took place between the committee and himself in the committee room, when his resolution proposing the appropriation alluded to received the action of the committee. He said that the present chairman of the Committee of Ways and Means, after adding the said amount of thirty-five thousand dollars to the amount of the other estimates for pay of the militia engaged in the Indian war in 1832, inquired of him what sum he supposed would be necessary to discharge the balance due on that account; and, after some further remarks, announced the aggregate amount which he (Mr. A.) recollects to have been the same as that appropriated for the purpose, six hundred and thirty-two thousand dollars.

Mr. POLK said he had no doubt of the correctness of the gentleman's statement.

The bill was then ordered to be engrossed for a third reading.

And the House adjourned.

Saturday, March 15.

Mr. R. M. JOHNSON asked the unanimous consent of the House to submit a motion to grant the use of the Hall, on Monday evening, to Mr. Whitlow, for the purpose of lecturing upon Asiatic Cholera and Dyspeptics. An objection being made, Mr. J. moved the suspension of the rule. It appearing by the vote (80 to 21) that there was no quorum, **Mr. THOMSON** moved that the House do now adjourn.

Mr. CARR called for the yeas and nays, and they were ordered.

Mr. PARKER asked, if a call of the House was in order, and was informed by the Chair that it was not.

The question being taken by yeas and nays on the motion to adjourn, it was decided in the negative—ayes 7, noes 121.

The question being taken on the motion to suspend the rule, to permit **Mr. JOHNSON** to make his motion,

Mr. WATMOUGH asked for the yeas and nays, which were refused.

The motion was rejected.

PUBLIC DEPOSITES.

The resolution of **Mr. MARDIS** respecting the Public Deposites, was taken up.

The **SPEAKER** informed the House that he had received a letter from **Mr. BURGES**, a member of the House, stating that he was prevented by indisposition from attending the House to-day, and requesting that the consideration of the resolution be postponed till Monday.

On motion of **Mr. WHITTLESEY**, of Ohio, the further consideration of the resolution was postponed till Monday.

Mr. POLK asked the unanimous consent of the House to permit the army appropriation bill to be read a third time; and no objection being made, the bill was read a third time, and passed.

PURCHASE OF BOOKS.

Mr. SPEIGHT moved the suspension of the rule, in order to take up a joint resolution relative to the purchase of certain books. Agreed to.

The House proceeded to consider a joint resolution for the purchase of certain books, the question being on an amendment reported from the Committee of the Whole, for the purchase of additional copies of Gales & Seaton's Debates.

Mr. SPEIGHT submitted an amendment to the amendment, which the Chair stated was not now in order.

Mr. FOSTER said that when the subject was up formerly, he stated that he would endeavor to cause our constituents to be informed of the amount of money which we appropriated to ourselves. He wished to have a law providing what books we should purchase, and stating what sums we should appropriate for them. He was willing to buy Gales & Seaton's nine volumes, and Elliot's book, and Gibbon's Decline and Fall of the Roman Empire, and Hume's England, and Kent's Commentaries, &c. pay for them out of a certain and limited contingent fund, as far as it goes, and paying the balance out of our own pay. Some one once asked whether members who opposed these appropriations received the books. He replied to the question that he did receive them. But, if the House would leave the money in the treasury instead of appropriating it to the contingent fund, he would suffer the books to remain on the printer's shelves. He then moved that the resolution be recommitted to the Committed on the Library, with instructions to inquire and report what books ought to be purchased, and the amount which they will cost.

Mr. J. Q. ADAMS asked if it was in order to move an amendment to the instructions requiring the committee to report a bill.

The **SPEAKER** said the motion was not now in order.

Mr. ADAMS had no objection to the object of the inquiry, but he wished to have a bill, instead of a joint resolution reported. He conceived that the resolution, as it stood, was unconstitutional. His objection was not to the object but to the form of the proceeding. Mr. A. proceeded to sustain his objections, when

Mr. SPEIGHT rose to a question of order. The merits of the question were not now open for discussion. If the gentleman would defer his remarks to a proper time he would meet him on the constitutional question.

The **SPEAKER** said it was not in order to discuss the merits of the resolution.

Mr. ADAMS. Is it not in order at any time, and under any circumstances, to oppose the passage of a bill or resolution here on constitutional grounds?

The **SPEAKER** decided that it was not now in order to discuss the merits of the resolution.

Mr. ADAMS. I submit, sir, but am not convinced.

Mr. FOSTER said that, as the members would not, he hoped, be unwilling to record their names upon a question whether the people should be informed of the amount of money which we appropriate to ourselves, he asked the yeas and nays on the question.

The House refused to order the yeas and nays, twenty-four only rising in the affirmative.

Mr. FOSTER'S motion to re commit was rejected, thirty-seven voting in the affirmative.

Mr. FOSTER said he was only sorry that the thirty-seven members had not voted for the call of the yeas and nays.

The amendment of the Committee of the Whole was concurred in.

Mr. SPEIGHT then offered his amendment.

Mr. J. Q. ADAMS opposed the amendment and resolution. The constitution, he said, declared that no money should be drawn from the treasury but in consequence of an appropriation by law. Nothing could become a law but that which was introduced in the form of a bill. Every bill, before it shall become a law, must be presented to the President of the United States for his approval and signature. This (said Mr. A.) is the first instance of an attempt to appropriate money by joint resolution. There was not a single instance of the kind on the statute books. If the resolution passed, he hoped the appropriation would be stricken out.

Mr. SPEIGHT would say but a few words on the question. He would ask if the gentleman means to say that no appropriations have ever been made by resolution. He would refer the gentleman to a resolution which he himself introduced, at the commencement of the session, for the purchase of the bank book.

Mr. ADAMS: There was no appropriation in that.

Mr. SPEIGHT subscribed, he said, to the doctrine of the gentleman, that no money can be appropriated except by law. What is law? The expression of the will of the Legislature, in joint resolution, was an expression of that will, and had all the sanction of law. He was surprised to hear the gentleman assert that no appropriations had ever been made by joint resolution; apppropriations had been often made indirectly, and he believed directly, by resolution; and he could point out to the gentleman a joint resolution of this kind, which he himself sanctioned during his administration.

Mr. ADAMS: I would be glad if the gentleman would show it.

Mr. SPEIGHT had, he said, but one motive in offering his amendment; it was to put the new members on the footing with the old members, in respect to being furnished with books. He proposed to furnish the new members with the nine volumes of the Register of Debates, and the old members with the last volume. He also stated, upon the authority of a letter from Messrs. Gales & Seaton, that this work must be discontinued, for want of patronage, unless the patronage of Congress should be continued to it. In conclusion, Mr. S. said, that unless we got books for the new members, he should propose that the old members should bring all the books which they have heretofore received, put them down in a pile, and divide them among all the members.

Mr. FOSTER: I will join you in that, sir.

Mr. McDUFFIE suggested that if "appropriated" was stricken out of the joint resolution, it might obviate the objection of the honorable member from Massachusetts.

Mr. SPEIGHT'S amendment was read as follows: strike out after resolved, and insert "that the members of the present Congress, who have not heretofore received them, be supplied by the Clerk with the same books that have been ordered to be furnished to the members of the last Congress; together with complete sets of the Register of Debates, to the 9th volume inclusive, and that such members of the last Congress as have received parts of the Debates be also furnished with volumes necessary to complete their sets to the 9th volume inclusive; and that the expense be paid out of the contingent fund."

Mr. FOSTER expressed regret that the honorable member [Mr. SPEIGHT] with whom he had so long felt pleasure in acting, should have taken the lead in making this proposition; but he begged to remind the House that, upon a former occasion, they had, by a large majority, declared that these books should not be paid for out of their contingent fund.

Mr. POLK said he, for one, could not vote for the amendment, because, if he did, he would thereby be abandoning the great principle for which he had always contended, viz: that the House had no right to use their contingent fund for such purposes, or cause any books to be ordered or paid for except by a law or by joint resolution.

He would state that he was not opposed, but, on the contrary, was willing to vote that the new members should receive such books as has been voted to the members of the last Congress; but he could not give the former members any adition to what they had already obtained.

Mr. GALBRAITH called for the reading of the resolution and amendment.

They were read accordingly; after which,

Mr. SPEIGHT said that he coincided in the opinion avowed by the honorable member from Tennessee as to the principle about the contingent fund; but, under the circumstances, he considered that it was only an act of justice that the new members should be placed on a similar footing with the old; and as the Senate did not choose to come to the House for a joint resolution for the purchase of such books as they desired, he would not go to them.

Mr. PARKER was opposed to the amendment. He thought at the time that the House had receded from their disagreement to the Senate's amendment to the House appropriation bill, there was an understanding that, thenceforth, all future purchases of books should be provided for by bills for that purpose, or by a joint resolution of both Houses.

Mr. BARRINGER rose to set the member from New Jersey right upon this. He had certainly not supposed there was any such understanding. The Senate so far from having it, had, by their acts soon after, completely negatived the idea that there was any understanding of the kind; for they had supplied themselves with books without regarding the disposition of the House on the subject. The resolution, as amended, therefore, only authorized that to be done by the House which the Senate had already done for themselves.

Mr. JARVIS called for the reading of the clause in the House appropriation bill specifying the items for which the contingent fund was to be applied.

The clause was read, viz: "granting $150,000 for printing, stationary, &c. to be applied for no other purpose." After which,

Mr. JARVIS called for the yeas and nays on the question.

Mr. PINCKNEY inquired if a motion for indefinite postponement was then in order?

The **SPEAKER** replied in the negative.

The House refused to order the yeas and nays; ayes 27, noes 137.

Mr. PINCKNEY said, although he differed in opinion with the member from North Carolina, [Mr. Speight,] that a law and joint resolutions were similar, yet it was perfectly immaterial to him by which mode the House should make the appropriation; for his objection was to the principle, that they could appropriate for the purchase of books at all. He considered this an appropriation of the people's money for the private use of the members; as such it was unconstitutional, and for which, if they were justified in appropriating, they might just as well appropriate for their private uses all the funds in the treasury. He had another objection to this. The House were called on to vote in the dark, without knowing the amount of the people's money which they were thus going to dispose of. They did not know—they refused even to inquire whether the cost of these books would be $8,000 or $80,000; and, if he was correctly informed, the amount would be the latter. He desired to call the attention of the people to the question whether the House had the right to do this; and he might, at the same time, inquire if he had not the right to avail himself of that order, although he would not make the objection, that members should not vote in cases in which they were interested? He moved to postpone the resolution indefinitely, and called for the yeas and nays on his motion; which, having been ordered,

Mr. McDUFFIE said he felt bound by some feelings of paternity to say something in vindication of the resolution. He could not agree with his colleague [Mr. P.] that this resolution made an appropriation for the private uses of the members, or that it was unconstitutional for the House to vote upon questions that they were interested in. He would like to know, if the principle held good, by what right they voted their pay? Voting for the appropriation of $150,000 for their contingent fund to pay for stationary, pens, knives, &c., might be termed voting for their private uses, on the same principle. He maintained that these books were all-important to the members, on public grounds, to give them information that would the better enable them to discharge their public duties. He believed that the works could not be proceeded with without the aid of Congress, and, in voting for the works, it was on public grounds he had done so; having so received them, he never should take them home, intending to leave them here where they could be of equal advantage to his successors as they had been to himself, and he could have desired that there was such an obligation inserted when the resolution was originally introduced, or even now, that all books should be left in the library for the benefit and use of their successors in Congress. In order to obviate the objection of the member from Tennessee, [Mr. Polk,] he must request the mover of the amendment [Mr. Speight] to modify his resolution so as to have it by joint resolution, and to strike out the part terming it "appropriate," which would also obviate the objections of the member from Massachusetts, [Mr. Adams.]

Mr. SPEIGHT declined making any alteration, in consequence of the conduct pursued on this subject by the other branch of the Legislature. It was for the House, if they thought proper, to reject his amendment, and they might then pass a joint resolution, which would be equally satisfactory to him.

Mr. WAYNE inquired if it was not intended to confine the action of the resolution to the House only?

Mr. SPEIGHT replied, such was his intention.

The resolution having been read, it was so modified, by inserting "House of Representatives."

Mr. J. Q. ADAMS considered the proposition of Mr. McDuffie the most advisable course to be taken.

The question on the amendment, as modified by Mr. SPEIGHT, was then put, and agreed to.

The question then being on the motion of Mr. PINCKNEY, to postpone indefinitely.

Mr. POLK expressed his deep regret that the House were about to abandon a principle for which they had contended, and to decide that they had the right to use their contingent fund as they thought proper. He had no objection to the purchase of any books that should be deemed necessary. All that he desired was, that the purchase should be made in pursuance of a specific and direct law; not by applying indirectly to attain the object by means of the contingent fund, which he maintained it was unconstitutional to use for such purposes. The consequence of all this must be, that the contingent fund would be exhausted, and would not be sufficient to defray their ordinary expenses. He considered the whole difficulty would have been obviated if the member from North Carolina [Mr. Speight] had consented to the proposition to make it a joint resolution.

Mr. WAYNE said he should have preferred having the books procured by a joint resolution of both Houses for that purpose, but if they were not to be procured in that way, he would vote for the amendment to obtain them. He considered that this was not a proposition to purchase books for the private uses of the members, or for the purchase of books of an ordinary character. No, it was the purchase of what had been done under the permission, if not under the authority, of Congress, and which was more illustrative of their past proceedings, more necessary to assist members in the discharge of their public duties, than any other work that could be obtained. He considered that as all reports of their proceedings; that reporters were permitted into the House for that purpose by their authority, the registers of debates on subjects that came up, although not in the form of a record, were substantially a part of their proceedings, and which were highly valuable, as well for the present use of the members, as for reference hereafter, to explain to posterity what could not otherwise be explained, the grounds upon which on all important subjects they were induced to act. The question had come to this, that, if they did not supply thenselves with the works in their separate capacity, it appeared they could not have them at all; for the Senate had declared that the House had no right to interfere with them in the use of their contingent fund to make such purchases as they thought proper; the constitutional principle of touching it for the purchase of books was rejected.

Mr. **CHILTON** remarked, that he was originally inclined to vote for the resolution, but upon more mature reflection he was compelled, by a sense of what he owed to his constituents, to vote for the motion for indefinite postponement. He could not consider it any thing else than as a practical increase by the members of their own pay, and, if necessary to be done at all, he would submit the question, whether this ought not to be done by a direct law, and therefore in such a shape as the country could understand. As a new member, who was to be benefited if the resolution should be passed, he would rather give up any claims he could have than sanction what he must consider to be a dangerous principle for the House to act upon, and which must, if not timely arrested, make the printing of books for the members' use the most expensive department of the Government. He would vote against the purchase of even a solitary book.

Mr. **BROWN** said, it was with some reluctance he rose to address the House; but, as he should feel himself compelled to vote against the resolution in its present form, he desired to state his reasons, that he might not be misunderstood. It must be manifest to all who had listened to this discussion, or looked into the previous action of Congress upon this subject, that a limit must sooner or later be put upon the practice heretofore pursued of furnishing members with books at the public expense. When this resolution was first introduced, he did not suppose it was intended to do more than place the new members, as to books, upon a footing of equality with the old; and, if he was not mistaken, it not only did this, but also proposed to grant to all the members, indiscriminately, books not embraced in the resolutions of last Congress. He was willing that as much should be done for the new members in this respect as had been done for the old, and he could at the same time unite his regrets with honorable gentlemen, that the practice had not, from its commencement, been confined exclusively to providing books for the use of members only during the time they remained in office. He begged the House to look at the practice as applied to individuals—himself for instance. Long before the works contemplated in the resolution could be published, his time of office would expire, and the chances were as ten to one at least, that he never would come back again; indeed, he was not yet prepared to say he wished to come back; the books would then become his own property; and his successor, whoever he might be, could not derive the slightest benefit from any information they contained. He was opposed to the resolution in its present shape upon another ground. Upon a previous occasion, when one of the appropriation bills was under consideration, the House disagreed with the Senate, and he twice voted (and he believed rightly) to set a limit upon the power of both Houses over the contingent fund, to prevent its application to the purposes mentioned in this resolution. He would not now reverse these votes, nor would he, under the name of the contingent expenses of Congress, make appropriations for the purchase of books, but would prefer that they should be made the subjects of a specific appropriation.

Mr. **McDUFFIE** rose for the purpose of obviating what he considered the only objection that could be to the resolution, and which it was in their power to do, to make the books public instead of private property, for which purpose he moved the following amendment, viz: "the sixth, seventh, eighth, and ninth, volumes of the Register of Debates to be deposited in the Library, when the present members retire, for the use of their successors."

Mr. **VANDERPOEL** inquired if such an amendment was in order when there was a motion to postpone?

The **SPEAKER** replied in the affirmative, and that the amendment had precedence of the motion to postpone.

Mr. **VINTON** objected to the new principle proposed by the amendment submitted by Mr. McDuffie, which he said would go to establish that each representative had no occasion for the information contained in these or other books that Congress had usually voted, except at the seat of Government. He considered that every member paid fully to his constituents a remuneration for the value of the books, by answering the calls made upon them, in their representative capacity, for information.

Mr. **WISE** spoke in favor of the resolution, and urged the claims of the new members to be put on the same footing with the old members. But, even if it were an original question, he would vote for the purchase of such books as would tend to enlighten him in regard to the history of the legislation of this House. We, sir, said he, are, at home, the oracles of our respective neighborhoods. To us the people look for information in regard to the business of this House. As a new member, he expected to acquire more knowledge, preparatory to the discharge of his duties here, during the recess than he could acquire during the session, and he wished to carry with him such documents as were necessary to his instruction.

The question was taken on the amendment proposed by Mr. McDuffie, and rejected.

Mr. **MANN**, of New York, believed that the measure proposed was wrong in principle and in practice. Congress could not properly become the great patron of publishers. Is it true that this is the work on which the Clerk of this House gave his acceptances, and must we now redeem those acceptances? He trusted not. If the work could not be supported by the patronage of the public, there was no way to prevent it from going down. He acknowledged that it was an important work, and should be very sorry to see it discontinued. But he would not consent, though one of the members for whose benefit the resolution was introduced, to pay the public money for our own private benefit. The member from Virginia might be assured that, however it was in Virginia, there were no oracles in New York.

Mr. **POLK** said he would show the House to what extent this system of pensioning publishers on our contingent fund had been carried in another branch of Congress. He held in his hand a statement from the Secretary of the Senate, showing that, during the last year, that body voted for the purchase of Gales and Seaton's Debates, $1,940, and for Duff Green's Compilation of the Land Laws, &c., (1,600 copies,) over $46,000, and other sums for other works. He questioned whether any member of the Senate looked at the amount of this expenditure at the time when it was made. The same was the case with this House. He wished the House to understand what they were doing, and what they were likely to do. We had before us an example of the Senate for the purchasing of 1,600 copies of a work, at the expense of $46,000, to be paid out of a contingent fund of $36,000.

Mr. WISE asked whether the House had not uniformly been furnished with books by resolution. He hoped that the abuses of the Senate—he did not use the term in disrespect to that body—would not be followed by the House. We were told by the gentleman from New York that, in New York, there are no oracles; he had not used the word "oracles" in the Delphic sense. The oracles to which he referred were the stump orators of the country. If there were no such oracles in New York, there were a plenty of them in Virginia; and he hoped in God that, as long as there was a green court-yard, and a stump to be found in Virginia, there would be no lack of such oracles. During the spring elections in Virginia, it was the custom for the competitors for office in the several counties to address the people. During the last spring, he had himself, he believed, made as many as twenty-seven stump speeches, besides having one hundred and fifty cross-road skirmishes. But it seems that the constituents of the gentlemen are so wise that they listen to no such sources of instruction. No doubt they are the salt of the earth, and that wisdom will perish with them. But still, if he had not been much misinformed, there was an oracle in Albany, which does give law to the gentleman himself, and to his constituents.

Mr. MANN, of New York, had not intended, he said, to disturb the gentleman's equanimity, nor to draw from him any reflections upon New York. Sitting here, as a listener, he had often heard the gentleman speak about New York, its parties, its dicipline, and what not; but he had not regarded it. He knew that it was quite common of late to talk, in the debates of New York politics, of New York magicians, and of the machinery by which the politics of the State were supposed to be managed. Sir, the gentleman is totally ignorant of New York. I referred, sir, to the gentleman's remark that the members from Virginia were oracles in their own districts. I did not know whether he used the term in the Delphic sense, or the stump sense; but, as the gentleman is a classical scholar, I thought he had allusion to the classics; and I supposed—though, to be sure, it was rather an extravagant supposition—that the member from Virginia, a State distinguished in old times for its eminent men, called himself an oracle among his constituents. Let me tell the gentleman, and others who think with him, to come into New York and go among the people. He will find them free, intelligent, virtuous, instructed, and as independent in their opinions as any on the face of the globe. Under the management at Albany, of which the gentleman speaks, we had a free and enlightened Government; a system of public instruction which was unrivalled in the world; a noble system of internal improvements; vast, increasing, and rapidly developing resources and individual wealth, virtue, and happiness. Let the gentleman look at all this, and then say, if he chooses, that such a people are governed by an oracle at Albany or elsewhere. That population, he assured the gentleman, was not to be influenced either by stump speeches or by oracles. Mr. M. continued his remarks, contrasting the former public men of Virginia—upon whose political sentiments he was proud to say he had formed his own—with those of the present day. Can it be that the State of Virginia has come to a premature old age? He trusted not. But the course of the gentleman almost induced him to believe—stranger as he was to this body—that the day of public men in Virginia had gone by.

Mr. McDUFFIE rose. Though he stood between the two gentlemen, yet he had no intention to interfere in their strife. He would say, since they had got upon classical ground,

"Non nostri tantas componere lites."

But he wished to bring down the gentlemen from the high political and classical topics upon which they had been discoursing, to the small matter of figures which was before the House, &c.

After some conversation between Mr. J. Q. Adams and Mr. POLK, in reference to the document which the latter had read to the House, relative to the expenditures of the Senate,

Mr. LANE said, if the object of gentlemen who had occupied the floor for the last hour in opposition to the resolution, had been to convince members of the inexpediency of its adoption, he could only say, so far as it regarded himself, they had been truly unfortunate. So far from having heard any thing to change, his first impressions had been confirmed; that no one had contributed more largely in producing that result than his honorable friend from Tennessee, [Mr. Polk.]

We are told by that gentleman that the Senate have, by a similar resolution, appropriated upwards of $40,000 in purchasing books for that body.

This fact, so far from proving the dangerous tendency of the resolution for which it has been thrown into the debate, was conclusive to his mind of not only the propriety of its adoption, but of its necessity.

If the Senate, of whose integrity and intelligence he entertained the most exalted opinion, composed of forty-eight members, had found it necessary for a full and faithful discharge of their duties, to expend that sum, how much greater the necessity, and with how much more propriety may this House, composed of two hundred and forty members, appropriate from the same fund, for a similar purpose, the sum of $4,000 contemplated by the resolution.

The gentleman from Kentucky [Mr. Chilton] has told us gravely, he will vote against the resolution in any shape, though he had received the same books now contemplated to be furnished new members, in order to place them in that respect on an equality with the old, by virtue of a similar resolution.

The gentleman from South Carolina [Mr. Pinckney] informs the House that he has arrived at the same conclusions, and therefore had made the motion for indefinite postponement, with the exception that he had paid for the books out of his own funds; a most excellent reason for voting against the resolution, and especially for the gentleman from Kentucky.

The gentleman from New York, [Mr. Mann,] in reply to the gentleman from Virginia, [Mr. Wise,] informs the House they have no oracles in New York; that his constituents will not consult him as to what had been done in this House. If that be true, so much greater the necessity of these books, that his constituents may read and judge for themselves.

Mr. L. said he was differently situated; his constituents would, no doubt, make many inquiries in relation to the action of this House, and the part he had taken, and to answer and satisfactorily to answer any inquiry, he desired to have the books in the way they have been furnished to the old members. He considered the books for the new members not only as an act of justice, but necessary to enable them to discharge their respective duties here and at home. He therefore should vote against the motion to postpone.

After a few remarks in explanation from Mr. WISE and Mr. MANN—

Mr. FOSTER repeated his objections to the purchase of books out of the contingent fund of the House, instead of by a bill for that purpose.

The question on postponing the resolution indefinitely was decided in the negative—yeas 80, nays 115.

Mr. CHILTON called for the yeas and nays on the question of agreeing to the resolution as amended by Mr. Speight.

The House refused to order them; and the resolution, as amended, &c., was agreed to, and

The House adjourned.

MONDAY, MARCH 17.

MASSACHUSETTS RESOLUTIONS.

The consideration of the Virginia resolutions on the removal of the deposites being the unfinished business of the morning, and Mr. PINCKNEY, of S. C., being entitled to the floor, his remarks on a former day having been cut short by the expiration of the morning hour—

Mr. ADAMS, of Massachusetts, asked him to waive his right, in order to allow of the presentation of numerous petitions and memorials in the hands of various members of the House, and particularly of certain resolutions of the Legislature of his State, with the presentation of which he was charged.

After some conversation, Mr. PINCKNEY consented; and the residue of the day was taken up in the presentation of memorials, chiefly on the subject of the deposites and the bank.

The following were among the number:

The State of Massachusetts being called for petitions and memorials,

Mr. ADAMS, of Massachusetts, presented to the House certain resolutions of the Legislature of that State, expressive of the views of that body, in relation to the state of the currency, and the removal of the public deposites from the Bank of the United States.

Before going into any notice of the occasion and character of these resolutions, Mr. ADAMS said he thought it proper to remark that, although the Commonwealth of Massachusetts was not one of those States by the suffrages of whose citizens the present Chief Magistrate of the United States had been raised to the station he now occupied, there was no portion of the United States where its laws, of every kind, have been more cheerfully or more faithfully executed, from the day of his entering on his office to this time, than by the people of Massachusetts. There was no portion of the Union where a more ready acquiescence was yielded to the will of the majority of the people of the Union, as manifested by the result of the elections—none, where a more cordial desire was felt to give an honest and liberal support to the measures of the administration.

In what manner this disposition had been cultivated, he would not now inquire; but that, as late as last June, it was not extinct, the kind, the friendly, he might say the enthusiastic, hospitality with which the President had been received by all classes of the people of that Commonwealth, and that, too, under arrangements directed by their Legislature, sufficiently proved. It had been witnessed by the whole Union. He trusted it had not escaped the recollection of the President himself. Sir, said Mr. A., it is no pleasant consideration to reflect that it was in the very bosom of that hospitality, surrounded by tokens of confidence, lavishly bestowed, and surfeited with marks of honor, granted upon trust, that the determination was formed to make this fatal experiment on the dearest interests and very subsistence of the people.

Mr. A. said he would now proceed to notice the occasion on which those resolutions had been adopted by the Legislature of Massachusetts, which it was now the melancholy duty of one of the representatives of the people of that Commonwealth to present. That occasion was expressed in the preamble to the resolutions—

"Whereas, in the midst of a season of general prosperity, the community has been suddenly visited by a distressing and alarming financial crisis, which has created great embarrassment in all branches of business, occasioned many bankruptcies, and, if much longer continued, threatens to involve in ruin a considerable portion of the active part of the citizens, of all employments, and of all political parties."

Sir, said Mr. A., is not this statement true? Is it not true in both its parts? Was not the 17th of September, the day preceding that in which was announced to the responsible Cabinet of the Chief Magistrate his determination to make this fatal experiment, a season of general prosperity? and has not the community since then been suddenly visited by an alarming and distressing reverse of fortune? Is there a member of this House who will deny it? If there is, then I shall call upon the testimony of the Chief Magistrate to prove it. What was the language of the first paragraph of his message to both Houses of Congress at the opening of the present session:

"*Fellow-citizens of the Senate and House of Representatives:* On your assembling to perform the high trusts which the people of the United States have confided to you, of legislating for their common welfare, it gives me pleasure to congratulate you upon the happy condition of our beloved country. By the favor of Divine Providence, health is again restored to us; peace reigns within our borders; abundance crowns the labors of our fields; commerce and domestic industry flourish and increase; and individual happiness rewards the private virtue and enterprise of our citizens."

Sir, if that was not a true portraiture of existing things at the time it was delivered, it contains at least a true picture of what their state had been a few weeks before. But, sir, in the midst of this bright and flourishing scene of national prosperity, the experiment came like a consuming fire; with a garden as of Eden before it, and a desolate wilderness behind. That, in the ruin occasioned by this experiment, the people of Massachusetts were destined to experience their full share, is but too certain. The experiment has but just commenced; its first ravages only have, as yet, been experienced; there is time to stop; and the Legislature of Massachusetts have thought that, under these circumstances, it is their duty to come forward, and endeavor, if possible, while yet it might be done, to arrest the hand of the destroyer; to avert, if yet it may be possible, the impending ruin. The preamble proceeds—

"Whereas it is expedient that, under these circumstances, the citizens should unite, without distinction of party, in the adoption of such conciliatory, temperate, and, at the same time, vigorous and efficient measures, as are best fitted to afford the necessary relief, and particularly that the General Court of this Commonwealth should express their opinion upon the subject, to the end that the Senators and Representatives of the Commonwealth in Congress may be the better enabled to carry into effect the intentions of their constituents."

Mr. Speaker: I am not authorized to speak on this occasion in the name of my colleagues upon this floor. Each and every one of them is perfectly able and competent to speak for himself; and I speak for myself when I say that it gives me inexpressible consolation to declare my general concurrence in all these resolutions of the Legislature of Massachusetts. They were passed after warm and animated debates in both branches of the Legislature. In the Senate they were adopted with the exception of one solitary vote; in the House of Representatives, they were passed by a majority of nearly three to one; and that in the most numerous representative body which exists in the United States. Sir, I have not the shadow of a doubt that these resolutions express the opinions and sentiments of three-fourths of the people of the Commonwealth of Massachusetts, and of a still larger proportion of my own individual constituents; and this unison of sentiments is the more remarkable, inasmuch as it is formed by a concurrence of opinions between parties, upon other great topics of public interest widely separated from each other. The first eight resolutions contain a series of propositions founded on general principles of political economy, on close and logical argument, from the provisions of the constitution of the United States, and upon the lessons of experience, all combining to demonstrate the necessity and the lawfulness of a national bank. In these eight resolutions the whole argument is concluded, and I hold it to be entirely unanswerable. I do not mean that it is incontestable; for, I doubt not that it will be contested, and that volumes may be written or delivered against it; but I do mean and believe that it will not be answered. The billows of all the human passions may dash against it; there it will remain, immoveable as the rock of ages.

The ninth resolution contains a practical deduction from those which precede it. Thus it reads:

"*Resolved*, That, for the reasons set forth in the preceding resolves, we consider a well-constituted national bank as one of the most valuable and important institutions of the country; that we have seen with deep regret the disposition manifested by the present Chief Magistrate of the United States, to use his influence in opposition to the existence of any such bank; and we cannot relinquish the hope that he will yet concur with the Legislature of the Union, in continuing to the people the great advantages that result from the existence of a national bank."

On this resolution I have two remarks to make. The first is, that it avoids all questions as to the exercise of power by the President in the removal of the deposites; it makes no constitutional question; it does not deny to the President the control of the Executive department; it does not deny his power to remove the Secretary of the Treasury, or the Secretary of any other department, at his pleasure. It does not deny that the Treasury is an Executive department. It does not question the power of the President to remove the Secretary of the Treasury at all times, and, during the recess of the Senate, to appoint another in his place. The Legislature of Massachusetts do not even censure the President for the removal of a Secretary of the Treasury who declined to order, at his command, the public funds to be removed from their place of deposite in the Bank of the United States. The second remark is, that this resolution enters not into the controversy between the Government and the Bank. It takes no part in that contest. It manifests, indeed, a feeling of respect and friendship for the existing national bank, as it has been and is administered. The Legislature of Massachusetts entertain no prejudices against the bank. They acknowledge and declare the great services which it has rendered to the country, by the regulation of the currency. They would prefer to see the continuance of those services secured by its being rechartered; but they present that measure only as an alternative, which they call upon the Government of the Union to adopt—or to supply its place by some other measure of equal efficacy for the attainment of the same end.

I mention these things, in order to show that the resolutions have been drawn in that calm, temperate, and conciliatory spirit, which is professed in the preamble. The Legislature of Massachusetts, urged by their paternal regard for the rights and interests of that people, whose representatives they are, feel the pressure of an enormous evil now bearing on the community with extreme severity, and threatening to become, at no distant day, intolerable. They know that the remedy for this evil is in the power of Congress. They point out that remedy: it is perfectly simple, perfectly obvious, and would be altogether infallible in its operation. The Legislature of Massachusetts call upon Congress to apply it. That this remedy will and must, sooner or later, be applied, I have no more doubt, Mr. Speaker, than I have that I see you sitting in that chair. The tortures of ten Spanish inquisitions will not prevent it. The farthest wilds of Africa will afford no refuge from it. The opinions, passions, and prejudices of men pass away, but their wants remain; and their opinions, passions, and prejudices, fluctuating as they are, finally settle upon the side of their wants. The people of this Union want a national institution, to perform the services which have been performed by two successive Banks of the United States. They cannot divest themselves of this want, if they would. They want it as they want food—as they want raiment—and their Union can no more exist for any length of time without it, than any individual among them can subsist for any length of time upon air.

I say this with the more confidence, Mr. Speaker, because we have been told that the experiment must and shall be made. Among the empirics of former days it was an admitted maxim, that experiments dangerous to human life ought to be made only upon worthless bodies. *Experimentum in corpore vili.* Sir, who can think, without a thrill, of an experiment on the life-blood of the American people. Sir, the experiment has been made, and made under circumstances far more favorable to success, and more calculated to break the blow which must fall upon the commerce and credit of the country, than those which are now impending over us. And what were the consequences? An enormous multiplication of local banks—the suspension, almost universal, of specie payments—floods upon floods of paper trash—tender laws—relief laws—stop laws—old and new courts—insolvency—bankruptcy—the verge of civil war—the institution of a new Bank of the United States, with a capital of thirty-five millions instead of ten. Sir, I have summed up, in as few words as I could, the known results of this grand experiment, the last time it was made. And it was with a view to avert the repetition of those calamities, and the recurrence of others yet heavier that the Legislature of Massachusetts foresee will be the unavoidable consequences of this experiment, that they have adopted these resolutions.

The eleventh resolution is in these words:

"*Resolved*, That the reasons submitted to Congress by the Secretary of the Treasury, for the late removal of the public treasure from the custody of the bank, are not sufficient to justify the measure."

Concurring entirely in the opinions here expressed, I will not now consume the time of the House in any attempt to discuss them. I hope hereafter to have the opportunity of presenting what I have to say upon this resolution more at large.

The thirteenth resolution is as follows:

"*Resolved*, That the Senators of this Commonwealth in Congress be instructed, and the Representatives requested, to use their influence for the purpose of procuring the restoration of the deposites of public money to the Bank of the United States, and of continuing to the people the advantages resulting from a national bank, by a renewal of the charter of the present one, or in some other way."

I read this merely to show the reason why I accompany the presentation of these resolutions of the Massachusetts Legislature with the following resolution, which I offer to this House, and which I desire to take the same course, and have the same reference, with the resolutions to which it relates, viz:

Resolved, That the resolutions of the Legislature of the State of Massachusetts, in relation to the state of the currency, and the removal of the public deposites from the Bank of the United States, be referred to a select committee, with instructions to report a plan to continue to the people the advantages of a national bank.

I now move that the resolutions, after being read, be laid upon the table and printed, to be taken up as soon as their consideration will be in order, and that, when they shall be taken up, the resolution I last offered be taken up, and be considered at the same time.

Mr. POLK, of Tennessee, asked leave to address the House in reply to the remarks of Mr. Adams.

Members objecting, Mr. P. moved for leave, and, the question being put, leave was granted by the House.

Mr. POLK then said that he would endeavor to requite the indulgence which had been extended, by confining himself to a very brief reply. That the resolutions expressive of the opinions of the Legislature of the ancient Commonwealth of Massachusetts were entitled to the respectful consideration of the House, none would more readily concede than himself. And if, on presenting them, the gentleman had confined himself, as was usual on the presentation of memorials, to a simple statement of their contents and object, they would have been disposed of in the usual manner, and he certainly should not have troubled the House with any remarks in relation to them. But the gentleman from Massachusetts, following a course of remarks which, in his judgment, was becoming but too fashionable in that House, had chosen to go out of his way, unjustifiably, and even harshly, to assail the Chief Magistrate of the country. The gentleman had said that, while the President, on his Northern tour last summer, had been even surfeited by the hospitality of the people of Boston, at the moment he was receiving that hospitality, cherished in his breast, though concealed, the fell design of making an experiment, the effects of which must visit, and were visiting, the country with ruin and desolation; and that the object of the Legislature of Massachusetts, in offering these resolutions, had been to arrest the hand of this destroyer and enemy of the public liberty. It was for the purpose of repelling a remark, so uncalled for and so unjust, that he had now risen. Instead of discussing the question of the bank and the deposites as statesmen should discuss it, it had been too much the order of the day, of late, for the advocates and friends of the bank to exhaust the whole vocabulary of the language to denounce the President. Because the President had firmly met and thwarted the wicked and corrupt designs of a great moneyed institution, in his opinion dangerous to the liberties of the nation, he was denounced as a tyrant and a destroyer, and this too, by the gentleman from Massachusetts—the very last of all men from whom such a course was to be expected. How was it that neither that gentleman, nor any of those who acted with him upon this occasion, were ever heard to say a word against the bank? The bank might pursue the most grinding, tyrannical, and oppressive policy, yet, while all manner of curses were heaped upon the Chief Magistrate, the conduct of the bank received nothing but commendation or apology at their hands. Whatever might be the commercial distress felt by the community, it was all to be attributed to this tyrant, and, according to these gentlemen, the bank has contributed nothing to produce it.

The people, however, Mr. P. said, would not be very ready to believe that the man who, after an eventful life, spent in the public service, who had nothing more to hope from the gift of the people, and who occupied the highest station which their confidence could bestow, was the tyrant and the destroyer of his country's prosperity, which the gentleman would represent him to be. What, sir, said Mr. P., has it come to this? Is the bank the Government? May none dare to question its immaculate purity and infallibility, but he must be subject to its anathemas, and singled out as the object of reproach and abuse, and this, too, from the honest discharge of a high public duty? Has it become necessary to resort to such means to sustain this moneyed monopoly in its warfare with the Government of the people?

Mr. P. said that he regarded the present controversy as having acquired a character and a tone which gave it much higher importance than was at first attached to it. It was no longer the mere question of bank or no bank. It was a question affecting the honor of the country, upon the decision of which depended the future character of the Government itself. If the bank should now prove itself to be strong enough to control the current of public affairs, why then it must become, in all after time, the ruler of the land, to whom all must bow who seek power or preferment; and, if they attain either, must receive it at the gracious will and pleasure of this great moneyed aristocracy.

Mr. P. said he was sorry to have been called up on this occasion. He had listened silently, for days and days, to torrents of coarse abuse which were continually poured out upon the Chief Magistrate, for the honest and independent course he had pursued. He hoped such a course would for the future be abandoned, and that gentlemen would confine themselves to the discussion of the great public question before us.

Mr. ADAMS requested Mr. Pinckney, of South Carolina, who claimed the floor, to indulge him merely to say that he had no reply to make to Mr. Polk; adding, I shall never be disposed to interfere with any member who shall rise on this floor and pronounce a panegyric upon the Chief Magistrate.

> "No! LET the candied tongue lick absurd pomp,
> And crook the pregnant hinges of the knee,
> Where THRIFT may follow fawning!"

PORTLAND RESOLUTIONS.

The SPEAKER laid before the House the following communication:

"Portland, *February* 27, 1834.

"We have perceived, with great regret, by the report in the public papers of the proceedings of the House over which you preside, that a Representative in Congress from this State, on presenting certain resolutions signed by ourselves and others, as a committee, by order and in behalf of a large meeting of the merchants and business men of this city, took occasion to make certain statements in relation to us, personally, which, we are reluctantly compelled to say, are erroneous in point of fact.

"It is from sentiments of high consideration for the House of Representatives, as well as from a due regard to ourselves, and as an act of justice towards those of our fellow-citizens with whom and in whose behalf we were acting, that we have been led to ask permission to notice one of those erroneous statements, in the manner deemed the most respectful to the House. But in confining ourselves to one instance only, for the sake of brevity, and in order to trespass as little as possible on more important concerns, we wish to be understood as not admitting the correctness of other representations not less objectionable.

"In speaking of us and our fellow committee men on that occasion, the member alluded to is reported to have stated that, 'I have had an opportunity of becoming acquainted with the political history and opinions of all the gentlemen whose names are associated with these resolutions, and, sir, I am pleased to say—I am pleased in being able to say—that (with a single exception) there is not an individual among them who has not been, from the beginning, either opposed to all the leading measures of the present national administration, or a friend of the Bank of the United States.'

"Now, sir, notwithstanding the gentleman's acquaintance with the political opinions and history of the undersigned, they are all friends of the present national administration, and have supported all its leading measures. They all voted for the re-election of the present Chief Magistrate, and have undiminished confidence in his integrity and patriotism. Further: they are, and always have been, opposed to the renewal of the United States Bank charter.

"We avail ourselves, respectfully, of your official character, as the Speaker and constituted organ of the House, to request you to lay this communication before it.

"We are aware it is of little consequence what our opinions are; but we cannot consent to have them misrepresented. We are aware the subject, in itself, alone considered, is not one of much importance; and hence it is painful to us to obtrude ourselves in this manner upon the notice of the representatives of the nation. But, as American citizens, we have thought something was due from the representative to the constituent, and something from ourselves to those in whose behalf we had consented to act; and, with the most entire respect and deference for the House over which you preside, we cannot doubt that, in the extraordinary circumstances which have given rise to this communication, the House will find our apology and justification.

"With great respect, we have the honor to be, sir, your very obedient servants,

J. C. CHURCHILL,
ALVAH SWEETSER,
J. M. RIDEOUT,
DANIEL D. CHASE,
LEMUEL DYER,
EDWARD WAITE,
CHARLES CHASE,
NATHANIEL HAMBLEN."

Mr. **SMITH**, of Maine, said, the communication which has just been read quotes a portion of the remarks which he had the honor to submit to the House on the occasion of his presenting certain resolutions emanating from the city of Portland, relating to the public deposites. I ask the indulgence of the House in making a few observations respecting it.

[Leave being granted, Mr. S. proceeded:]

Although the communication has been written in a spirit of complaint, it will be found, upon examination, not to controvert any of the statements which he had previously made to the House. The gentlemen, said he, who have sent it here, know full well, and the community surrounding them know full well, that the truth would not bear out such a contradiction of me.

What, sir, says this communication? Why that these eight gentlemen are not, and have not been, opponents of the national administration. Sir, did I so represent them, be the fact how it may? Not at all. The language which they quote from me does not so represent them; and these gentlemen, therefore, only exhibit themselves in the suspicious attitude of pleading not guilty to a charge which had not been made against them. And what does the fact argue to an intelligent mind? Sir, a conscience void of offence fears no accuser; a conscience that is guilty of offence needs no accuser.

But, sir, these gentlemen have not been pleased to quote the definite language which I used. I said, sir, that a majority of the signers of the resolutions had their names no less distinctly associated with every measure of opposition to the administration, which had been, at any time, concerted in the city of Portland. And do a majority of them deny it? Not at all. Do even these eight getlemen deny it? Not at all. The gentlemen to whom I thus alluded, have been too open, too decided, and, as I have no doubt, too honest in their hostility to the administration to deny it here or elsewhere. They are, sir, as I willingly bear testimony, not of that class of politicians in Maine, who are capable of professing a friendship for the administration which they do not feel. Besides, sir, I have before me documents which bear their signatures to most decided, unequivocal, and unmeasured denunciations of the administration. Thus was I fortified by truth in my representation.

I did not mean to include, (and I did not include,) for I said only what I meant, and only what I am now ready to reassert—I did not include the writers of this communication among the open opponents of the administration, nor with the majority of whom I spoke. But, sir, I might have said of at least six of the eight gentlemen, that which will account to the House for the extreme sensitiveness which they now manifest at a charge which I do not make against them. I might have said, sir, that they were, and still are, members of a faction in Portland, who supported a bought-up press in that city that was opposed to the election of both the administration candidate for Governor in Maine, and the administration candidate for Congress in Cumberland district. Of a faction, sir, so weak and impotent as to obtain no more than four hundred and seven votes of about seven thousand five hundred given in that district—and this, too, nothwithstanding they were marshalled, and led on, and urged on by an ex-minister plenipotentiary to the Netherlands—by a judge and clerk of the district court of the United States, who opened the court-room of the Government, night after night, to caucus and discipline their little squadron of political disorganizers in; and by the city postmaster, and the collector of the port of Portland, who had in his train some three or four subordinate officers, appointed but a short time before for the special purpose—yes, for no other reason under heaven than that of wielding an additional influence against the administration party.

Sir, called upon, as I have been by this letter, to be thus particular in explaining the political relationships of the gentlemen who have sent it, I feel also bound to say that such, as the facts stated imply, is also the character of their friendship for the administration. They do, indeed, profess friendship for the administration, but they have recourse to measures, in conjunction with its most relentless opponents, calculated to defeat it, and overwhelm it in disgrace. They do, indeed, profess friendship for the President, and their arms are nerved amid proffered assurances of ready support of him. But, sir, their arms are, in fact, nerved only for an opportunity of thrusting home, more sucessfully, to the vitals of his exalted fame, the daggers which are concealed beneath their robes.

Sir, it has been the signal fortune of President Jackson, since presiding over the affairs of this nation, to have many such sunshine friends in different sections of the Union—men who are capable of betraying, under cover of a friendship not felt, but lacking moral courage to meet him and his measures in open combat, under the unfurled banner of that hostility which rankles at their hearts. But in despite of them, sir, he has triumphed as man never before triumphed. In despite of them, the gratitude and admiration of the American people—of a free, intelligent, and independent people—have borne him on from one point of honor to another, and from one position of glory to another, until language itself fails in capacity to express the full measure of exaltation which the hearts of the great mass of his countrymen most cheerfully accord to them.

But, sir, what more do these eight of the twenty-four gentlemen say? Why, that they are not friendly to a recharter of the United States Bank. Sir, I did not so represent them; the language which they quote from me does not so represent them. And again are they seen pleading not guilty to a charge that was not made against them. I said they are friends of the bank; and do not their measures make good the declaration? It does not require a magician to see that the bank has many friends, who are not yet committed in favor of its recharter. It requires not a prophet to foretell that the bank will rely, as it does now rely, upon many who are opposed to its recharter on high constitutional grounds, for support of measures which are of vital importance to it. And are not such persons to be regarded as friends of the bank?

Sir, there are but two sides to the great question now agitating the country.

[The SPEAKER said it was not in order to discuss the merits of the bank question.]

I was intending only to say, sir, (said Mr. S.) that those who acted at all at this crisis, and who act not in support of the administration, act on the side of the bank, and in a spirit of friendship for the bank. What, sir, do the resolutions of these gentlemen ask? A restoration—an immediate restoration of the public deposites. And is not this in a spirit of friendship for the bank? Is it not in opposition to the administration?—to the great distinguishing feature of the administration?—a feature which, if not sustained, will overwhelm the administration with defeat? Sir, it is among this class of friends to the bank that I represent these gentlemen. It is among this class that the community in which they reside will assign them a place.

In conclusion, sir, permit me to add that, if there be any issue between these gentlemen and myself upon this subject, most gladly will I go with it, at a proper time, to the people surrounding them. That people know them, even as I know them. I respect them, sir, as that people respects them. I hold them as they hold them, "enemies in war—in peace, friends."

Mr. S. concluded with a motion to print the letter, which was agreed to.

WORCESTER (Mass.) MEMORIAL.

Mr. LINCOLN, of Massachusetts, addressed the Chair as follows:

Mr. Speaker: The pecuniary pressure and embarrassment in business, of which the House has heard complaint from the commercial metropolis of Massachusetts, has pervaded the interior, and the cries of distress which have proceeded from the seaboard, are now echoed from the hill sides of that ancient Commonwealth. It has been made my duty, (said Mr. L.,) for several days, past, to avail myself of the earliest opportunity to offer to the consideration of this House the proceedings of a meeting of the citizens of the county of Worcester, held on the 19th of February last; and also a memorial adopted at that meeting, subsequently circulated for subscription, and now recently forwarded to me, under the sanction of most respectable and numerous signatures.

By a rule of the House, as I understand it, it is required of a member, on the presentation of papers such as those to which I have alluded, to confine himself to a brief statement of the matter of their contents. But, by a reasonable construction of the rule, it may be also competent and proper for him, as I humbly trust, to inform the House of the character and situation of those who address themselves to its consideration, that it may the better judge of the degree of respect which is due to their representations. Some further indulgence, Mr. Speaker, I have observed, in the brief period in which I have had the honor of a seat on this floor, has been occasionally extended to gentlemen who have borne here expressions of the sentiments of the people.

It is not my purpose (said Mr. L.) to trespass upon the rule of the House on this occasion, according to my understanding of its intended application. Sir, I have been too long unused to parliamentary debate; I am yet altogether too unversed in the forms of proceedings here; I have quite too humble pretensions to the consideration of the House, on my own account, to tax either their time or patience. I propose only to inform the House whence the papers I am about to present have proceeded; who those are that thus address themselves to the regard of Congress, and what are the subjects of their remonstrance and complaint.

The resolutions which I have to offer, as distinct from the memorial, purport to have been adopted at a meeting of citizens of the county of Worcester.

This county is the largest in the State of Massachusetts, and, in the conjoined relation of territory and population, probably is not exceeded by any like municipality in the United States. It is altogether inland, presenting geographically an entire transverse section of the Commonwealth, stretching from New Hampshire, by which it is bounded on the north, to Connecticut and Rhode Island on the south; skirted by the highlands which rise from the valley of the Connecticut river on the west, and bounded by the counties of Middlesex and Norfolk on the east; containing, by the last census, a population of 84,000 inhabitants, and, at this time, probably more than 90,000; nearly as large, in territory and numbers, as the neigboring State of Rhode Island, and exceeding in the latter, by 10,000, the State of Delaware. This noble county, upon the property basis of representation in the State Senate, has six of the forty members of which that body is composed, and is entitled, from the 55 towns into which it is divided, to more than one hundred representatives in the popular branch of that Government. With the aid of a few towns of the county of Middlesex, it had, under the census preceding the last, two Representatives on this floor; and now, under present arrangements, she forms an entire Congressional district, and is parcelled out to make parts of three others.

Such is the situation and importance, territorially and numerically, of that district of country from which the resolutions I hold in my hand proceed. A district in the interior, formerly almost exclusively agricultural, but now, by the policy of the Government, for years past extensively engaged in manufactures and the mechanic arts—a district inhabited by a people as intelligent, as industrious, as enterprising, patriotic, and virtuous, as any on the face of the globe, and in the possession of all the sources of social enjoyment, and all the means of moral and intellectual improvement.

I humbly claim for the proceedings of the meeting of the citizens of this county especial regard. They are the voice of a people not wont to vex the ear of Congress with their complaints. I claim for them even more consideration than would be accorded to a repetition of appeals from large cities, where uniformity of interests and a common sympathy in feeling and in suffering, have occasioned greater promptitude and similarity in expressions of complaint. With those whom I have he honor to represent on this occasion, are to be found the vital interests of the country, without which all other interests are as nothing. Here are the farmers, the manufacturers, the mechanics; the great mass of producers and of productive labor; classes of men only asking protection from Government, and yielding in return to that Government its only sure and efficient support.

The call of this meeting was without reference to party distinctions or denominations. Administration men or anti-administration men, bank men or anti-bank men, as such, were not recognised in the invitation, but it was a summons of citizens, without appellative distinction, "to express their sentiments upon the subject of the pecuniary distress under which the community are now suffering, and to adopt measures in relation thereto." Such, to the letter, were the terms of the call; and it was made by most respectable men, who had entertained great differences of opinion on many political subjects. The first signer had been pre-eminent among the supporters of the present Chief Magistrate of the nation, and even now, as I have reason to believe, cherishes a measure of grateful respect for the past services and general character of this high functionary, not inconsistent with the regret and disapprobation which he feels and honestly and fearlessly expresses of the great errors (and especially of this last violent measure in the removal of the deposites) of his administration.

The meeting was attended in the spirit in which it was called. Here were seen gathered together, in common sentiment, those who had been estranged for years—the considerate, the patriotic of all parties. The papers of the day pronounced it one of the largest political assemblages of the citizens of the county which had ever convened. The chairman was an honorable gentleman, who had been a State Senator, and had been brought by a sense of duty, acting upon his own volition, more than forty miles, to attend the occasion. The subseqent proceedings were well considered, and resulted in the resolutions which I have now to offer.

These resolutions declare that there is great pecuniary distress in the country, threatening most disastrous consequences to the agricultural, manufacturing, and mechanical branches of industry; that, in the opinion of the meeting, this distress is occasioned by the hostility of the President to the Bank of the United States, and the unnecessary removal of the deposites from that institution, as the fiscal agent of the Government; that the consequences are felt in a general derangement of the currency and a universal distrust of the credit of business men throughout the community; that, to sustain the great commercial operations of the nation, and effect the vast amount of domestic exchanges, a metallic currency would be inefficient, but to these ends a sound paper currency is indispensable; that the local banks, even aided by the deposites of the Government, are incapable of supplying a uniform currency of equal credit in all parts of the country; that experience has proved the utility and necessity of a Bank of the United States; and that, as a remedy for present evils, and a preventive of still more ruinous results, an immediate restoration of the deposites to the custody of the Bank of the United States, and a decided expression of the Government favorable to the existence of such an institution, are imperatively required. The resolutions conclude with the adoption of a memorial, imbodying and explaining more at large the preceding sentiments, and recommending its circulation for subscription among the citizens of the county.

I have now, Mr. Speaker, the additional satisfaction of presenting to the House this memorial, signed by six thousand two hundred and seven of my fellow-citizens. A list of names, embracing the various interests, occupations, and pursuits of the great county which they truly represent, comprehending men of all former political parties, and of all classes in society, but most especially and emphatically, the working classes; the practical agriculturalist and husbandman, the manufacturer, and the mechanic, in the infinitely diversified departments of industry. Sir, my curiosity (no better motive) has led me to an examination of this list, and in my place, and upon my personal responsibility, I pronounce it as respectable as it is numerous. I recognise among the names, those of gentlemen who have held seats in this House, those who have been my official advisers in the councils of the State Government, of past and present Senators and Representatives, magistrates of the Commonwealth, and municipal officers; in fine, of men not less distinguished by the confidence of the people, than eminent in public station—of aged men, who long since have retired from the conflicts of political strife, to that quiet and security which they vainly hoped was never again to be disturbed by a necessity for their political action—of men of business, who, relying upon the faith and protection of the Government, and indifferent by whom administered, if it was but well administered, rarely interfere in competitions for office, or seek to influence, by their personal exertions, the course of public measures. Numerous as are the signatures, however, they come from forty-one only of the fifty-five towns of the county. The returns from the remaining fourteen towns have not yet been received. But, said Mr. L., they will surely be here; they are forthcoming. There is no part of the county, no portion of the people, insensible to, or unaffected by, the calamitous state of affairs. The desolation which is sweeping over the face of a once prosperous land, will allow no partial exemptions from its deplorable ravages. Whatever diversity of opinion may be entertained of its origin, or of the proper remedial application, all are to feel its effects. It seemed to me, therefore, of little consequence to delay the presentation of this appeal for the mere purpose of adding to it the names of one or two thousand more memorialists.

The memorial, the purport of which it is proper for me to state, repeats the representation that the great and predominant interests of the district of country which the memorialists inhabit, are those of agriculture, manufactures, and the mechanic arts. It proceeds to contrast a pre-existing, with the present state of things. It declares that, four months since, the citizens were in the enjoyment of a high degree of prosperity, growing out of the successful prosecution of their pursuits, as highly beneficial to the country as it was gratifying to themselves. Agricultural products were high, and in demand. Manufacturing and mechanical labor were amply rewarded. Every branch of industry was profitably pursued, and confidence in the ability of all classes to meet their engagements, whether for labor or payment, prevailed. There was comfort and security in the present, and confidence and animating prospects for the future. In the impressive language of the memorial, "within four months, a fearful change has come over this state of things;" pecuniary pressure, with all the accompaniments of private distress and public calamity; a pressure in the money market, which, for intensity and duration, has never been equalled. The local banks compelled to withdraw one-fourth of their circulation; bankruptcies continually occurring; credit universally impaired; no men safe; no condition in life protected. The blow falls heaviest upon the business portion of the community. The productions of the workshop are accumulating upon the mechanic; the architect and builder are without contracts; the manufacturer without a market; the trader without credit; the great mass of labor without employ. A wide-spread desolation is threatened on all the interests of the people, and of the land, repressing enterprise, paralyzing every energy; discouraging all improvements. Nor is this picture overwrought. The memorialists pledge their character for honesty and plain dealing, to its fidelity. No party, no selfish, no unworthy considerations move them. Recently from the midst of them, I desire, said Mr. L., to bear testimony to the truth of their representations.

Facts, Mr. Speaker, are within my knowledge, in relation to the distresses of the manufacturing villages, which, if it were competent for me here to relate, would convince those who are most incredulous to the existence of an overwhelming public calamity. I have a letter, received by me since I took my seat in this House, written by a gentleman who is a signer of the memorial, depicting a scene of sorrow and suffering, which would melt to sympathy the heart of any man who was not more or less than human. Sir, hundreds upon hundreds of dependent beings, of widows and of children, who a few weeks since were in comfort and contented industry, are now the anxious, hopeless subjects of idleness and want. Those who, through employment and compensation, were but yesterday clothed and fed, eating the bread of carefulness but of confidence, will soon become the victims of want and wretchedness. This is no artificial creation of things for political effect. There are no inducements in the old Commonwealth to such experiments. Sharp and biting statutes are there enforced, quite too harsh in their operation to encourage experiments upon credit, or simulated distress. There is every motive to endure to the utmost without complaining, to sacrifice much to the appearance of independence, to yield property to maintain credit. Bankruptcies are there disreputable. Property is seized for debts, and the forfeiture of personal liberty is moreover a penalty for default of payment.

The memorialists impute the distress of which they complain to the action of the Executive upon the currency of the country. In temperate and dispassionate language, but in a firm and manly tone of remonstrance, becoming freemen, they ask a correction by Congress, in the exercise of its constitutional powers, of the wrong which has been committed. They believe that the President has greatly mistaken his authority, and erred in the policy of his measures. Concurring, as I fully do, in all the sentiments which my constituents have expressed, both in their resolutions and memorial, I unite with them in supplicating the attention of this House to their representations, and the adoption of such measures as may give to an oppressed and suffering people relief.

I now move that the resolutions and memorial be read, and printed, with the signatures appended to the latter; and that the papers be laid on the table, to be disposed of with the resolutions offered this morning from the Legislature of Massachusetts.

WOODSTOCK (Vt.) RESOLUTIONS.

Mr. H. EVERETT presented the resolutions of a county convention held at Woodstock, Vermont, in the county of Windsor, February 27, 1834.

Mr. E. said the resolutions had reference to the question immediately before the House; the removal of the deposites, and not the recharter of the bank. They express, however, a decided opinion in favor of a national bank. They censure the removal, as made without sufficient cause; as unjust to the bank; and as an arbitrary act of power. To that act they attribute the pecuniary embarrassment experienced throughout the country; and they urge the restoration of the deposites, as the appropriate and adequate means of relief. From the number (about three hundred) and respectability of the delegates, from all parts of the county, that attended the convention, containing a fair representation of the industry and intelligence of the various interests of the community, he could assure the House that these resolutions expressed the deliberate opinions of the people of the county; and that they were entitled to a respectful consideration.

He was aware, he said, of the manner of some to ascribe every movement of the people in favor of the restoration of the deposites, to an improper influence of the bank; to charge those who joined in them with being partisans of the bank. He reprobated the course. In relation to his constituents, who passed these resolutions, there was not the shadow of foundation for the imputation or charge. They did not own a single share in that bank; nor did he believe they owed it a dollar. About four years ago, a branch was established at Burlington, a hundred miles from his residence; and he was not aware that it had ever made a loan to an inhabitant of the county of Windsor. That this convention acted under an influence having relation to the bank, (and gentlemen may call it a bank influence if they please,) he did not doubt; but it was not an improper influence. It was an influence of the same kind that attached them to all the valuable institutions of the country, and to the Union itself, and which would ever induce them to sustain them.

The people of his State entertain a conviction that a a national bank is necessary to the prosperity of the country; nor was that a new faith; it had been expressed repeatedly by the Legislature. Could it, then, be expected, or hoped, they would be indifferent to an attempt to deprive them of its benefits? On other occasions, the same influence has called them out in support of the great interests of the country.

Mr. E. said he would take this occasion to cast from a portion of his constituents an imputation which might be implied from some remarks made this morning. Surprise had been expressed that any friend of the administration could oppose any one of its measures, and still pretend to be a friend—and much less be a friend. It seemed to some beyond comprehension, how a Jacksonian could be in favor of the restoration of the deposites. The doubts and difficulties of gentlemen arise, probably, from not being aware that that party may have different characters in different States. He would not question the correctness of that character, as given by its friends, if confined to their own State. But he could not consent to their applying it to the administation party in Vermont. It gave him pleasuse to bear testimony against it. He could say that the individuals of that party there were generally honest, intelligent, and patriotic; and, he would add, what gave high value to these qualities, that they were independent. They supported the measures of the administration so far, and so far only, as they believed them to be for the good of their country. Farther than this they could not, in his opinion, be led or driven. If gentlemen now choose to make the test—"the support of Jackson right or wrong," he would tell them they could not count a single Jackson man in the State, a few of the office-holders possibly excepted.

Mr. E. said he was desirous of expressing his views on the general subject; but was sensible that it would be now out of order. He would, however, before he took his seat, state some facts in relation to the relative reductions of the discounts of the branch bank, and the State banks in Vermont. Some of the State banks began to curtail their discounts at an early day, and before—

[The SPEAKER intimating that the debate was extending beyond the rule,]

Mr. E. said, when the resolutions should be called up again, he should move their reference to the committee to be raised on the resolution of the gentleman from Massachusetts, [Mr. Adams.]

The calling of memorials having reached the State of New York, was here suspended by a motion to adjourn; which prevailing,

The House adjourned.

Tuesday, March 18.

The Hon. Mr. Jackson, of Massachusetts, Representative elect from the district in Massachusetts lately represented by Mr. Dearborn, appeared, was sworn, and took his seat.

PUBLIC DEPOSITES.

The subject of Mr. Mardis's resolution, concerning the public deposites, coming up as the unfinished morning business—

Mr. BURGES resumed his speech in support of the resolution, which had been cut off on Friday last, and continued to speak until the expiration of the hour, when he was again obliged to defer the residue of his speech until to-morrow morning.

The order of the day being called, Mr. WILDE expressed a wish to address the House, but said he would give way, if the honorable chairman of the Committee of Ways and Means desired to submit any observations on the report. Mr. Polk not expressing any inclination to take the floor, Mr. W. sent the following amendment to the Chair: After the word "rechartered" in the second line, insert, "*Resolved*, That the reasons assigned by the Secretary of the Treasury, for the removal of the public deposites from the Bank of the United States, are unsatisfactory and insufficient."

Mr. W. then proceeded. The lips that were opened to discuss this subject, when it was last before the House for debate, were now closed forever in the silence of the grave.* The patriot fell, where he had ever stood, foremost in the van, warring for the law and the constitution. It is in life, as in battle. Our companions drop by our side. We close the ranks, and hurry on. The eagerness of the strife leaves no time for praise or sorrow, beyond the brief, blunt terms of a soldier's eulogy. We have lost an honest and a gallant comrade. Peace be to his ashes! Honor to his memory! Who would have thought that so soon—almost before his corpse was cold—it would have been strode over with impious and indecent haste, to attack the best part of that constitutional liberty which had always been his idol—freedom of debate? And under what circumstances was urgency decreed? Voted he should have said—it is still voted. We have not yet come to the simple machine—a proclamation: "Silence is commanded on pain of imprisonment." He meant to state the historic facts. If the "old Roman's" course is to be sustained by Carthaginian strategy, the reproach of "Punic faith" must be borne by the centurion and the legionaries.

When the memorial of the merchants and traders of New York was before the House, he intimated his apprehension that the legitimate but odious means which a majority can use to coerce a decision, would be resorted to before he could be heard. The honorable chairman of the Committee of Ways and Means pledged himself, in the face of the House, that if the gentleman from Georgia would sit with him, voting against all adjournments, until the debate could be concluded, no such coercive means would be used. He did sit with the gentleman. He did vote against all adjournments. He voted against one, even after the previous question was carried, when nicer casuists might say he was absolved by law and honor. But it was not his practice to special plead upon his plighted word. He did not mean to say, or insinuate, it was the practice of any gentleman there. He did not pretend to intimate there was any concert between the gentleman from Pennsylvania, who called the previous question, [Mr. Muhlenberg,] and the chairman of the Committee of Ways and Means; or between the gentleman from Pennsylvania and any other gentleman. The success of the gentleman from Pennsylvania, in obtaining the floor, was doubtless the effect of pure accident; and his calling the previous question assuredly equally so. But he had reminded the gentleman that there were in that House, in relation to its proceedings, certain customs and courtesies, which are above and beyond all law. It is these which secure the floor to him who is attacked, and give the conclusion to him who commenced the debate. It was these that gave the honorable and gallant gentleman from Ohio, with whom he yet hoped to act, [Mr. Lytle,] an opportunity, contrary to order, of pouring forth a strain of impassioned eulogium and eloquent invective upon the presentation of instructions from a public meeting; and it is these which always yield to a young sharp-shooter all fair advantage over his veteran antagonist. These entitled him to the floor, after the pledge alluded to, by a right which he had never seen violated until then. Independent of this pledge, he was not entirely without claims on the courtesy of the gentleman from Tennessee, [Mr. Polk.] Like himself, he was an old member of this House. He had been for some time a member of the same committee. On subjects of finance and currency his experience was little less than that gentleman's. But he insisted on none of these claims, which other gentlemen possessed in a far more eminent degree than himself. He rested upon the pledge, and upon the pledge alone; and the pledge he did insist entitled him to the honorable gentleman's aid. He should be told, perhaps, that the gentleman from Tennessee had no power over the gentleman from Pennsylvania or his friends, to induce him to withdraw, or them to refuse, the previous question. It might be so. But did he attempt it? Two votes with his own would have been sufficient. He might be told that a promise that the previous question should not be called meant only that the gentleman promising would not call it, and that the major promise not to call does not include the minor promise not to vote. This may be. He had intimated he was no casuist. But the gentleman and his friends knew how he construed the promise. If he was deceiving himself by relying on it, why did they not undeceive him? He relied on the assurance of the gentleman from Tennessee, in despite of all auguries; though the signs might have justified a little incredulity. A voice had been heard from the oracle of Jupiter. Unclean birds, of evil omen, hovered about this House, whetting their beaks and talons, as ever on the eve of conflict. Whence come they, and what do they here at such a time? Will the gentleman from New York [Mr. Ward] answer my question as I answered his? Despite these indications, I relied on the assurance of the gentleman from Tennessee. But the call for the previous question was sustained, the gentleman himself voting for it.

Sir, continued Mr. W., I am not reflecting on the decision of the House, or impugning the motives of the gentleman from Tennessee. Mine is not the language either of resentment or complaint; I speak to the facts; and truth, I hope may yet be told here. The gentleman and his friends enjoyed a triumph. It was all fair—quite fair—in politics, where in every calculation, the principle, as we read, is subordinate to the interest. It was an excellent joke to hear me petitioning the gentleman from Pennsylvania, who deals so cavalierly with petitions and petitioners, and I ought to be the first to laugh at it. It was "a delicate stratagem," to make me deceive myself. The gentleman and his friends are not to blame. They merely interpreted an equivocal expression in their own favor. Be it so. I am the dupe. But what are the gentlemen? I do not answer that question. I leave the chasm to be filled by truth and justice. By justice the mother and the queen of virtues, and by truth, the only daughter of time, that will survive her parent. They will complete the inscription. Sir, my allusion to this topic is in no evil spirit. It is dictated by higher feelings than mortification or resentment. I desire to embalm it for the sake (and as I must not speak of morality myself, I will use Executive language) of "a great moral principle." Every cause must be supported as it was commenced. Honor can be sustained but by honor; truth by truth; usurpation by tyranny, and perfidy by stratagem.

When the President and his Secretary violated the public faith, they lent the sanction of their great names to the breach of every private pledge. Heroic examples find favor in high places; and those who follow the fortunes, adopt the maxims and principles of Cæsar.

> "Si violandum est jus, regnandi gratia
> Violandum est."

The condition of our country at this moment is anomalous, and presents a series of apparent paradoxes. In the midst of abundance, we hear constantly of distress. With an overflowing treasury, our credit is impaired; our national debt is paid, and our taxes diminished, yet it is feared our duty bonds cannot be collected. We have thirteen millions of inhabitants, one hundred millions of imports, the richest soil, the most enterprising people, the greatest variety of climate and products, the cheapest Government, and the lightest burdens, of any nation on earth; and we have before us numerous and heavy bankruptcies; the prospect of a suspension of specie payments; a depreciated currency, varying from week to week, and from bank to bank; and a fluctuation in our domestic exchanges, imposing on the people, for the benefit of the banks and brokers, a tax as heavy as that which they pay for the support of Government. The means by which this has been brought about, are not less extraordinary than the state of things itself. The theory of our Government probably contemplated a metallic currency, and in practice we have nothing but paper. The States are strictly forbidden by the constitution to issue paper money; yet the power which they cannot exercise themselves, they have been permitted to impart to others. Nothing but our own coin, and Spanish milled dollars, and parts of dollars, are legal tender; there is none of either in circulation, and while the payments made by individuals to banks and individuals are certainly not less than one thousand five hundred millions annually, we have not five millions of coin, which is a legal tender, in the country, and not more than thirty millions of coin of any kind. No individual is permitted to set up a mint, but every one is allowed to set up a bank. To debase the coin is felony; to debase the currency is only banking. With an annual production of gold from our own mines of more than a million, which will soon be two millions, we have not a gold coin in circulation; gold is undervalued by our laws at least four per cent., and we pay annually twenty thousand dollars for coining gold, which is instantly exported. The power of regulating the coin has been strictly secured to Congress; the power of regulating the currency has been carelessly abandoned to the States. The mode in which the States have exercised this power, assumed by them as derelict, is by chartering four hundred and fifty banks, which have a circulation of seventy millions, with ten millions of specie, and who could not pay in coin above one-fifth part of their private deposites, which they are liable to be called on for at any moment.

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* Referring to the late Thomas T. Bouldin, of Virginia, who, while in the act of addressing the House on the deposite question, fell and expired in his place on the 11th February, 1834.

The only practical and operative, however inadequate, check on over issues by the State banks, is the Bank of the United States, which "the Government," though interested in the currency to the extent of its revenue and expenditures, is laboring to destroy.

The Bank of the United States is said to be unconstitutional; and, as we cannot, without such a bank, collect the taxes in a uniform currency, unless we make them payable in specie, we propose, not to recharter the bank, not to collect the taxes in coin, but to employ the State banks to receive them in a currency which will certainly be of unequal value. That is, we are to avoid a doubtful construction of the constitution by taking a wrong one. The experience, in the teeth of which we propose to commit all this folly, is not less wonderful.

During the war of the Revolution, Congress issued about three hundred and sixty millions of paper. At the close of the war it was not worth one cent. How much the States issued, there is no means within my power of knowing. It is not too much to say that the people must have been taxed several hundred millions in the seven years. This evil suggested the prohibition of paper money in the constitution. Yet, in 1815, we had nothing else. Specie payments were restored, after three or four years of immense suffering and sacrifices, by the exertions of Congress and the Treasury, through the instrumentality of the Bank of the United States, and in 1834 we are laboring to suspend them again.

During the existence of the first Bank of the United States we had a sound currency, uniform taxation, and stable exchanges. We destroyed that bank; our currency became deranged, taxation unequal, depreciation immense, exchange fluctuating. We recreated the bank; the currency improved; specie payments were resumed; the duties were collected in money of uniform value; depreciation ceased; exchange became stable; and the average expense of transporting two hundred and fifty millions over this immense continent, was reduced to one-fourth of one per cent.

And we now propose to destroy the bank, providing no substitute, and are gravely and confidently assured that not one of those things which happened before will happen again. In running the course of folly, nothing less, it seems, will satisfy us than the four-mile heats.

This gives rise to two reflections:

1st. That there are two kinds of prophets who do very little good. One that always tell the truth, but are never believed; the other that are always believed, but never tell the truth.

2d. That, between those who will learn nothing from the wisdom of our ancestors, and those who will believe nothing wise but what our ancestors learned, a great deal of folly is perpetuated in the world.

Astonishing as our conclusions are, the process of arriving at them is no less surprising. Every body will agree that the injunction of the constitution is imperative. Duties, imposts, and excises must be uniform throughout the United States. To be uniform, they must be collected in a medium of equal value. If they cannot be collected in any medium of uniform value except United States Bank notes, or gold and silver coin, it is our duty to collect them in gold and silver coin, or in United States Bank notes. No one proposes to collect in coin, because it is manifestly impossible. And we intend to destroy United States Bank notes, because they are unconstitutional. That is to say, a Bank of the United States may be a useful and convenient means of executing a constitutional purpose—the uniformity of taxation; but we are not to execute that constitutional purpose, by means of a bank, because there are other means, through which, by possibility, it may be executed, though they never yet have executed it.

This is the chain of argument. The revenue may be collected in specie; *ergo*, the Bank of the United States is unnecessary to the uniformity of taxation. Not being necessary, it is unconstitutional, and must be destroyed. Being sacrificed, we must, from the necessity of the case, employ the State banks to collect the revenue. When the State banks are employed, its collection in specie becomes impossible. When it is impossible to collect it in specie, it must be collected in something; that something is State bank notes. When it is collected in State bank notes, it is impossible they should be of equal value. When the medium in which taxes are collected is not of equal value, the taxes themselves cease to be uniform.

Thus, then, we are to give up a Bank of the United States to the possibility of collecting the revenue in specie; the possibility of collecting the revenue in specie to the exigency of employing State banks; and, finally, the uniformity of taxation to the necessity of receiving our taxes in something.

It will be necessary to test only three of the links of this chain. If they will not bear the tension, it is evident the whole are worthless.

1st. The revenue may be collected in specie. Is this true? Has any one proposed to collect it in specie? Does any one believe it can be so collected? You have, altogether, eighty or ninety millions of bank notes, and, exclusive of the specie in the banks, not exceeding ten millions in coin. How are you to pay in coin fifteen or twenty millions of taxes?

2d. The State banks may be employed, and yet the revenue collected in specie. Does any one believe this? Can the banks, as agents for the Government, exact from individuals, specie for duty bonds, without paying specie for their own notes? Can they receive their own notes from the merchants, and pay coin to the Government? When the merchants bring forward their notes and demand coin to pay the Government, can the State banks meet the demand? With seventy millions of paper, and about ten millions of specie, how long can they maintain specie payments? and with ten millions of coin at the utmost, how can they furnish specie to pay fifteen or twenty millions of taxes?

3d. But the revenue may be collected in State bank notes, and yet the uniformity of taxation be preserved, because these notes will be of equal value.

Is there any one who retains enough of the credulity of the nursery to believe this? Have we forgotten the lessons of '15, '16, '17? Are there not a million or two of "unavailable funds" left from our last experiment upon the equal value of State bank notes? Do not the favored banks already refuse each other's paper? Is not the inequality of exchange already reappearing?

Will the House permit me to read a few extracts from an official paper. It is from part of Mr. Dallas's report of the 3d of December, 1816.

[Mr. W. here referred to several passages in Mr. Dallas's report, showing the condition of the Treasury at that time; the embarrassments produced by receiving the revenue in a currency local, inconvertible, greatly and unequally depreciated; the difficulty of designating what notes should, and what should not, be received; in what funds warrants on the Treasury should be paid; how remittances were to be made, and what banks should be collectors and depositories. From these extracts, it appeared that ninety-four banks were obliged to be employed, and four distinct accounts kept with each; and that, owing to the number and complication of these accounts, the Treasurer's statement could not be completed in time to be laid before Congress at the the regular period. It also appeared that various attempts to remedy these disorders proved inadequate; that the State banks refused to resume specie payments, and that the creation of the Bank of the United States had a most salutary effect in enabling the Treasury to restore the currency, &c. See these extracts at the end of the speech.]

Mr. W. continued--

Such was the state of things in 1816, before the present Bank of the United States went into operation. How has it been since, according to evidence equally authentic?

For ten years preceding 1830, the revenue of the United States was collected through three hundred and forty-three custom-houses, forty-two land offices, eight thousand four hundred post-offices, one hundred and thirty-four receivers of internal revenue, thirty-seven marshals, and thirty-three clerks. The aggregate of persons employed in the collection was computed by the committee of the Senate at nine thousand. The amount received during that period was $230,068,855. This sum was collected at various points of this widely-extended country. It has been disbursed at other points, thousands of miles distant; and yet it has been collected, remitted, and disbursed, without the loss of a single dollar.*

The loss sustained by the United States from broken banks alone, between 1814 and 1819, exceeds $1,000,000. The receipts into the Treasury during these five years, were $198,000,000. Of this amount, $68,000,000 were received from loans and Treasury notes, and $93,000,000 from customs, upon none of which was there any loss. The whole amount of loss, then, accrued on the collection of $36,000,000, received from the public lands, internal revenue, direct taxes, and incidental receipts. We lost, then, during those ten years, one thirty-sixth part of the revenue accruing from those sources.

This, however, forms but a very small item in the loss of the Government. If all that was lost by the extravagant price paid for loans, by the sale of Treasury notes at a discount, and by the premium paid on exchanges, or the interest allowed for advances of current money were taken into the account, the sum would be swelled to many millions.

Still, the loss to the Government sinks into utter insignificance compared with that to individuals. During the years '15 and '16, the exchange between our different cities varied from five to twenty-five per cent., the ordinary premium for specie being from ten to twenty per cent. The amount of our domestic exchanges may even then be estimated at not less than $200,000,000 per annum; they are now much more. If we estimate the difference of exchange paid on these $200,000,000 at only five per cent. on an average, the industrious classes were taxed annually $10,000,000, for the benefit of banks and brokers, on their domestic exchanges!

The excellence of the Bank of the United States, as latterly conducted, consists in the facility and stability it has given to domestic exchanges. The transfer of funds from place to place, for the purposes of the public expenditure, are as nothing compared with those demanded by the exigencies of commerce. The burden of transmitting the public money under a system of unequal exchanges would seem to be much less than the advantage, in the shape of premiums, to be derived from such exchanges on the remittances of commerce. But the people would have a just right to complain, if the institution sacrificed their interests to its own, by levying a tax on their exchanges beyond the fair equivalent for interest, trouble, postage, and insurance. Under a judicious course of policy, therefore, domestic exchange has latterly been equalized. The remittances of commerce are made subservient to the transmission of the public funds; the deposites of the public funds have, in their turn, furnished the means of extending greater facilities to commerce, while the public, in the sum originally paid, and in the duties subsequently performed by the bank, received ample compensation for the privileges bestowed on it.

The loss sustained on their domestic exchanges by the citizens of the United States, in the years 1814, '15, '16, '17, and '18, though the greatest, is far from being the only one. Between 1811 and 1830, one hundred and sixty-five banks failed, the greater part of them between 1811 and 1820. The loss arising from that cause cannot be less than 10 or $15,000,000.

But it will be said the state of the banks now is not like their state in 1816. No; their present condition is even worse.

In 1816, two hundred and forty-six State banks, with a paper circulation of $68,000,000, had $19,000,000 of specie.* In 1832, actual returns from two hundred and eighty State banks show about $40,000,000 of paper for $8,000,000 of specie; and, calculating the remaining one hundred and seventy banks on the same basis, the whole four hundred and fifty banks had a circulation of about $64,000,000 for $12,000,000 of specie.

The issues of the State banks in 1816 were only about 3½ for 1; in 1832, they were upwards of 5 for 1; and in 1833, they were at least 6, and, most probably, 7 for 1; and so, no doubt, continue at the present moment.

Mr. W. said he did not mean to utter any thing to the injury or discredit of the State banks—any thing to increase the panic and distress. Those institutions, he dared say, are mostly sound, in the usual sense of the word; that is, if they can collect any thing near the amount due them, they can pay all they owe. But if the want of confidence continues, and the necessity of still further reducing the currency or suspending specie payments occurs, they must choose between stopping payment themselves, and breaking all their customers. Which will they prefer? Not the latter, certainly; for, if they break all their customers, must they not at last be bankrupt? Accordingly, we have it hinted, in a certain great State, that, as they have "enlisted during the war," it would be patriotic to stop payment till the Bank of the United States is destroyed. Most disinterested patriots!

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*Report of the Committee on Finance to the Senate, March 29, 1830.

* Gallatin on Banks, p. 45.

The power to coin money and regulate the value of money is among the undoubted powers of Congress. Is not the value of money affected not only by every piece of metal coined, but by every bank bill issued? And can the value of money be regulated without regulating the paper as well as the coin? I throw this out for reflection. For the present, in respect to it, I affirm and deny nothing. But I will ask one question. For what purpose is the exclusion of five and ten dollar bank notes to be effected? Why is the paper of banks issuing them to be refused in payment of duties? Is it not to regulate the currency—indirectly, indeed, through the collection of the revenue, but still to regulate it? And, if Congress have no power to regulate any thing but the coin, what becomes of the President and the Secretary, and the committee's project?

But I do not propose entering into the question of the constitutionality of the Bank of the United States at this time. It would lead me far beyond the limits I have assigned to myself. All I propose to say at present is, that State banks effectually subvert the design of the founders of the constitution, supposing that design to be a specie currency; that, during their existence, it is impracticable to collect the revenue in a medium of uniform value without a Bank of the United States. If we intend to return to a specie currency, we must begin, not by destroying the Bank of the United States, but by limiting the issues of all banks.

The means of maintaining a circulation entirely metallic, are indicated by two plain propositions:

1. The industry of every people will procure them the quantity of the precious metals which is necessary to facilitate their exchanges; and of this quantity they cannot be deprived, except by the issue of a paper currency.

2. Coin and paper will not circulate together simultaneously and concurrently for the same purposes of payment. The largest denomination of coin must always be smaller than the smallest note.

I do not remember to have seen the reason for this stated in the terms in which it has presented itself to my mind. The precious metals are the representatives of just the amount of capital and labor required to raise the ore, smelt, refine, prepare, and stamp it, including, of course, what may be considered the rent of the mines, which rent is probably only the difference between the most productive and the least productive mines that are worked. Making gold and silver money, therefore, is only coining capital and labor, or affixing a certain stamp on the products of capital and labor; and, as these products must always be the result of a certain quantity of labor and capital, they must always have an intrinsic value. Making paper money, on the contrary, is coining credit only, and as credit depends merely on opinion, it may readily be in excess. The labor and capital imbodied in an eagle, is undoubtedly $10; that imbodied in a ten dollar note is not ten cents. There is only the labor and capital of engraving and printing, the cost of the paper, ink, and superintendence, which, altogether, does not amount to six. The facility with which this piece of paper passes current as money, has led many to suppose that intrinsic value is not necessary to a circulating medium. But why does it so pass? Not merely on account of what is written on it, but because faith is given to that writing. The writing promises that the bearer shall receive ten dollars, and, according to law, the promise can be discharged only by the delivery of so much gold or silver coin. This gold and silver coin, like every other article of general utility, which imbodies and represents so much labor and capital, has an intrinsic value; and the precious metals, in particular, possess this value all over the world. The whole value of the paper, then, consists in its controvertibility. But when so much convertible paper has been issued on the faith of receiving coin for it, that coin in fact cannot be paid to all who demand it, except by diminishing the quantity of currency, and, to effect that object, calling on those who have borrowed the paper to return it, it is obvious great revulsion and distress must take place. If five dollars in notes have been issued for one in specie, in order to meet a run or an adverse state of exchange, five dollars in notes must be called in to pay one in specie. The country is then subjected to all the evils of a diminishing currency. If the currency is diminished one-fifth, prices fall one-fifth, and twenty per cent. is added to every debt.

Nothing requires greater caution, deliberation, and delicacy, therefore, than the correction of a convertible currency which contains an undue proportion of paper. Unless the improvement be slowly and almost insensibly conducted, the creditor class are greatly benefited at the expense of the debtors. If it be seriously comtemplated, then, to return to the use of specie, as far as it is practicable or useful for a commercial people, the measure must be pursued with great prudence, patience, and forbearance; it must be the work of years, and I agree we must begin by interdicting the smaller denominations of paper, and ultimately proscribe all under one, two, three, four, or five hundred dollars. But in this work, in my opinion, the assistance of a National not a Government Bank will be indispensable. Whether such a bank may be dispensed with after that work is performed, I am not prepared to say. With such a bank, I incline to think State banks might be advantageously relinquished; but to abolish the United States Bank as the first step towards the restoration of a specie currency, is to adopt the means best calculated to defeat the end. The possibility and expediency of dispensing with paper currency will be hereafter considered.

I have already said I do not mean to go into the constitutional question here. That question has been argued at some length during this winter in another place, in regard to the constitutional character of banks owned wholly by States. It would not be proper to review that argument, or to hazard any conjecture as to the decision. It will be enough to say, that the unconstitutionality of such banks is, in my judgment, fully sustained by an examination and comparison of more than two hundred laws, and upwards of one hundred historical references, embracing the legislation and history of all the colonies up to the adoption of the constitution. "Bills of credit" is the term employed in all to denote paper currency.

Nothing is more common, or less philosophical, than to argue against the use of any thing from the abuse of it. Whether the United States shall have a paper money or not, I do not consider an open question. It is like the question, Shall we be a commercial and maritime nation? Nature and habit have decided both irrevocably. It has, indeed, been said, with equal reason and originality, "Perish all banks, perish a worthless currency, but let us preserve the constitution." So it was said during the embargo in this country, as it was said in England during the French war, "Perish commerce, let our constitution live." But Mr. Jefferson himself became convinced that if commerce perished, the constitution would not survive. He adandoned his "experiment," though he had his whole cabinet and a majority of both Houses and of the people to back him in it. Paper money was born with the colonies, it will only perish with the Union. Paper money has its uses as well as its abuses. It is impossible to believe a whole people, and that a shrewd people too, should have at times exhibited so obstinate an attachment to a pure unmixed principle of evil. Paper money carried us through the war of the Revolution. It carried the colo-

[illegible] through the old French war. It is a species of eminent domain of taxation, by which a nation is enabled to make extraordinary efforts for a time, at the price of severe suffering and debility; an *alcavala* not on sales only, but on all money transactions. The framers of the constitution, therefore, denied it to the States, intending, no doubt, to store it up in the arsenal of the Union, among the extraordinary weapons of desperate warfare. The issue of a Government paper money was intended to be reserved to the United States alone. The issue of every species of paper money, whether directly by their officers, or indirectly by their authority, I have no doubt was intended to be prohibited to the States. Whether it was effectually prohibited or not, I do not mean to say. What human wisdom foresees every thing?

Whether it be now possible to adopt such an interpretation of the constitution in practice, even supposing it originally the correct one, may admit of a doubt. I would only be understood to mean that this was what the framers of the constitution designed, so far as they could carry their views into futurity. But how far does the greatest mortal foresight extend? Which of them conjectured the actual state of the country at this moment? Such is the inveteracy of habit, such the convenience of paper money, that State banks began to be chartered a few years after the adoption of the constitution. What are the uses and conveniencies which produce a habit so obstinate? To determine this, we must look a little into the nature of money.

The precious metals are the currency of the world. They have an intrinsic value. "*Il danaro e un compendio del potere humano,*"[*] say the Italians. In another sense it is an epitome of human labor. The value of gold and silver arises from scarcity and cost of production. They represent the labor and capital employed to procure and prepare them. They are useful in domestic economy and the arts, for various purposes of comfort, elegance, and luxury; and they are useful as money; as the measure of value and the medium of exchange. Their utility as money arises from their intrinsic and universal value, insusceptibility of great increase, ductility, durability, facility of division, portability, and convenience of notation. The character of money as an instrument of notation to facilitate exchanges had led many ingenious persons to believe that intrinsic value is not an essential quality of money. In this I think they err. Scarcity and cost of production are essential elements of value. If an idler may say so, "*Dii laboris omnia vendunt,*" is true in every sense. Unless the material of which money is composed, or into which it may be resolved, is rare, requiring great labor to procure it, and insusceptible of indefinite increase, it will not possess a value intrinsic, universal, and little liable to fluctuation.

The precious metals, therefore, are the only materials which, up to a certain amount, combine all the essential elements of money. Diamonds are insusceptible of indefinite increase, and are obtained with labor; but they cannot be divided and stamped; and, therefore, cannot become currency. They have value, but are deficient in notation. Paper has the quality of notation, but is deficient in the essential of intrinsic value. Coin has both notation and value; but as the sums to be paid increase, the quality of notation is less perfect. It is only arithmetic, when the rapidity of commerce requires algebra. A mixed currency, of coin and paper combined, has, therefore, been introduced by the exigencies of commerce: and it will continue while commerce and credit continue; paper, for the facility of larger notation, convertible into coin at the will of the holder, so as to secure it that value in which it is intrinsically deficient: coin, for all smaller payments, and as a security for the paper. As this convertible paper money springs from credit and commerce, so the only way to destroy it is to destroy commerce and credit. This is precisely the character of the experiment now making.

Credit, as a substitute for mony, is the offspring of faith and justice; "a chartered libertine," in the old and better sense of the word; the native burgher of a free city. Usurpation and despotism are fatal to it. Had Rothschild lived when Jews' money was extracted with their teeth, he could never have lent millions to Kings. Nor is tyranny less destructive, whoever may be the tyrant. The anarchy of a mob is as bad as the arbitrary power of a monarch. "All history informs us, when liberty invades property, the reign of arbitrary power is at hand."[*]

The benefit arising from the ready notation of coin may be illustrated by a reference to the advantage of the Arabic figures over the Roman numerals for the purposes of arithmetic. When the precious metals were obliged to be weighed in the balance and subjected to the touchstone before a debt could be paid or a bargain completed, we can readily conceive commerce had not advanced beyond her Roman numerals. But there is a limit to the facilities afforded by coin for the purpose of notation. When large sums are to be paid, they must be counted. To save time, these will, at last, be put up in bags, with the seal of the owner. Where confidence prevails, they will be received on the faith of the merchant's or goldsmith's seal and mark. Then they will come to be deposited, and scrip issued.

Behold the origin of banks. Sir, I merely repeat what my friend from Massachusetts [Mr. Gorham] has already much better explained. This will be rendered more apparent by considering what happens with reference to the smaller bank bills themselves, from the necessities of commerce, the importance of time, and the growth of credit. Whoever is at all conversant with transactions between bank and bank, knows that the officers of banks receive from one another sealed packages of bank notes for 10, 20, 30, or 50,000 dollars, which are put away, to be afterwards counted at leisure. Paper money, as a circulating medium or currency, then, holds the same relation to coin, so far as regards the facilities of notation, that algebra and logarithms do to common arithmetic. And these improvements may, perhaps, be increased, until, as in Babbage's wonderful machine, mind acting upon matter produces combinations by which matter may almost be said to perform the processes of mind.

I admit, we have yet much to seek. I agree that the convertibility of paper into coin does not sufficiently secure it against excess. The mischiefs of fluctuation are conceded. I have occupied some portion of my time in thinking of the appropriate checks and balances which may be introduced to improve, regulate, and render safe and uniform this vast and powerful machinery. On the proper occasion, I will lend my humble aid in devising and perfecting all possible securities against collapse and explosion. But at present, when the questions, Shall we abandon the machine altogether, or give up its direction to other hands? are to be discussed, the others would be misplaced. Sir, I have no idea we will abandon it, or can abandon it, till we abandon the mariner's compass, the steam engine, gunpowder, and printing, and return from science and civilization to ignorance and barbarism. I dismiss, then, at least for the present, the possibility or propriety of returning immediately to a currency entirely metallic. No administration can presist in it.

The United States must have agents to receive, secure, and disburse the money. Banks are found to be the most convenient agents for that purpose. If they are confined to natural persons, and cannot employ corporations, how do they get power to use the State banks? So far as the constitution is concerned, I have elsewhere attempted, and in proper time and place hope to show, that if unconstitutionality admitted of degrees, the State banks are more clearly unconstitutional than the United States Bank. So far as danger is in question, which is the most dangerous power, to use corporations which Congress do not create and cannot control, creatures of the States, and dependants of the Executive, which, in the end, cannot fulfil the great objects of equal taxation and a uniform currency, or to employ a corporation which Congress does create, can control, and which secures a sound currency and stable exchanges?

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[*] Money is an abridgment of human power.

[*] Bulwer.

The danger arising from the vast influence of the Bank of the United States has been much insisted on. The answer to the whole of this class of arguments is obvious. All power, strength, passion, action, energy, and capacity, are, in one sense, dangerous. Even the thirst of knowledge, which ruined our first parents.

> Nil prodest, quod lædere non possit idem,
> Igne quid utilius?

What then? Must we give up printing because the press is licentious; gunpowder because magazines explode; and machines, because men are sometimes killed by them? Must we return to ignorance, barbarism, and imbecility, because knowledge, civilization, and enterprise are dangerous?

Is the danger less from the State banks? Are State banks or State Legislatures purer than Congress and the Bank of the United States; the one alleged to be corrupt, and the other corruptible? What said a committee of the New York Legislature, in 1818? "If the facts stated in the foregoing be true, and your committee have no doubt they are, together with others equally reprehensible, and to be dreaded, such as that their influence too frequently, nay often, already begins to assume a species of dictation altogether alarming, and unless some judicious remedy is provided by legislative wisdom, we shall soon witness attempts to control all selections to offices in our counties; nay, the elections to the very Legislature. Senators and Members of Assembly will be indebted to the banks for their seats in this Capitol; and thus the wise end of our civil institutions will be prostrated in the dust by corporations of their own raising."

I do not mean to say, continued Mr. W., that State banks or State Legislatures are dishonest; or to insinuate that the banks and the Legislature of New York are not as good as any others. My only purpose is to show, that so far as danger is the question, State banks are, in principle, as dangerous as any; being more numerous, they are more dangerous, and if tenants at will of Executive favor, doubly so. He might advert to the prorogation of the New York Assembly, by Governor Tompkins, and the reasons of that act, and to a pamphlet on the use and abuse of corporations, a work of much merit, attributed to a distinguished literary gentleman of New York, whose fame has become American. But it might be thought invidious, and he abstained.

A shout has been raised by servile tongues, and pens, and presses, that this is a struggle between the poor and the rich. This most odious cry, as false as it is base, is but the echo of that which rose from wretches covered with the mud and gore of Paris during the reign of terror. Sir, I am far from rich myself, compared with many who utter this disgusting cry; I am poor, and I have labored with my own hands. I have never forgotten, and shall never forget, the humility of my early fortunes. I am proud of it. Sir, I am a man of the people; raised from the people, by the people, and always, I trust, with the people. But I am not one of those who have the people forever in their mouths and never in their hearts. I have many good reasons for speaking of them seldom. I will mention but one; because, as that is one of policy, this House may give me credit for it. When we are always telling the dear people how much we love them, they are apt to become a little jealous.

Sir, I have said the cry was false. Who has the most interest in that currency, whose derangement spreads distress through a whole nation, and throws thousands and tens of thousands out of employment? The rich man has his capital, which he can withdraw, hoard, transfer to foreign lands, reinvest, or consume. The poor man's only capital is his daily labor, and he must dispose of it every day, or it is lost to him forever. Labor is nearly the first thing that falls when the currency is disturbed. It is the last thing that rises when the currency is restored. The poor, then, are always the greatest sufferers by a deranged currency; they have always the greatest interest in a sound one. And as the income arising from the labor of the poor greatly exceeds in aggregate value the income arising from the capital of the rich, it is the poor who have the greatest as well as the most immediate concern in the perservation of a good currency.

Of the remaining modes suggested for collecting and disbursing the public moneys, the most pernicious experiment that could possibly be attempted is that of creating a bank, owned and controlled wholly by the Government. Such a bank, besides being open to all the objections of the present one, has numerous disadvantages. If it do not issue paper, it will be impossible to collect the revenue in a uniform medium. If it do, you have at once all the evils and temptations of a Government paper. The issue of paper money directly, or through banks controlled by Government, has been tried by various countries, and always with the same success. Depreciation and bankruptcy have always been the issue; and every project of this description, disguise it as you will, is only a repetition of the south sea bubble, the Mississippi company, and bank of Law, the assignats of France, and our own continental currency.

A very brief sketch of the paper money of other nations, and our own, may not be without its interest. France, during her revolution, issued forty-five thousand five hundred and seventy-nine millions of paper money, of which twelve thousand seven hundred and forty-four millions were in some way or other discharged; the remaining thirty-two thousand eight hundred and thirty-five millions, of the nominal value of about six thousand two hundred and sixty millions of dollars, remained as waste paper in the holder's hands. During our revolutionary war, our Congress issued three hundred and sixty millions of continental bills of credit, which depreciated to one thousand for one, and finally became utterly worthless. The amount of issues by the States is unknown. Various States of this Union have attempted to establish State banks, which were solely the property of the State; many of which have failed, and generally after gross frauds and abuses.

Catharine II. issued a paper currency for Russia; the moderation of its issues kept it for some time at par, but in 1814, four rubles in paper were worth only one in silver.

The Bank of Copenhagen was founded in 1736. Nine years afterwards the Government freed it from the obligation of paying its notes in full. In 1773, the King thinking, probably, the privilege of issuing an inconvertible currency too valuable for a private corporation, took the bank into his own hands. In October, 1813, a dollar in silver was worth sixteen dollars in paper.

The currency of France, in 1716, was specie, and amounted to about eight hundred millions of livres, or one hundred and ninety millions of dollars. Law's Bank, established a little before, raised the currency to about one hundred and ninety-five millions of dollars. In January, 1719, "the Government," that is, the Regent, in the name of the King, took possession of the bank. In

May, 1720, the bank had in circulation two thousand two hundred and thirty-five millions of livres, or about five hundred and thirty millions of dollars. On the 20th May, nine thousand livres in paper would purchase only eighty-two and a half in silver; and, in October, they became of no value whatever. Justice to Law requires it to be said, that he was not responsible for the monstrous abuse of his project. His ideas, developed in his work on money and trade, are not those on which the French Government acted. It was the conversion of Law's Bank into the "*Banque Royale*," and the change made in its issues, that did the mischief. Law remonstrated in vain. Power prevailed over argument, as it always does; and, by a singular perversion of justice, popular prejudice (from which even the President does not seem to be exempt,) attributes to the erroneous principles of Law the evils arisingfrom an arbitrary exercise of royal authority.*

The Government of Brazil established a bank. The issues were virtually under the control of the State. Its paper depreciated more than one-half, and it was closed by a commission appointed to wind up its affairs, and issue a new paper in place of the old. About two years since, six thousand four hundred milreas in coin were worth, of the new paper emission, from eleven to twelve thousand milreas; and, at the same time, so base was the copper coin, the only specie in circulation, that this depreciated paper bore a premium of two per cent. in copper. Yet, at that moment, there was no deficiency of the precious metals in Brazil. They were exported, as usual, and what remained in the country were hoarded.

The Austrian paper money originated with Maria Theresa. In 1810, a florin in silver was worth thirteen florins in paper. In 1811, the Government called in the existing paper money, and exchanged it at one-fifth of its nominal value, for a new paper money; and, in 1812, eight florins of the new paper were worth only one in silver. Corrupting the currency by the issue of a Government paper money, is the desperate expedient which has succeeded to the ancient practice of debasing the coin. In effect, it is the same.

The method adopted by those powers in Europe whose territories are most extensive, for the remittance of the public money from place to place, as its expenditure may require, is not without its use and interest in this inquiry. I have obtained, from such sources as I could depend on, information respecting the practice of France and Russia in this respect. The circulation of the bank notes of the Bank of France, I understand, is pretty much confined to Paris, and the large towns. There are receivers-general, in the different departments, by whom collections and disbursements are made, and who sometimes give drafts on each other, or on the royal treasury, "*bon*" for so much. But it is frequently requisite to transport specie from place to place, for the purposes of the Government. So it is in Russia; though the paper rubles of the Government are remitted in packets by the mail, or by couriers. This mode of transferring the public funds is to the Bank of the United States what a raft is to a steamboat.

The increase of patronage, the corrupting power, the danger of frauds, the mismanagement, negligence, abuses, and losses of a Government bank, need not be insisted on. I should regard a bank established solely by the Government with as much horror as an established church.

If the most pernicious experiment that could be devised is that of a Government bank, the least plausible is that of attempting to collect the revenue, maintain the circulation, transport the funds, discharge the debts, and equalize the exchanges of the United States, through the instrumentality of the State banks. This leads me, naturally, to a consideration of the main topic. The treasury of the United States has been emptied into the vaults of "certain State banks," by order of the President or Secretary—for the present, I care not which—and the committee recommend that it should remain there. We are now to discuss that measure, and the reasons assigned for it. Various official and inofficial documents, respecting it, have been laid before us, or published. The measure itself has been canvassed throughout the country, with an interest and eagerness proportioned to its importance. Part of this interest has probably arisen from the influence of party politics. So far as it has, few men are more exempt from it than myself. The older members of this House, at least, understand what have, at all times, been my relations with all parties. To me, the President is nothing; and his successor is nothing; and his Secretaries, past, present, and to come, are nothing; but the people of the United States are much; my own immediate constituents more; and a constitutional Government of liberty and law every thing. It is not, therefore, as a mere party struggle that I propose to regard this measure, but as a great question of currency, finance, and constitutional power; the rights of the Executive, and the duties of the Legislative department.

The first and most obvious reason for the deep sensibility which the public mind has exhibited on this subject is the forcible appeal it makes to every man's interest. Every man who has any thing to sell, any thing to buy, any thing to pay, or any thing to receive, any thing to gain, or any thing to lose, feels his interest in it. The fact of a rapid diminution in the currency will not be denied; that of a more rapid destruction of credit cannot be. The Secretary makes the first, one of his heads of accusation against the bank. He charges the Bank of the United States with collecting from the people six millions in two months; and being the cause that nine millions were collected. He adds, that from the course of policy pursued by that bank, "the State banks, so far from being able to relieve the community, found themselves under the necessity of providing for their own safety," they were "compelled to call on their debtors, and curtail their accommodations; and so large a proportion of their call is always paid in their own notes, that to obtain one hundred thousand dollars in specie, they are probably obliged to call for four or five times that amount." What I would observe, *en passant*, must be the condition of these State banks, according to the Secretary's own account? If they are obliged to call in five dollars in notes, to get one dollar in specie, it must be, I presume, because they have put out five dollars in notes for one dollar in specie. This is confirmed by official returns. I do not deny the solvency of the State banks. But I believe they cannot maintain specie payments. Two millions a month reductions by the Bank of the United States, and as much more by the State banks! How long can it be continued? I do not inquire into the exact truth of the Secretary's statement. I take it as it is. If true, one-tenth of the circulation has been withdrawn. Between the 2d of August, and the present moment, according to the Secretary's own showing, the circulating medium of the country has been diminished at least one-tenth. Whether the currency of a country can be reduced one-tenth, without diminishing the prices of commodities a tenth, and adding ten per cent. to the difficulty of paying all debts, is a question which any young gentleman, or lady, who has proceeded as far in his or her studies of political economy as Miss Martineau's very entertaining tales, is perfectly competent to decide. Gentlemen have argued that our losses are imaginary, the complaints feigned, and the public distress fictitious. They must excuse me from believing them; false tears are not shed for the loss of good money:

> "Ploratur lachrymis amissa pecunia veris."

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* See Law on Money and Trade, and Edinburgh Encyclopædia.

The state of the exchanges furnishes proof of a diminished currency, and its necessary consequences. I embrace this occasion to say a word or two on the subject of exchange. As capital is only the accumulation of the results of labor, it may be considered briefly as hoarded labor. Of course capital will be most abundant in those countries whose inhabitants have been longest engaged in hoarding labor. Old countries, then, under just Governments, which protect industry by securing property, will have the most capital. New countries, in which liberty and property are secure, and land plenty, afford the most profitable employment to capital. Capital, like every thing else, seeks its best market.

The natural state of things, then, is for the old country to lend to the new, and for the new country to be indebted to the old. The relation is mutually beneficial, like every other natural relation of unshackled commerce. If I can make seven per cent. with money, it would be a waste of words to prove I am benefited by the loan of it at four or five. This may serve to show how reasonable is the clamor against foreign capital. It comes, me thinks, with an especial bad grace from those who employ a bank owned almost wholly by foreigners. The natural state of exchange, then, between this country and Europe, is, that bills on Europe will command a premium in this country. That premium has usually averaged seven or eight per cent. Exchange on England is now one or two per cent. discount, making a loss of from eight to ten per cent. to every one who sends a cargo of produce to England and draws bills on it, compared with the ordinary and natural state of the money market.

The rapid diminution of the currency has produced the usual evils, and the alarm and distrust caused by the measures of the President and his advisers have aggravated them. We suffer even more from the loss of credit than the loss of money.

Had not some arguments been urged, questioning our authority over these matters, I should have thought it incontrovertible. As it has been questioned, however, I will state the ground on which it seems to me to rest. It can scarcely be doubted, that the power to coin money, regulate its value, to direct how a revenue shall be raised, where the money shall be kept, under what checks it shall be received, secured, and paid, is a legislative power. In the undoubted exercise of this power, Congress has heretofore provided a revenue, erected a mint, created a Treasury Department, prescribed checks on the receipt and payment of the public moneys, and made provision for the appointment of a Treasurer, the only officer who is really charged by law with its custody, and accountable for its safe keeping and disbursement. The jealousy of the people, with respect to any executive power over the Treasury, is manifest throughout the constitution. It was even proposed to elect the Treasurer by Congress. If the power is not legislative, how has Congress invariably legislated on such subjects? But it would be more than useless, it would be impertinent, to argue an admitted fact. The Secretary himself says, "The power over the place of deposite for the public money, would seem properly to belong to the legislative department of the Government." The President, in his "cabinet paper," considers it, "according to the frame and principle of our Government, more properly to belong to the legislative power."

It is, then, conceded to be a legislative power. The constitution says, "All legislative powers, herein granted, shall be vested in Congress." Now, it would be difficult to prove that Congress not only can divest itself of a legislative power, vested in it by the constitution for the benefit of the people, but can invest an executive officer with the very power so vested and divested. Were this assumed to be done by an ordinary act of legislation, revocable at will, it would be difficult enough.

But, difficult as that may be, the Secretary assumes what is still more difficult, to wit: That, by a charter-contract with private individuals, constituting an irrevocable act of legislation, Congress can, and Congress has, divested itself of a legislative power vested in it by the constitution, and has invested the Secretary of the Treasury with that power, during the continuance of the Bank of the United States. This power the Secretary assumes to be his, exclusively. He must exercise it, in the first instance, or it cannot be exercised at all; and he is accountable for the manner of its exercise only to the Chief Executive. If he omits or refuses to use it, Congress cannot, without a violation of the charter; and that, in the mode of its exercise, his discretion is not to be regulated by the safety of the deposites, or the fidelity, or ability of the bank, but by his opinion "of the general interest and convenience of the people."

Now, sir, these are the propositions boldly and broadly put forth by the Secretary of the Treasury; and, if we recognise them, there remains but one thing more to do—vote ourselves unnecessary, and confide the country to a Lord Protector.

In this aspect, then, the question becomes of infinitely higher consequence than arithmetic can estimate: it is a question, not of property, but liberty; not an issue, as it has been feebly called, between "the Government" and the bank, but a question between Executive usurpation and constitutional freedom.

Now, sir, I hold the power over the place of deposite for the public money is a legislative power; the Secretary himself says it is. I say that, as a legislative power, it is vested in Congress by the constitution, and insusceptible of permanent or indefinite alienation. It can be delegated only for short periods, when Congress, in the recess, cannot use it. That, by an ordinary act of legislation, revocable at will, Congress could not divest itself of this power, and invest the Secretary of the Treasury with it, subjecting him only to the control of the Executive. And still more impossible is it for the Congress, by a charter-contract with private persons, to alienate, irrevocably, during the existence of the charter, a portion of the legislative power delegated to them by the constitution, and to transfer it to a Secretary, who is to be accountable to the President only for the manner of its exercise. Yet this is precisely what the Secretary says Congress can do, and has done. Let us follow out his doctrine in his own words:

"As this agreement has been entered into by Congress on behalf of the United States, the place of deposite could not be changed by a legislative act, without disregarding a pledge which the Legislature has given; and the money of the United States must, therefore, continue to be deposited in the bank until the last hour of its existence, unless it shall be otherwise ordered by the authority mentioned in the charter."

According to the Secretary, then, if he should refuse his assent, Congress could never change the place of deposite during the continuance of the charter. Whatever might be the exigency, the danger, the inability, or the infidelity of the bank, if, in his opinion, "the general interest and convenience of the people" would not be promoted by the change, Congress, even by act, could not effect it, without a violation of their pledge. But, if he chooses to give Congress a dispensation from their pledge, by ordering the deposites to be removed, their alienated legislative power returns to them; for, as he himself says, "the right of the Secretary to designate the place of deposite, was always necessarily subject to the control of Congress."

If it were "always necessarily subject to the control of Congress," (independent of the charter-contract,) then it follows that Congress, by the charter, have transferred a part of their control over the public money, an essential part of legislative power, to the Secretary of the Treasury; and such transfer is irrevocable, during the continuance of the charter, unless he releases them from it. Congress, then, during the continuance of the charter, are dependent upon the pleasure of the Secretary for the exercise of an essential part of legislative power.

But this is not all. If it is a part of the contract that the deposites shall continue to be made in the Bank of the United States, unless the Secretary shall otherwise order, it is a part of the contract, also, that, if the Secretary does otherwise order, they shall not be made in the Bank of the United States.

Now, the Secretary has otherwise ordered; and if the power rests exclusively with him, as he asserts, then it is part of the contract, also, that Congress shall not restore the deposites; for that would be to make them in the Bank of the United States after he has been otherwise ordered and directed. So that, by giving him an authority, and requiring him, if he exercised it, to assign his reasons to us, we have stripped ourselves of all constitutional legislative power over the public deposites, and can neither act before nor after he has acted, nor in any manner contrary to his action, for which he is accountable to the Executive alone, and in which his own discretion is his only guide.

Sir, this seems to me neither reconcileable with our most familiar notions of law or reason, nor with the express declaration of the Secretary himself in another part of his report, that "the right of the Secretary to designate the place of deposite was always necessarily subject to the control of Congress."

By what extraordinary confusion of ideas these apparently contradictory propositions found their way into the same argument, it is not for my poor sagacity to conjecture. Either the Secretary meant to confine his admission to the right of Congress to designate anew the place of deposite, and, in the event of that being the Bank of the United States, to assert his right to remove the deposites anew, as often as they shall be replaced, or he has involved himself in the contradiction of saying, in one part of his report, that "his power over the subject forms a part of the executive duties of his office," and is "to be exercised, subject to the supervision of the officer to to whom the constitution has confided the whole executive power;" and, in another, that "the right of the Secretary to designate the place of deposite was always necessarily subject to the control of Congress."

Taking the text, with the very significant gloss, proceeding from a certain quarter on this floor, I am authorized to infer that the Secretary intended to admit the existence of a control of Congress only "in the absence of any legislative provision," and that, in his view, the provision of the charter abolished that control, until a new legislative provision is made. He maintains, then, that this power is executive; he admits that it was legislative. He insists, not only that Congress can divest themselves of a part of their legislative power, and invest him with it, but that by such investment it becomes an executive power; and he maintains that, apart from all legislation, the right of the Secretary to designate the place of deposite was always necessarily subject to the control of Congress; but, as soon as Congress legislated by charter, they delegated all their power over the subject to him, and released him from all control, save that of assigning his reasons, of the goodness of which they cannot judge, and for which he is accountable to the Executive alone.

But, extraordinary and alarming as these positions are, there is something more astonishing still. The Secretary asserts that the charter is unconstitutional; and Congress, consequently, have divested themselves and invested the Secretary with a portion of the legislative power, involving the absolute control of the Treasury, by the grant of an unconstitutional charter.

We have seen how the Secretary derives his pretended power; he is as unfortunate in construing as in deducing it. The sixteenth section of the law establishing the bank says that the deposites of the public money shall be made in the Bank of the United States, unless the Secretary of the Treasury shall otherwise order and direct, and he is to report his reasons to Congress.

Now, upon an accurate examination, it will be found this is not an authority to remove deposites already made, but merely an authority to suspend making any more; it is not an authority to withdraw, but only to withhold. The Secretary himself, though he assumes the right to remove, employs, when speaking of his order, phraseology which argues his being aware of the limits of his power. He does not say, "I have ordered the money of the United States to be removed;" but, "I have directed that the deposites of the money of the United States shall not be made in the said bank, or branches thereof, but in certain State banks, which have been designated for that purpose; and I now proceed to lay before Congress the reasons which induced me to give this order and direction."

The Secretary afterwards considers and argues in support of his authority—as an authority to remove—an authority to withdraw; and throughout speaks of the removal, or the withdrawal of the deposites, as an act which he, and he only, was incontestably authorized to do. In debate, too, his power does not seem to have been contested. To withhold, and to withdraw, have somewhat too hastily and inconsiderately been deemed the same; they are not synonymous, however, nor even of similar import. I am familiar with the sense in which they were used, having been here when the act was passed; but I prefer relying upon the plain meaning of the words themselves, to stating any matter of fact open to controversy, because resting in tradition. There is an obvious difference in the effect of the two terms, construed according to their plain and literal meaning. If the Secretary can only withhold the deposites, the new collections would remain in the hands of the public officers who have given bond, and under the control of the Treasurer, who is, by law, charged with the safe keeping of the public money, until Congress should assemble. In the mean time, the sum in the Bank of the United States would be gradually diminishing, by the effect of drafts drawn for the ordinary expenditures. If the new collections were placed temporarily in State banks, on the responsibility of the Treasurer, their gradual increase there would correspond with the progressive diminution of the sums in the coffers of the United States Bank. The whole affair would be easy and gradual, instead of sudden and violent.

The Bank of the United States, instead of being threatened with the demand of half-million checks, to be presented at uncertain times, in uncertain quarters, and in unknown numbers, might have calculated, with reasonable certainty, on the progressive diminution of her discounts, which the demands of the Government upon the funds in her possession would require. There was a reason, therefore, for the distinction; the power reserved was not so much with a view to the security of the deposites, which could not be in great danger, considering all the means of security possessed by the United States, as for the purpose of enforcing the faithful execution of its duties to the Treasury and the country. The power to withhold, then, is not a power to withdraw; and so far as the Secretary, under the pretence of withholding the deposites, has withdrawn any part of the money of the United States, not wanted for the public expenditure, and placed it at the disposition of the State banks, he has acted without any warrant or authority whatever. A justification of his acts has been sought in what Mr. Crawford did, or said he would do, in certain contingencies. But the points of distinction between the circumstances under, and the purposes for, which the power was exercised by the former and the present Secretary, are broadly and plainly marked. Mr. Crawford acted under a special authority—the resolution for the resumption of specie payments. In several instances the State banks were used, where there were no branch banks of the United States. In others, the Bank of the United States forced the course upon the Secretary, by refusing to receive the paper of State banks in which the revenue had been collected.

Again: some of the arrangements he entered into were with the sanction of the bank, which, as the party in interest, might waive its rights; and, with respect to others, they resulted from the necessity of collecting, compromising, or compounding with institutions, in whose solvency the United States were greatly interested, because already in possession of large amounts of their paper, already received for lands or taxes. So far as Mr. Crawford departed from the law, by failing to report to Congress, he admitted the fact, and excused himself by inadvertence. And the report of the committee, while it denies that the agreements made by Mr. Crawford with the State banks were loans, either in their object or character, explicitly condemns such loans, though it recognises the fact that there had been a previous usage at the Treasury to make them. This is the passage of the report:

"Indeed, it may be proper to observe here, that it seems to have been assumed, by different officers at the head of the Treasury Department, that it was their duty to direct its operations to the support of different moneyed institutions, whenever their affairs required support, so as to defeat combinations against them, and preserve an equilibrium of credit among them. And the practice appears to have been in conformity with this principle, from a very early day. That benefit may occasionally result, and has resulted, from such operations, is evident; but this is no legal employment of public funds; it is nothing but a gratuitous loan."

"Such, however," the committee afterwards proceed to say, "was not either the object or the character of the agreements with the State banks, which are the subjects of this examination."

Now, sir, I am not to be drawn off from the trial of the present Secretary's reasons, to a trial of Mr. Crawford's precedents. With me, a precedent, if it be bad, does not make law, let it originate with whom it will. But I put to the present Secretary this dilemma: either the arrangements of Mr. Crawford with the State banks were not gratuitous loans, for the support of these moneyed institutions, to defeat combinations, or restore an equilibrium of credit, or, if they were, the committee explicitly condemn them. What, then, becomes of the precedent? It must be constantly borne in mind, that Mr. Crawford was acting under the resolution of April 30, 1816, viz:

"*Resolved, &c.*, That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing, or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in notes of banks which are payable and paid on demand in legal currency of the United States; and that, from and after the twentieth day of February next, no such duties, taxes, debts, or sums of money accruing, or becoming payable to the United States, as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand, in the legal currency of the United States."

Having patiently read the whole volume of Mr. Crawford's correspondence, it is only justice to him to refer to such passages as show more distinctly his view of the power of the Treasury Department over this subject, and qualify the doctrine attempted to be imputed to him. The following are of that description:

Letter to the president of the Manhattan Company, New York, dated 14th February, 1817, p. 21, vol. 8, Doc. 1st Sess., 18th Cong.

Letter to the president of the Bank of the United States, dated 21st February, 1817, as to the banks in the District of Columbia, p. 24, ibid.

Letter to the president of the Bank of the United States, dated 17th March, 1817, p. 36, respecting the deposites.

Letter, dated 31st July, 1820, to Thomas Spalding, president of the Bank of Darien, p. 377.

Letter to the president of the Bank of the United States, dated 31st August, 1821, respecting the Planters' Bank, page 436.

Sir, I still cherish a warm respect for the person and character of Mr. Crawford. Mr. Crawford and Mr. Lowndes were the only two men of my day whom I ever ardently desired to see President of the United States.

I did whatever little lay in my power to make one of them so, but cannot tax my recollection at this moment with ever having received or expected a personal favor from either. I did not follow the lion for the jackal's share of the spoil, and, alive or dead, I will not betray his name or memory to that long-eared tribe who once lifted their heels at his prostrate venerable form, and now seek to frighten their masters under cover of his skin.

Sir, it cannot be necessary for me to disclaim any allusion to the chairman of the Committee of Ways and Means, or to the President of the United States; every body knows I do not mean them. Neither do I mean the Secretary of the Treasury. In this matter he is generally regarded as the instrument of worse men. In saying this, sir, I do not mean to use unparliamentary language, or to speak in terms personally disrespectful to the Secretary of the Treasury. Every man is an instrument in the hands of Providence; and as idolatry and adulation have made a divinity of the Executive, he must be allowed the means by which even the divinity works.

An instrument! Let no one be offended, sir! In some sense, whatever conduces to effect a work is an instrument—both the lever and the man that uses it. When George Canning (as we are told by his private secretary) was lamenting his position in that ministry whose anxieties afterwards destroyed him, his friend who listened and condoled, admitted the impossibility of his finding advice among his colleagues. "It is not advice I want," said the impatient statesman, "every one advises me—but tools! tools! tools!"

Yes, sir, you know as well as I, that power always wants tools. Tools, sir, are just as necessary to every political cabinet-maker as they are to the manufacturer of wooden secretaries. And they are not to be blamed, sir, for using tools, when they come by them honestly; but for undertaking work which no tools can execute, or choosing tools which are fit for no work whatever. In good hands, sir, every instrument has its use. Sometimes the workman stuns our ears with the harsh monotony of his handsaw, and anon he shapes his ends, somewhat rudely it must be allowed, with the chip-chopping logic of his broad-axe. Even the insinuating little gimlet has its use in small matters, and the two-or-three-inch screw-auger drones on in downward sinuosity, with impitiable tediousness, whenever the objects to be operated on will endure so great a bore.

I will not advert to the danger of trusting children, of any age, with edge tools. I gave that warning last year to some who feel it now—but will abandon the chapter of proverbs with one more adage. Good workmen, they say, never quarrel with their instruments. If this be true, we must have the worst workmen in the world.

But if the mode of deducing his authority, and the mode of interpreting it, be extraordinary, the rules and motives which the Secretary supposes ought to govern him in its exercise, are more extraordinary still. He says: "It is not necessary that the deposites should be unsafe, in order to justify the removal." "The bank may be perfectly solvent, prepared to meet all demands, and faithful in the performance of its duties, and yet the public interest may require the deposites to be withdrawn." "The public good requires it!" Sir, how comes an American President, or Secretary, by the language of a revolutionary tribunal, or a committee of public safety? And what more is this, sir? What is the form of the syllogism, suggested by we know not whom; but, as we guess, from the eulogy and the eulogist, adopted by the President, and avowed by his pliant Secretary. "The public good requires it!" The people know I wish nothing but the public good, and the public good is every thing I wish. What does the public good require in regard to an agent or instrument for the collection, deposite, and disbursement of the public money? That it should be safely kept, faithfully accounted for, and promptly paid over whenever and wherever required, in a medium of uniform value, as nearly as possible on an equality with gold and silver coin. On this head, I am happy to avail myself of an authority which will not be underrated by the chairman of the Committee of Ways and Means. It is the report of the minority of that committee at the last session.

"That the Bank of the United States has not the means of ultimately paying all its debts, no one will maintain. Whatever may have been its mismanagement, it is not to be apprehended that its bad debts are equal to its whole capital stock. But its ultimate solvency is not the question for the consideration of the Government. The point to be considered is, whether it has been a prompt and faithful agent of the Treasury; whether it has been able and willing to pay over the public funds deposited in it, upon demand, for the purposes of the Government; and whether it is now, and is likely hereafter to be, in a condition to do so."

Then, the only adequate reason thought of for the removal, was infidelity or incapacity in the agent. Now, the only reason necessary, is "the public good requires it." The Secretary does not pretend that the Bank of the United States failed in any of these particulars. He admits that it was faithful, able, and safe; but he asserts that his opinion of the public interest, and not the safety, fidelity, or ability of the bank, is the criterion for the exercise of his assumed power of removal. And what are the reasons he gives for believing that the public interest and convenience will be promoted by removing the deposites?

1st. The charter of the bank will expire on the 3d March, 1836.

2d. The law creating it, in many of its provisions, is unconstitutional.

3d. The manifestations of public opinion have been unfavorable to the bank.

4th. The bank opposed the President, and the President was elected in spite of the bank; *ergo*, the public interest and convenience will be promoted by a removal f the deposites.

5th. The bank enlarged its issues after General Jackson was re-elected: and it contracted its issues when the deposites were removed.

6th. The Government directors were not put on all the committees they chose.

7th. The bank insists on damages from the United States on a protested bill of exchange, as "the Government" always insists on damages from individuals.

8th. The bank has used its means with a view to political power.

9th. It has paid for printing sundry reports and other documents, defending the bank from various aspersions.

Such are the celebrated reasons. Why did he not sum them all up in one: "The bank has been suspected of incivism."

Mr. W. said he would not analyze these exquisitely good reasons in detail. To state them briefly, considering the proofs and arguments by which they are supported, was to his mind, sufficient not merely to otherthrow but to cover them with ridicule. It would be seen, that he confined himself to the reasons of the Secretary alone. He quoted the Secretary's own words: he argued from his own statements; out of his own mouth he condemned him.

I have not thus far entered, said Mr. W., into the question of who removed the deposites? The Secretary says he did it. The President says he did it. "I assume the responsibility." Now, sir, I have no objection to any persons taking all the responsibility that belongs to their station, but let them beware how they deceive themselves into the belief that they only assume responsibility when they usurp power. But whether the deposites were removed by the President, who, it is admitted on all hands, has no right to do it, or by the Secretary, who says he has the exclusive right, deduced from an unconstitutional charter, and his accountability to the President, who would have removed him if he had not removed them, as he had already removed another Secretary for not removing them—I care not, just now, by whom or in what way it was done; my attention has been turned to a graver question, which overrides them all; and that is, "Have any of them the power independent of Congress? Has any officer of the Government the right to assume the entire control of the public money, exempt from all accountability to the representatives of the States and the people? This is what the Secretary of the Treasury maintains. His principal positions, stripped of all verbiage, are simply these:

1. The power is exclusively with the Secretary.
2. He is accountable only to the President.
3. He must lay his reasons before Congress, but Congress have nothing to do with the matter save by a new act of legislation.

According to the train of his argument, they can neither return the deposites nor censure the Secretary: and, according to the chairman of the Committee of Ways and Means, this House is incapable—incapable from its very nature and structure—of investigating the subject, and ought not to discuss it, until they have a report from that committee to enlighten them. According to the Secretary, we have no authority to decide; according to the gentleman, we have no capacity to investigate; what then remains for us but to discuss? No one will doubt our ability to do that; and if we are not permitted to do that, what have we to do? Are we merely to register the edict of the President, as signed by his Secretary and countersigned by the chairman of the Committee of Ways and Means? Yes, sir, this we are told, almost in terms, is all we ought to do. Another reason has lately been found why we should not further discuss this matter. The agitation out of doors is produced or inflamed by the discussions here.

Sir, this is not the least extraordinary part of a very extraordinary series of proceedings. At the last session, a committee were ordered to examine into the state of the bank, and report on the safety of the public deposites. They reported that the deposites, in their opinion, might safely be continued there: and they assigned their reasons, which were adopted by nearly two-thirds of the House. The President, some time after, desired the deposites should be removed, and, in a celebrated paper read to his cabinet and published to the world, assigned his reasons. Some of the cabinet differed, and assigned their reasons. He required obedience from the Secretary of the Treasury, who refused, and assigned his reasons. The President turned him out without thinking it necessary to assign any reasons, and found a more obedient Secretary, who removed the deposites as per order, and assigned all sorts of reasons into the bargain, even some that were thought of afterwards. And we, the Congress of the United States, the constitutional guardians of the people's money, are not to assign our reasons! We have no authority to decide—no capacity to investigate; and we are told we ought not to discuss till a committee enlightens us!

Sir, the committee have enlightened us. And in what manner? For what purpose did gentlemen imagine the Secretary's letter was referred to the committee? Was it not to report whether his reasons were satisfactory or otherwise? Have they performed that duty? I voted against that reference, because I understood the Secretary to have filed a plea to the jurisdiction. I understood him to assert that he was accountable to the President only, and that Congress had nothing to do with the matter. Such a plea, sitting as a representative of the people on this floor, I will never refer to any master in chancery whatever. I will decide it here and at once. Well, sir, and what have our committee reported? They have reported us an argument to be sure, but what are their conclusions? They argue in support of the Secretary's plea. Do they affirm it? They go beyond him in maintaining the absolute authority of the Executive over the money of the people. But they are careful not to put their argument in the shape of a distinct proposition to be voted for by the people's representatives, under their responsibility to the people. They submit no resolution on the sufficiency of the Secretary's reasons.

The object of submitting the reasons of the Secretary to Congress is to enable Congress to decide on them. So says the President in his cabinet lecture.

"The only object of the provisions is to make his reasons accessible to Congress, and enable that body the more readily to judge of their soundness and purity," &c.

The committee argue throughout the sufficiency of those reasons. They add, to be sure, other reasons of their own, which are unnecessary, if the reasons of the Secretary are sufficient: thereby tacitly admitting that the reasons of the Secretary are insufficient: but they submit no resolution pronouncing those reasons adequate or inadequate, though the only motive for assigning them to Congress is, that Congress should pronounce negatively or affirmatively on such a proposition.

Now, sir, I dare gentlemen to the issue; and, in saying *dare*, I mean nothing offensive. I intend only a fair, open, chivalric defiance. An invitation to try conclusions with us by argument and a vote of the House, on the single, simple proposition, that the Secretary's reasons are sufficient, or insufficient; I care not which. On that argument they have my gage before them. If they do not take it up, the inference is irresistible. Meanwhile, let us return to our report.

What say my honest friends from Pennsylvania to it? I hope I may be permitted to call them so. I have at all times had honest friends in Pennsylvania, with whom I was proud to act; and when I mention the name of GILMORE, long my associate on the same committee, all who knew him will more than respond to the justice of the epithet. What say my friends from Pennsylvania? They were, some of them, voting very earnestly for the previous question, because the people at home were for action, and expected impatiently the great remedy of the Committee of Ways and Means. They have got the panacea. Do they find the patient better? Are the symptoms relieved? If not, is it not time to reflect whether there is most danger from the disease or the doctors?

"Plus a medico quam a morbo periculi."

Sir, I am an observer of days and times. This report came in on the 4th of March. May one, without presumption, interpret the augury? Does it mean that by the 4th of March next, the policy of that report will be utterly exploded; and by the 4th of March, two years thereafter, there will scarcely be a fragment left of the party that support it? If so, I accept the omen!

Notwithstanding the time I have already occupied, I must glance over this report. It embraces a great variety of matters. As to its display of historical knowledge, it may establish the claim of the author to be Secretary of the Treasury by Executive appointment, during the recess, if the present Secretary be not confirmed. As to the three per cent. stock, the loans to printers, and the expense of printing, the affront to the Government directors of not putting them on whatever committees they choose—they have been so frequently repeated that one is inclined to say, with the honest Vicar of Wakefield, when Ephraim Jenkinson begins his usual exhibition of "Sir, the cosmogony or creation of the world, according to the opinions of Sanconiathon, Manetho, and Berosus"—"I beg pardon, sir," said the Vicar, "for interrupting so much learning; but I think I have heard all that before."

These charges, though most of them were repeatedly investigated and condemned during two or three successive sessions of Congress, have been reproduced in the celebrated cabinet paper, and are repeated in the present report, for the sake, perhaps, of the ancestral likeness. Their frequent repetition evinces a solicitude for their success, which could not be greater if it were paternal.

The committee seem surprised and scandalized that the bank should complain of a "violation of chartered rights," and demand "redress" for such violation, as an "act of justice."

I can readily conceive that the honorable chairman, whose work the report is presumed to be, has very imperfect ideas of the obligation of contracts and promises. I am not surprised, therefore, that "rights," "redress," and "justice," are words ungrateful to his ears. That "the bank has, in all things, performed the stipulations of its charter," would be supposed by others to entitle it to reciprocal performance of the obligations of the Government; but, according to the theory of the chairman, performance of promises on one side establishes no claim to performance on the other. What his practice may be I pretend not to determine. On that point I abide by the previous question.

Were it possible for me to feel surprise or terror at any thing tyranny can dare or servility applaud, I should experience both at the rapid progress of usurpation which we have been made to witness in a few short months.

The President began by requesting his newly appointed Secretary of the Treasury to remove the deposites, declaring "it was not his intention to interfere with the independent exercise of the discretion committed to him by law over the subject." The Secretary did attempt the independent exercise of his discretion. The President thrust him from office, and, "assuming the responsibility," exercised that authority over "the subject," which, according to his own admission, had, "by law," been "committed" to the Secretary. Still the President conceded, in the celebrated paper read to the cabinet, that, "according to the frame and principle of our Government, this decision [on the removal of the deposites] would seem more properly to belong to the legislative power." And in the same paper, speaking of the Secretary, he says, "The provision that he shall report his reasons to Congress is no limitation. Had it not been inserted, he would have been responsible to Congress, had he made a removal for any other than good reasons, and his responsibility now ceases upon the rendition of sufficient ones to Congress."

In another part of the same paper, he asserts it to be "the duty of one of the Executive Departments to decide, in the first instance, subject to the future action of the legislative power, whether the public deposites shall remain in the Bank of the United States."

In the annual message is first darkly hinted that Executive irresponsibility which the new Secretary, in his reasons, timidly asserts, and the committee, in their report, openly maintain. This is the passage, in reference to the judgment to be passed: "It will be for those in whose behalf we all act, to decide whether the Executive department of the Government, in the steps which it has taken on the subject, has been found in the line of its duty." The intimation given is, that such decision is for "the people," not the representatives of the people. And in what way are the people to decide? Is it by another election of President?

The new Secretary, as in duty bound, improved upon this hint. He too, however, admits that the power was Legislative, but has become Executive; and insists that, for its exercise, he is accountable to the chief Executive officer alone.

The committee, imboldened apparently by the passiveness with which all this had been received, or encouraged, perhaps, by seeing petitioners flocking to the President instead of Congress, are daring enough to assert that the power of designating the place of deposite for the public money was originally an Executive power, has always been an Executive power, and still is an Executive power! Thus, in six months, has a portion of power, involving the safe-keeping of the whole public treasure at the commencement of that period, admitted by the President and his Secretary to be a "Legislative power," temporarily delegated, to be exercised under responsibility to Congress, been converted into an Executive power, to be exercised nominally by the Secretary, really by the President, without any responsibility save to the people, a pre-approval of whose acts is inferred from his election. If it is an Executive power, why do they come to us to legislate for its exercise? Does the President, or Secretary, feel that they require a bill of indemnity? Sir, no British minister would have dared to do what they did, without asking for one. I remember no parallel case in British history, but the suspension of specie payments by order of council, during the ministry of William Pitt; and, for that act, a bill of indemnity was brought in.

And how was that measure characterized by one of England's noblest patriots? "It was certainly most true," said Mr. Fox, "that, in passing this bill, they were enacting robbery and fraud; for robbery and fraud it was, in direct and heinous characters; but it had now become an imperious necessity, that the illegal order of council, which had been illegally obeyed, should be continued for a limited time by the force of a statute.

"The reasons given by the Solicitor General in justification of the measure, and his description of the character of the bank, were additional alarms to his mind. According to his doctrine, the public establishment of the bank was the creature of Government, over which they might exercise whatever power the policy of the moment might dictate; for it was originally created for their use, and to be obedient to their pleasure.

"He deprecated all these false and fatal doctrines; all these deviations from the simplicity of rectitude from the morals of the constitution. They were as detestable in their character, as they must be ineffectual in their practice. They would serve only to plunge us into ignominy, as they had already precipitated us into ruin, and leave us bankrupts in fame as well as in fortune."

These are the terms in which a British commoner stigmatized the act of a British minister; and gentlemen complain here, with mawkish sensibility, of the free language which American representatives use towards an American President and Secretary!

The style and spirit of all these documents, from the veto message to the report of the committee, are, in my judgment, highly exceptionable. They have a general similitude. There is, throughout, too little calm reason; too little of sober and enlightened experience; and too much appeal to the more ignoble passions. Instead of clear-sighted, deep-searching, and far-reaching sagacity, we have the incarnate spirit which practises on popular delusions, and has been the ruin of all republics. The Demus of the old Greek comedy, the Agrarians of Rome, the disciples of Spence in England, and the Jacobins in France, held similar language. It is the first time, however, I believe, that we have seen the Chief Executive Magistrate of a free and intelligent people made to talk and act Jack Cade.

For myself, that part of the present system of administration which tends to keep the President in ignorance of the truth, and to encourage and perpetuate the deception of the people, has my especial detestation and abhorrence. Sir, I sincerely believe the President is deceived; I believe, with his late Secretary of the Treasury, "not only that he is not in the hands of his constitutional advisers, but that their advice is successfully resisted by persons whose views are at variance with the public interest and the President's fame."

Such a system can be continued only by the worst instruments, for the worst purposes; and while indignation must be excited by the public sufferings which those unworthy favorites produce, it is mixed with pity for the unfortunate and deluded being who is duped by the basest of his servants, because they flatter and inflame his passions.

"Multi reges ut pupilli, non regunt sed reguntur."

Under sinister influence, as I am persuaded, this whole scheme has been conceived, commenced, and prosecuted, in a spirit of trickery and deception. The late Secretary of the Treasury was invited to accept office, without knowing what was expected of him. There is now the clearest evidence that the removal of the deposites was predetermined. When he refused, another was appointed; and that other assigned, as reasons, occurrences happening after the resolution to remove was taken. The President, in his message, says:

"Since the last adjournment of Congress, the Secretary of the Treasury has directed the money of the United States to be deposited in certain State banks, designated by him, and he will immediately lay before you his reasons for this direction." And, subsequently, "As, by the terms of the bank charter, no officer but the Secretary of the Treasury could remove the deposites," &c.

In the paper read to the cabinet, he declares, "He begs the cabinet to consider the measure as his own—its responsibility has been assumed."

Which of the President's declarations are we to believe? The whole proceeding furnishes numerous examples of duplicity, and departure in pleading.

In the first instance, the fact of alarm and distress was ridiculed with equal wit and judgment. Next, the fact was admitted, after it became undeniable, and then the bank was blamed. It has been made to appear that the reduction of loans by the bank, up to the 5th March, has not been so great, by upwards of four millions, as the reduction of deposites; and that, from the 1st January to the 1st March, there has been an actual increase in the loans of the bank of more than a million and a quarter. This accusation against the bank, of having occasioned or increased the public distress, is now decisively refuted. It has passed out of reputable circulation, into the hands of those who emit all the arguments they hear, without reference to quality.

What next? The distress is acknowledged and justified. "The failures that are now taking place," says the President, "are among the stock-jobbers, brokers, and gamblers, and would to God they were all swept from the land!"

The speeches of the opposition, according to certain administration orators, have produced all the distress, and all the petitions! If speeches are so effective, how comes their effect to be so disproportionate? If our speeches can produce distress, why cannot theirs allay it?

Sir, in this House, the gentlemen who complain of our distressing speeches have the power. Why do they not use it to relieve the country? They can put an end to our speeches whenever they choose. But, instead of devising any effective remedy, they rebuke the people for making known their distresses. What is this but saying, "Be silent, wretches, your groans disturb the Emperor!"

The President says that all who trade on borrowed capital will break, and ought to break. If it be true that bankruptcy awaits all who have obtained more credit than they deserve, he, and his present counsellors, will be the first gazetted.

Even his scheme of a metallic currency is borrowed. What is good in it is not new, and what is new is not good.

One of the extraordinary spectacles to which the present state of things has given rise, is the fruitless attempt which has been made to open the eyes of the President, by means of petitions and deputations. It is the first time, in my memory at least, that the people have passed by Congress to invoke the compassion of the President. We have made one step towards a monarchy, when petitions are addressed, not to Parliament, but to the throne. And how were they received? How did he treat his white children who had come so far to have a talk with their great father? Let them answer for themselves.

[Mr. WILDE*here quoted several portions of the reports of the committees of citizens from New York, Philadelphia, and Baltimore, of their interviews and conversations with the President. For these extracts, see the end of the speech.]

Sir, said Mr. W., I desire it to be distinctly understood, I take no pleasure in repeating the description of scenes calculated to discredit our country and its institutions. But the time is past for reserve and delicacy. We must speak the truth. It should be the truth only, however; and, if the people cannot get at that, it shall not be my fault. Sir, the report of the Philadelphia committee has been impugned as the offspring of party spleen. The general concurrence of all the reports is a presumption in favor of their general correctness. The high personal character of the individuals who composed those delegations, is a guarantee for the truth of any statement they would make; but we have here an opportunity of obtaining distinct and direct evidence. The honorable gentleman from Maryland, [Mr. HEATH,] long a devoted friend of the President, but more, I am sure, the friend of truth than the friend of any man, accompanied the Baltimore delegation. I regret to perceive that the gentleman, usually so diligent in his attendance on this House, is not at this moment in his seat. It was my wish to have inquired of him whether the statement given by them was, in every important particular, substantially true? [Just then Mr. HEATH entered, and Mr. WILDE repeating his observations—

Mr. HEATH said he was himself present at the interview between the President of the United States and the delegation from Baltimore, and he had no hesitation in asserting, so far as it relates to that interview, that their report was substantially correct in every particular. In addition, he would remark that he had been long acquainted with the gentlemen composing that delegation, and he knew them to be incapable of appending their names to any statement, of the correctness of which they were not well assured. They were neither office-holders nor office-hunters, and, therefore, could have had no motive in lending themselves to any misrepresentation of facts.]

Mr. W. continued: He rejoiced that they had thus at last obtained authentic evidence of the President's language and opinions.

Among the extraordinary delusions under which the chief Executive officer seems to labor, one not the least extraordinary is, that the Bank of the United States has withdrawn thirty-five millions of dollars, during the last autumn, from the South and West. Now, sir, it is known to every one but the President that the whole reductions of the bank, from the 1st of October to the 1st of March, was short of four millions.*

Whatever course of conduct the bank adopts in relation to its discounts is sure to be disapproved by the President and his friends. When the bank had increased its loans in consequence of its increased ability to lend, and the increased disposition of the public to borrow—what was the cry? The bank is unsafe! Its Western debt is enormous and insecure. It lends too much in the valley of the Mississippi, and extends no accommodation elsewhere; the deposites should be withdrawn. This is the purport of the minority report of last session, (Rep. pp. 14, 15, 17, 40.)

The deposites are withdrawn, and the bank makes preparation as slowly and gently as possible to wind up its affairs. The people carry their complaints to the President. "Go to Biddle! Did I tell him to withdraw thirty-five millions from the valley of the Mississippi?"

If the bank went to electioneer in the valley of the Mississippi, what degree of political influence could it hope to purchase among those small States there? If men were to be bought, why not bid for some State which has votes enough to turn the scale? Is the valley of the Mississippi alone venal?

Sir, I have no idea that the bank wished to buy men, or that any great quantity of them are in the market in any part of our country. But if there be, the shambles certainly are not in the Southwest. Larger quantities and better bargains may be found elsewhere.

Let us pass to the report of the Committee of Ways and Means. The committee, with a most ominous caution, abstain from saying that the Secretary of the Treasury is, for the exercise of his power in relation to the public deposites, answerable to Congress. They do not venture to say in express terms that he is not answerable to Congress. That doctrine would be too startling. The people of the United States are not yet ripe for it. What they do say is, "To pronounce a decision upon the act and the reasons which superinduced it, appertains exclusively to the Government."

Now, sir, what is this ambiguous, hybrid, mongrel creature, "the Government?"

Again: "No Congress has yet been found so improvident as to transfer from the Government the power to determine what currency it will or will not receive in payment of the public dues, and to select at will the depositories of the public funds." So, then, not only the power to select at will the depositories of the public funds, but the power to determine what currency it will or will not receive, belongs to "the Government." This would be the natural inference from the language of the committee. But they elsewhere distinctly admit that the right to prohibit the receipt of the notes of the bank belongs to the legislative authority, by virtue of the 14th section of the bank charter. The question still recurs, If the right of determining what currency shall be received belongs to "the Government," how did Congress get hold of it? And, on the other hand, if the right of designating the depository of the public money originally belonged to Congress, how came it in possession of "the Government?" By what means did Congress—by what means could Congress alienate a portion of their legislative power? Again, I ask, what is "the Government?" I know of no attempt to define it, but Major Downing's, who says, "it is I and the Gineral;" but he is certainly mistaken. There are worse men in it than either.

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* See end of speech.

If we cannot ascertain what constitutes "the Government," let us try whether we can learn what sort of "Government" it is. The patriot whose words I quote, fell, in popular tumult, by the hands of his enemies. Yet, in spite of every effort to stain his memory, impartial history records they could fasten upon him no crime but hostility to the house of Orange. "By the word monarchy and monarchal rule, I mean such a state wherein only one person, though without right, yet hath the power to cause obedience to be given to all his orders, resolutions, and laws, or to suspend or hinder all orders, resolutions, and laws of the true and lawful highest assembly, that they be not executed, and this according to his own will and pleasure."[*]

The Government, sir, what is the Government? I have looked through the constitution, I find no such term there. Mention is made of "the seat of Government" and of "a republican form of Government," but of "the Government"—republican in form—to which "it appertains exclusively to pronounce upon the act" of laying hands upon the public money, I find no mention. What do gentlemen mean by "the Government?" The term is of recent origin. We have long been accustomed to hear of the Legislature, Congress, the Senate, the House of Representatives, the Executive, the Judiciary, the heads of Departments, the cabinet, and the administration. "The Government" can be none of these, or a new mode of designating it would be unnecessary. It has no precise meaning in itself; for, if a courtier of the age of Louis the XI. had been asked what was "the Government," and he had dared to answer, he would probably have replied, "The King, Oliver le Diable, Tristan l'Ermite, and Petit André." Nor is this the only instance of ambiguity, apparently studied, which the report of the committee presents. *Nimia præcautio dolus.*

They speak of "the reasons which superinduced" the act," not the reasons which induced it. Now, sir, induce is to cause; superinduce is to bring in, or upon, as an addition to something. Are we to understand that the reasons which induced this act were the reasons which Mr. Whitney first, and afterwards the President, gave to Mr. Duane, and which were afterwards read to the cabinet? Is it intended that the reasons superinduced upon it, are the reasons given by the present Secretary of the Treasury to amuse Congress, who have no authority to decide on them, that being a province of "the Government," while the true reasons—the reasons which induced it--are like the act itself, according to the President's declaration, "his own," done upon his "responsibility," and only to be discussed by the people who have re-elected him? A trim reckoning!

In speaking, as I shall have occasion to do, of the veto message, the report of the Secretary of the Treasury, and that of the Committee of Ways and Means, I do not mean to say, or insinuate, that they are not each, severally, from the pen of the proper person by whom they respectively purport to have been written. But I will say this: if one and the same person had been the President's private secretary, when he penned the veto message and cabinet paper, and afterwards Secretary of the Treasury, and chairman of the Committee of Ways and Means, he could not have produced four papers more "germane" to each other in sense, style, and spirit.

Let us compare these points of resemblance, which, as mere accidental coincidences, are perfectly marvellous. It is not the Fourth Auditor only, who always has the happiness to think like the President. For example:

The cabinet paper says:

"The President considers his re-election as a decision of the people against the bank."

The Secretary, in his letter, says:

"And I have always regarded the result of the last election of the President of the United States as the declaration of a majority of the people that the charter ought not to be renewed." "The question of the renewal of the charter was introduced into the election by the corporation itself." "It was accordingly argued on both sides before the tribunal of the people, and their verdict pronounced against the bank by the election of the candidate who was known to have been always inflexibly opposed to it."

The committee say:

"The corporation itself has made the renewal of its charter the leading question in the late contest for the Presidency. It had procured from Congress the passage of a bill to renew the charter, and elicited a veto from the President." "It was signally defeated, and the President triumphantly re-elected. This result could not be otherwise considered than as a verdict of the people in favor of the veto, and against the bank."

The President, in the paper read to his cabinet, says:

"Of all the substitutes for the present bank which have been suggested, none seems to have united any considerable portion of the public in its favor."

The committee say:

"Of all the schemes suggested, none seem to have met with any considerable portion of favor from the people."

The President says:

"The power of the Secretary of the Treasury over the deposites is unqualified."

The committee say:

"The power reserved to Congress to discontinue the receipt of the notes of the bank in 'payments to the United States,' is absolute and unqualified. In like manner, the power of the Secretary of the Treasury, for reasons which he is required to report to Congress, to employ other depositories of the public money, is equally absolute and unqualified."

The President says:

"The provision that he shall report his reasons to Congress is no limitation. Had it not been inserted, he would have been responsible to Congress had he made a removal for any other than good reasons, and his responsibility now ceases, upon the rendition of sufficient ones to Congress."

The committee say:

"He had the same legal power, after the passage of this act, to order and direct the public deposites to be made in other banks, as he had before. An additional duty was imposed upon him; but how can this requirement impair his power? Had the clause requiring the reasons to be reported been omitted, could it have been doubted that the power of the Secretary to cause the deposites to be made in other banks would have been absolute and unqualified?" "The change effected in his position is, that he is now bound by law to give his reasons, without a special call. But the giving of his reasons now, after the act is done, can no more affect his power to do it, than giving his reasons then, under a special call of Congress. And his duty to act only for good reasons, and his liability to be punished for measures originating in corrupt or wicked motives, were just as strong then as now." And again, p. 8: "That they ought to be good and honest reasons, there can be no doubt." "If they be not honest, he may be impeached by Congress, or dismissed from office by the President. If they be not good, he may be overruled by a subsequent act of legislation, providing for their restoration, or designating some other place of deposite than that which he may have selected. But if they be both honest and good, the transaction should be at an end—when they are reported to Congress."

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[*] De Witt's State of Holland.

"As soon as they are reported to Congress!" What, before Congress have decided on them? And if not before Congress have voted them honest and good, why have not the committee proposed to test them, by a vote of Congress, that they are good and honest? The President says, "the only object of the provision is to make his reasons accessible to Congress, and enable that body the more readily to judge of their soundness and purity, and thereupon to make such further provision by law as the legislative power may think proper in relation to the deposite of the public money."

The committee respond: "To see that the Secretary of the Treasury acts from pure motives, and judge whether further legislation be not necessary on the subject, Congress require of him to report his reasons to them." Here is the key to the whole course of policy adopted by the President in despite of the remonstrances of his constitutional advisers, and the previous votes of Congress. To throw upon Congress the necessity of further legislation, and, if it were such as he disliked, to intrench himself behind the veto. Such was the system upon which the President has been prevailed upon to act.

The President, in his cabinet paper, says: "It is useless now to inquire why this high power was surrendered by those who are peculiarly and appropriately the guardians of the public money. Perhaps it was an oversight; but, as the President presumes that the charter of the bank is to be considered as a contract on the part of the Government, it is not now in the power of Congress to disregard its stipulations; and, by the terms of that contract, the public money is to be deposited in the bank, during the continuance of its charter, unless the Secretary of the Treasury shall otherwise direct."

The Secretary repeats:

"The faith of the United States is, however, pledged, according to the terms of the section above quoted, that the public money shall be deposited in this bank, "unless the Secretary of the Treasury shall otherwise order and direct." And as this agreement has been entered into by Congress in behalf of the United States, the place of deposite could not be changed by a legislative act, without disregarding a pledge which the Legislature has given; and the money of the United States must, therefore, continue to be deposited in the bank until the last hour of its existence, unless it shall be otherwise ordered by the authority mentioned in the charter."

And the committee are still found in unison:

"Whether the Congress of 1816 acted wisely in thus divesting themselves of all control over the place of public deposites of the public moneys for the long period of twenty years, is a question which it is unnecessary to determine. It is certain that they did so, and during the continuance of the charter, therefore, they must have continued to be made in the Bank of the United States, unless the Secretary of the Treasury had otherwise ordered and directed."

Again: the President, in his cabinet paper, declares: "Unless, therefore, the Secretary of the Treasury first act, Congress have no power over the subject, for they cannot add a new clause to the charter, or strike one out of it, without the consent of the bank; and, consequently, the public money must remain in that institution to the last hour of its existence, unles the Secretary of the Treasury shall remove it at an earlier day."

The Secretary concurs:

"And as this agreement has been entered into by Congress, in behalf of the United States, the place of deposite could not be changed by a legislative act, without disregarding a pledge which the Legislature has given; and the money of the United States must, therefore, continue to be deposited in the bank until the last hour of its existence, unless it shall be otherwise ordered by the authority mentioned in the charter."

And the committee again harmonize in opinion:

"The removal of the deposites, by the Secretary of the Treasury, from the Bank of the United States, so far from being a usurpation of a power belonging to Congress, actually restores to that body a power of which they had, by the terms of the charter, divested themselves. So far as regards Congress, the contract is absolute, that the deposites shall be made in the Bank of the United States, and no shadow of authority is reserved to them otherwise to "order and direct." Congress divested itself of all power of control over the deposites, unless the Secretary should first issue his order for the removal. The exclusive power to issue such order was reserved to the Secretary of the Treasury, and but for his action the deposites must have remained beyond the reach of Congress until the termination of the bank charter."

I will not pursue these comparisons further, though they are yet far from being exhausted. Any one who chooses to continue them will find amusement, and, mayhap, instruction, in remarking the extraordinary coincidence of sentiment and language, throughout the three documents, respecting various other topics. For example: "Powerful moneyed monopolies, dangerous to the liberty of the people and purity of our institutions"—"Great moneyed corporations entering the political arena"—the topics of the French bill—the public distress which the bank (a stale story) is accused of producing—and various other choice specimens of counterpoint, in which accidental discords seem introduced only to heighten harmony.

They would furnish excellent materials for a chapter on the dangers of circumstantial evidence. I do not mean to say, or to insinuate, that these documents proceeded from a common source; but I venture to affirm, if it were a question of simulated papers before a court of prize, the internal evidence they afford would be held, despite the oaths of twenty witnesses, to establish conclusively community of origin.

The last position quoted from the harmonious triad of authorities, is, in my judgment, so monstrous and alarming, that I turn from my contrasts to subject it for a moment to the test of argument, even the argument of its supporters. That proposition asserts—

1. That Congress divested itself of all control over the deposites, unless the Secretary should first issue his order of removal.

2. So far as Congress is concerned, the contract is absolute, and no shadow of authority is reserved to them to "order or direct."

3. The exclusive right to issue such order was reserved to the Secretary, and, but for his action, the deposites must have remained beyond the reach of Congress, until the termination of the bank charter.

4. All this was effected by a charter which is unconstitutional. And,

5. The removal of the deposites, by the Secretary, restored to Congress a power of which they had divested themselves by an unconstitutional charter.

Let us see how this is. If Congress divested themselves of the power, it must have been previously vested in them. If it was originally vested in Congress, and by the act of the Secretary, re-vested, it must be a Legislative power. What, then, becomes of the learned argument of the President, and the Secretary, and the committee, to prove that it is an Executive power? If it is a Legislative power, how could Congress alienate it to the Secretary, or the bank? The committee themselves say they could not, in respect to the bank.

"To have absolutely bartered away to a corporation the high powers of both the Legislative and Executive departments, and left the Government of the people absolutely dependent on a corporation of its own creation, for the currency in which public dues should be paid, and the places in which the public money should be kept, would have been an assumption of power on the part of those who created the bank charter which the boldest advocates of a controlling power over the popular will never dared to maintain." And again: "No Congress has yet been found so improvident as to transfer from the Government the power to determine what currency it will or will not receive in payment of the public dues, and to select at will the depositories of the public funds."

But do not the committee perceive that, if it would be "improvident," and an assumption of power, to grant the authority of the Executive to the bank, it is equally an assumption of power to grant the authority of Congress to the Secretary. Now, they all, (President, Secretary, and committee,) agree that this was originally a Legislative power. Is it less a usurpation to grant the power of Congress to the Secretary, than the power of the Secretary to the bank? But all this has been done by an unconstitutional charter!

And, finally, a portion of the Legislative power which an unconstitutional charter had divested, was restored to the Legislature by the act of an Executive officer.

The committee contend, and, in this, only repeat, almost in terms, the argument of the cabinet paper—that there is no other requisite to the reasons of the Secretary of the Treasury, but that they be honest and good reasons. "That they ought to be good and honest reasons," say the committee, "there can be no doubt. If they be not honest, he may be impeached by Congress, or dismissed from office by the President. If they be not good, he may be overruled by a subsequent act of legislation, providing for their restoration, or designating some other place of deposite than that which he may have selected. But, if they be both honest and good, the transaction should be at an end when they are reported to Congress."

Now, if the act is the President's, as he himself says it is, I do not perceive how it is affected by the reasons of the Secretary. It was either his duty to obey the President, or not to obey him. If he was bound to obey, the motives of his obedience, whether good and honest, or otherwise, are not for Congress. If he was bound not to obey him, the honesty of his reasons may be a question for his judges on an impeachment; but their goodness is settled by the question of obedience. Were the honesty of his reasons to be now investigated, it might form a curious inquiry in casuistry, how far reasons occurring afterwards, are "honest reasons," in support of a "foregone conclusion."

Do not let me be mistaken; I am not impugning the motives of the President and his Secretary. I have sufficient subjects of animadversion in their acts and reasons. I cannot look into the hearts of men. God forbid I should. It is enough for me to look into my own; and finding there that "the heart is deceitful above all things;" that our best acts are sometimes attributed to the worst motives, and our worst acts to good ones, I have become careful of pronouncing on the motives of men; satisfied only of one thing, that as all wrong is the offspring of ignorance, from the wisdom of the act we may generally infer the goodness of the motive. The purity of the President's and Secretary's intentions have been much insisted on. That species of defence moves me not. Carried out, it justifies every thing. In one sense, all crime and vice is error. "*Nemo malus qui non stultus,*" is an old proverb; and we may well say of any one, "He is too great a fool to be honest." Nevertheless, we punish that species of folly, and the stocks and the whipping-post are part of the discipline which social education has provided for obstinate fools of the inferior order. Sir, I mean no disrespect of the President or Secretary. I am instituting no comparison—intending no reproach. I am following out a principle; and if that principle lands me in absurdity, I renounce it. Purity of intention cannot justify wilful ignorance, gross negligence, or obstinate error; and it is in this sense that the Portuguese rightly say, "Hell is paved with good intentions."

What motive could the Secretary have? He was in an office more suited to his habits of life, his early studies, and sufficiently elevated to have satisfied his ambition, if ambition were ever satisfied. What more could he wish? I know not, sir; and, as I have said, I meddle with no man's motives. But, as a warning to the Secretary, I tell him there are those, of his own friends too, who hint he would become the ermine. Let him beware how he assumes it. From this moment, it will not be for him without a stain.

"To see that the Secretary acts from pure motives, and judge whether further legislation be not necessary on the subject," are, according to the report, the causes why "Congress require of him to report his reasons to them." Unless corruption requires impeachment, then, or a law is to be passed, Congress, it seems, have nothing to do with his reasons, but to—hear them. Who does not see, in this interpretation, the effect—the following up—of that advice which prevailed upon the President, in an evil hour, to withdraw the deposites before the meeting of Congress, intrench himself behind the veto, and rely upon the people to support him. Let us hear the evidence of Mr. Duane on this topic. His credit has been attacked, indeed, but not destroyed. For my own part, I believe him. I have seen nothing to shake my confidence in his integrity or veracity. He is incapable of falsehood, I am convinced, and has nobly redeemed all minor errors:

[Mr. Wilde read several passages from Mr. Duane's letters, relating to Mr. Whitney's interview with him; his account of the President's intention to order the removal of the deposites, for reasons to be assigned in a paper which Mr. Kendall was to prepare; the President's confirmation of Mr. Whitney's information, though he denied that Mr. Whitney had received his confidence; the introduction of Mr. Kendall to Mr. Duane, by Mr. Whitney; the charge of corruption against the last Congress by the President; and the advantage suggested by others, that the removal of the deposites, before Congress assembled, would be a flag up for the new members, &c. For these extracts see end of speech.]

Mr. Wilde continued:

The flag is up, and the "new members" are summoned to rally to their chieftain's standard. Virginia, Pennsylvania, New York, are called to the colors. And by what cry? Is it not personal merely, as, of old, in France, "*a moi Auvergne!*"

Recurring again to our report, said Mr. W., the proposition is to employ the State banks to collect and disburse the revenue, and that no legislation is necessary to effectuate that purpose. Are there not some inquiries to be made? Is there not some information to be collected? Have the committee told us what is the condition of these four hundred and fifty State banks, with whom the currency of the country is to be left in charge? What are their debts—their means? Do they possess the capacity of transferring the public money, at all times, to all places where it may be wanted? Can they, will they, insure us a uniform currency? Have they it in their power to continue specie payments? Can they preserve and equalize domestic exchange? What information has the committee—what information has the House on these subjects?

We have had three investigations of the affairs of the United States Bank, in rapid succession, and, after making them all, Congress refused to change the place of deposite.

The President, without making an inquiry into the condition of the State banks at all, except to know which banks would take them, and on what terms, removed the public money; and Congress are now asked, without inquiry into the condition and capacity of these new fiscal agents, to ratify the act. What have we? The returns of the selected banks. What information do they furnish us on the important topic of the capacity of the State banks to continue specie payments, for example? The selected banks are only part of a system. Does any one imagine that they can continue specie payments, if all the rest stop? The committee pronounce upon them in the aggregate: "The committee are satisfied that the State banks are fully competent to perform all the services which the General Government ought to require, in the collection and disbursement of the revenue, and to afford also all the facilities to the internal commerce and exchanges of the country, which have been derived from the Bank of the United States."

The committee "are satisfied," are they? Why have they not imparted to us the facts and arguments which satisfied them? Is it a point upon which the country is satisfied? Let the condition of the trade and currency of the country, the daily bankruptcies, and weekly memorials, answer.

The State banks, say the committee, are now firmly interwoven with the institutions of the country. Firmly interwoven with the institutions of the country, are they? Let us ask the President. We will not consult the oracle. The priests are like the nurses of Jupiter: they make a great clamor to drown the voice of their god. Let us hear the thunderer himself.

In his interview with the Philadelphia committee, the President told them "that the provision by which Congress was authorized to regulate the currency had reference only to domestic and foreign coin, and not to paper of any description." He told them, further, "that, in order to restore the currency to the condition intended by the constitution, and place the moneyed concerns of the country where the sages of the Revolution found and left them, he proposed to put out of circulation all notes of five dollars and under, by placing the public money in such State banks as would issue no notes below ten dollars, and by forbidding the receipt, in payment of the revenue, of the notes of all banks which should issue notes under ten dollars; that the same process should next be pursued in reference to all notes under twenty dollars; and thus a metallic currency be insured for all the common purposes of life, while the use of bank notes would be confined to those engaged in commerce."

If Congress have power, according to the President, to regulate the coin only, and not the paper currency, it follows that this plan of restoring the currency is not to be executed by the legislation of Congress. Is the President to execute it himself? He has said, in his paper read to the cabinet, that he desired all control over the currency to be separated from the political power. But he proposes to effect the destruction of the five and ten dollar notes by a Treasury regulation, I suppose. No, say the committee, the Secretary of the Treasury does not claim for himself, and the committee do not claim for him, any control over the currency. They think the legislation of the States is to be relied on for banishing the five and ten dollar notes. Now, I do not ask the means by which the States are to be persuaded to restrict their own bank circulation, for the present; but I ask, supposing it possible and effective, what would become of those State banks which, the committee say, "are now firmly interwoven with the institutions of the country?" How many of them would remain to supply the currency necessary for commercial transactions?

But the committee disclaim for the Secretary, the President disclaims for himself, and the committee disclaim for Congress, all interference with the currency of the country, as distinguished from the coin.

The President, in his cabinet paper, declares: "It is the desire of the President that the control of the banks and the currency shall, as far as possible, be entirely separated from the political power of the country." Again, speaking of the banks—"To this end, it would be expedient to exert no more power over them, and interfere no more in their affairs, than might be absolutely necessary to the security of the public deposites and the faithful performance of their duties as agents of the Treasury." And, finally—"To give the President the control over the currency, and the power over individuals, now possessed by the Bank of the United States, even with the material difference that he is responsible to the people, would be as objectionable and dangerous as to leave it where it is."

But, on the other hand, the President, in the paper read to his cabinet, says: "It should also be enjoined upon any banks which may be employed, that it will be expected of them to facilitate domestic exchanges for the benefit of internal commerce." And he told the committee of delegates from Philadelphia, "that he would furnish the country with as good, nay, a better and more solvent currency, than that of the national bank."

Sir, if the President has nothing to do with the currency, and wishes to have nothing to do with it, why does he interfere with it?

Then, as to the Secretary. The Secretary, in his letter, while censuring the Bank of the United States, asks, "How long will it require, for the ordinary operations of commerce, and the reduction of discounts by the bank, to withdraw the amount of circulation before mentioned without giving a shock to the currency?" Speaking of the notes of the Bank of the United States, which he supposes will become depreciated in March, 1836, he says: "And if, in the mean time, no other currency is substituted in its place by common consent, it is easy to foresee the extent of the embarrassment which would be caused by the sudden derangement of the circulating medium." Justifying himself for the removal of the deposites, on the score of time, he says: "And if a safe and sound currency were immediately provided, on the termination of the charter, to take the place of these notes, it would still require time to bring it into general use, and, in the interim, the people would be subjected to all the inconveniences and losses which necessarily arise from an unsound state of the currency." In expressing his preference for State banks, he declares: "The State banks can, I have no doubt, furnish a general circulating medium, quite as uniform in value as that which has been afforded by the Bank of the United States; probably more so."

Now, what I wish to ask the committee is this: If "he does not claim for himself, nor do the committee claim for him, the right to regulate the currency, nor to influence, by his power over the deposites, any political movements affecting either our internal concerns or foreign relations," to what purpose has he written so much, and made so many arrangements, relating entirely to the currency?

The agent of the Treasury also considered his duties to extend to inquiries about the currency. I refer to his report to the Secretary, dated 4th September, 1833:

"Some interesting facts relative to the currency of the country came to my knowledge on this tour, which it may be important to mention.

"In large commercial transactions in the principal cities, the notes of the distant branches of the United States Bank are generally rated at a fourth per cent. discount. The only circumstance which gives them credit or circulation at those points generally is, that they are receivable in payment of all public dues." "If they were no longer receivable at the custom-house, they would be of no more value than the notes of distant State banks, and would become a local currency, floating around the points where they are redeemable. It is the Government, therefore, and not the bank, which gives those notes all the general credit and currency they possess, and the same credit and currency it can give to the paper of any other institution.

"From the nature of money and trade, it is very obvious that nothing can constitute a currency of general and uniform credit which is not convertible into gold or silver, or its equivalent, at the points where the people of any given country purchase their principal supplies of merchandise. In this country, we can have no currency, of general and uniform credit, which is not so convertible at New York, Philadelphia, Boston, or Baltimore."

Again: "A course of banking business has recently been introduced between the West and the East, which promises to furnish a general currency of uniform value without the agency of the Government: it is the making the notes of the Western State banks convertible into gold and silver at the great commercial points, &c.

"The notes of the Union Bank of Tennessee are now a better currency in Philadelphia, and every where else, so far as they are known, than the notes of the Nashville Branch of the United States Bank, simply because they are convertible into specie, and therefore pass at par, at the great commercial points. They are now taken in payment of debts, and on deposite by the banks in Philadelphia, but the branch notes are not.

"The Planters' Bank of Mississippi has made an arrangement with a bank in New York, by which it is to issue notes, payable at its own counter, or at the Planters' Bank in Mississippi.

"The branch of the Albany State bank at Mobile is negotiating a similar arrangement in New York.

"These facts hold out a promise of a general currency of more uniform value than that now furnished by the Bank of the United States, without the aid of the Government in originating or supporting it, &c.

"Probably the period is not distant when it will be found to be the true interest of the country, and of banks themselves, that the whole of its paper currency shall be payable in the great commercial cities."

Further quotations might be given, to show the agent's belief that his duty extended to the currency also. But the present will probably be deemed sufficient to show the accuracy of the information he collected, and the depth of his own financial wisdom.

To return from the principal agent to the agent's principal. The Secretary of the Treasury, summing up his reasons, (page 19,) says:

"The propriety of removing the deposites being thus evident, and it being consequently my duty to select the places to which they were to be removed, it became necessary that arrangements should be immediately made with the new depositories of the public money, which would not only render it safe, but would at the same time secure to the Government, and to the community at large, the conveniences and facilities that were intended to be obtained by incorporating the Bank of the United States.

What were those conveniences and facilities? Were they not a uniform currency, and equalized domestic exchange? And these facilities and conveniences the Secretary says the State banks are actually providing:

"And, by agreements among themselves, to honor each other's notes and drafts, they are providing a general currency, at least as sound as that of the Bank of the United States, and will afford facilities to commerce, and in the business of domestic exchange, quite equal to any which the community have heretofore enjoyed."

What has become of these agreements? The committee, for themselves, say, (page 30:)

"If it should be urged as an objection to the State banks, that they cannot afford a general currency, the answer is obvious. If it were deemed necessary to create a bank paper currency, possessing equal credit with that of the present Bank of the United States, the object can be as well accomplished with the State banks as with the Bank of the United States. The provision which has made the latter current every where, is the clause in the charter which compels the Government to receive their notes in payment of all debts due to the public; and a similar provision in favor of the State banks, which might be selected as the depositories of the money of the United States, would immediately make their notes equally current, and insure for them equal confidence in any part of the United States. But the committee are not prepared to recommend the adoption of such a measure. They are convinced that all which public convenience requires, in this respect, will soon be accomplished by arrangements among the banks themselves; and that there ought to be no legislation of Congress for the purpose of establishing a currency of paper."

Yet the same committee, in the same report, only sixteen pages before, have said:

"There appears also to be much force in the considerations urged by the Secretary, connected with the currency of the country and the domestic exchanges. The notes of the Bank of the United States must necessarily, in a short time, be withdrawn from circulation. That the principal currency of the country, for many years to come, will be bank notes, there is no reason to doubt; and it is certainly good policy to foster the State banks, which furnish them, in measures tending to give them as general credit as has been heretofore attached to the notes of the United States Bank and branches.

"That the natural and ascertained course of trade, circulation, and exchange, connected with the interests of banking institutions, will ultimately produce this result, in relation to the notes of the principal State banks, there is every reason to anticipate; but their employment in the business of the Government, by awakening them to their capacities and interests, is calculated to hasten the consummation of so desirable an event.

"It was a matter of no small moment to encourage and hasten the State banks, in maturing their system of circulation and exchange, so that, at the termination of the charter of the Bank of the United States, the trade of the country might not encounter, at the same time, the loss of a general currency, and the entire breaking up of the domestic exchanges, a partial interruption of which, by that bank, is now producing such serious inconvenience. By the latest returns of the banks employed by the Government, it appears that they are already rapidly taking the place of the Bank of the United States in the exchange operations."

Now, sir, if the Secretary has nothing to do with the currency, and the committee think there ought to be no legislation of Congress for the purpose of establishing a currency of paper, how can there be, as the committee have said, "much force in the considerations urged by the Secretary, connected with the currency of the country and the domestic exchanges," and why is it necessary for Congress to legislate in affirmance of the Secretary's arrangements?

More especially, why is such legislation necessary when the committee say:

"According to the law, as it now stands, the duty of selecting the banks, and of prescribing the securities to be taken, is devolved upon the Secretary of the Treasury, under the supervision of the President. This power has been heretofore exercised by the head of the Treasury Department, and in a manner advantageous to the public; and it is not doubted, if the law should continue unchanged, that it may and will continue to be so exercised by the head of that Department."

If it is all very well as it is, why should there be any legislation about it? If there be no reason of revenue, and no reason of currency, what reason is there?

What reason have the committee given?

"They think that it would be more consistent with the principles of our Government for Congress to regulate, by law, the mode of selecting the fiscal agents, the securities proper to be taken, the duties they shall be required to perform, and the terms on which they shall be employed."

Now the committee have already argued at great length, that these are executive powers belonging, by the principles and practice of our Government, to the Secretary of the Treasury. If they are executive powers, what right has the Legislature to interfere with the manner of their exercise?

But let us hear the committee again:

"The main object of legislation should be to enlarge the basis of specie, on which the paper circulation of the State banks is to depend for support. And the committee are persuaded that, by the adoption of the State banks as the fiscal agents of the General Government, and a judicious course of legislation founded upon it, a sounder state of the currency than now exists would soon be attained, and the country rescued permanently from the danger of those sudden expansions and contractions of the paper currency which have been constantly succeeding each other since the Bank of the United States was established, and which have brought such severe and extensive evils upon the country. The aid and co-operation of the several States may be relied on to banish, gradually, the smaller notes, and introduce in their place silver and gold for ordinary domestic purposes, and the convenience of travel between distant places. Such a reform is strongly called for by sound policy, and the best interests of the country, and the accomplishment of an object so desirable may be mainly accelerated by laws passed by Congress, adjusting the standard of value of our coins, and regulating the deposites and collection of the revenue. If gold and silver were brought into common use, and the small notes banished from circulation, payments of small sums would probably be made in specie. The great object is not to diminish the amount of the ordinary circulating medium, but to give it a broader and firmer foundation on the precious metals."

Now, if there ought to be no legislation of Congress relative to a currency of paper, how can "the enlargement of the specie basis," on which the paper circulation of the State banks is founded, be "the main object of legislation. The aid and co-operation of the States, it seems, are to be relied on for part of that legislation which is to restore a sounder currency than the notes of the Bank of the United States.

But the legislation of the States cannot be part of that judicious course of legislation, founded "upon the adoption of the State banks as fiscal agents;" for such legislation must, I presume, of course, spring from Congress. The President's judicious currency is as incomprehensible as his judicious tariff.

Sir, another question occurs to me. Where did the Secretary get authority to contract with State banks? The act of the 1st of May, 1820, for the regulation of the Departments, vol. 6, Laws U. S., p. 490, says:

"Sec. 6. That no contract shall hereafter be made by the Secretary of State, or of the Treasury, or of the Department of War, or of the Navy, except under a law authorizing the same, or under an appropriation adequate to its fulfilment," &c.

The President and the committee are for an enlargement of the specie basis. Sir, I agree with all my heart that an enlargement of our metallic basis is advisable. I have been myself among the first to urge the banishment of the small notes gradually. But in my poor judgment the measures of the President, and those recommended by the committee, are the very reverse of those best calculated to effect that object. The mere exclusion of the notes of the State banks which issue bills of small denominations, will be entirely inadequate. The only effect of that regulation will be to render them a depreciated currency, and a depreciated currency always usurps the circulation. The better is hoarded; the worse is passed. Every one will receive it for sales, because they add a little to the price. Every one will take it for doubtful debts, rather than go unpaid, and every one will pass it off again, as fast as possible, for fear of loss.

The prospects of preserving a uniform currency and equalizing domestic exchanges under the present state of things, may be estimated by the stock, exchange, and bank note price currents of the different cities.

[Mr. W. read quotations of exchange and discount on bank notes, from a New York price current, showing a difference of from one to seven per cent. between the notes of the banks of different States; also, extracts from a New Orleans price current, to show the fall of stocks and produce. For these quotations see end of the speech.]

Mr. W. then proceeded—

The committee say: "They are persuaded that, by the adoption of the State banks as the fiscal agents of the General Government, and a judicious course of legislation founded upon it, a sounder state of the currency than now exists would soon be attained," &c.

The committee have not thought proper to tell us the process by which they have been "persuaded." The minority say their opinion is directly the reverse. Now, sir, what are the facts? What is the information the House or the committee have, with respect to the State banks? What information the committee possess peculiar to themselves, I know not. If they have such, they have not imparted it. The information the House possesses is soon told. The only official returns for this year we have obtained through the Treasury, are those of the selected banks. The collection of none other were, I presume, deemed necessary, as a preparation to the important measure of changing the fiscal agents of the Treasury and the regulators of the currency of the country. The remaining information in possession of the House, consisted of returns of the year before last of part of the State banks, collected under a resolution of the House, which he had had the honor to submit, and transmitted by the Treasury.

The resolution contemplated an annual and complete return, as far as practicable, but none had as yet been received from the Department. He would not be understood as complaining of any neglect of duty. He was apprized of all the difficulties of getting the information required. Though the returns were, for the most part, published, no State officer was bound to communicate them to the Secretary. He could only request it. The resolution was of recent origin, and had probably escaped notice, or was believed to be temporary. To supply, as far as possible, the absence of this information, Mr. W. had been at the pains to procure from members of that House, authentic returns of their respective States, as far as practicable, for the last year. From these papers, and others which he should hereafter move to have printed, he had caused to be compiled various abstracts, which he would send to the Chair for the satisfaction of gentlemen who might be inclined to examine them. They were made up from the actual returns of the last year from three hundred and ninety-eight banks, of the different States and Territories, leaving upwards of fifty banks whose condition was to be ascertained by reference to the returns of the year previous, or estimated from a general average of the rest. He also presented returns, believed to be correct, of the circulation of the Bank of England and the banks in Canada. The grand aggregate presented by the returns and estimates of the State banks, including those in the Territories and District of Columbia, was nearly this, in round numbers: Capital, $146,000,000; circulation, nearly $70,000,000; deposites, $50,000,000; specie and specie funds, $15,000,000. The two last items are confounded, in many of the returns, in such manner that they cannot be separated. "Specie funds" is understood to mean not gold and silver, but deposites or balances in distant banks, situated in cities of the seacoast, on which checks may be drawn, and which, it is said, experience has demonstrated to be, in the ordinary course of trade, equally as available and convenient, to some of the country banks, as specie. The actual amount of the precious metals in possession of the banks is estimated not to exceed $10,000,000. The total amount of discounted paper is about $233,000,000. The interest on their discounts is more than the specie in their vaults.

These returns and abstracts, sir, collected and compiled through the instrumentality of the individual who addresses you, is the only recent and authentic information we possess on the subject of our currency; and, according to them, such is the condition of the State banks which the committee are "persuaded" will provide a safer currency than now exists.

These returns had led Mr. W. to reflect on the effect which a diminishing currency would have on the prosperity of individuals. He took a single State, and estimating the whole amount of property in it to be worth, according to the best data he could obtain, $70,000,000, he found that the currency of that State amounted to about $4,000,000. That is to say, $1,250,000 of specie, and $2,750,000 of notes. For the present, he laid out of account the extent to which that State would be—as every country must be—affected by the currency of the adjacent States. He considered it as isolated, for the sake of simplifying the proposition. Four millions of dollars, then, kept the value of the property of that State, under ordinary circumstances, at $70,000,000. If the amount of currency be reduced to $2,000,000, the whole capital must fall one-half, and would be worth only $35,000,000; and the capacity of the $2,000,000 to purchase property would be as great as that of the $4,000,000 before. Every man who had $1,000 in money has his capital doubled; every man who had $1,000 in property, has his property lessened one-half. The one is virtually made worth $2,000; the other is reduced to $500. If the process be repeated by again diminishing the currency one-half, the $35,000,000 of property become worth only $17,500,000. The original $1,000 money capitalist will effectively be worth $4,000, and the original $1,000 property capitalist will be worth only $250. If he owed $250 out of his $1,000 at the commencement, he will be a bankrupt.

Thus it is demonstrable, that, following out the process, those who have the money originally, may, by the turns of a diminishing currency, get into their hands the property of all the rest. And yet this is the way in which it is proposed to protect the poor against the rich.

But even this state of the banks must be taken as rather more favorable than the truth. It is known that some State banks have been in the habit of lending and borrowing specie, so as to present a more favorable condition of their affairs previous to making their returns. Abundant evidence of the fact exists; but some has recently been derived from a quarter where I did not expect it—the correspondence of one of the selected banks with the Secretary of the Treasury. I refer to document 16 of this session, p. 334. The President of the Girard Bank, after informing the Secretary, on the 2d November last, what had been done in relation to certain transactions between them and the United States Bank, says: "The motive for this step, on our part, was to be found in the fact, that the day for the annual statement to the Legislature was approaching, and the State banks, with the single exception of ourselves, were curtailing their discounts considerably, and endeavoring to fortify themselves for that purpose."

How far the "single exception" can be relied on, depends on the meaning of a subsequent sentence. The President of the selected bank, after stating certain facts, showing its situation, proceeds: "As for ourselves, having $116,000 in our vaults, and creditors of the State banks upwards of $80,000, but under an obligation to spare $100,000 to two of the New York banks next week," &c. I recommend this phrase to the attention of the honorable Chairman of the Committee of Ways and Means. I hope he will explain it; or, if he cannot, that he will seek an explanation of it. What does one of the banks, "selected" as depositories of the public treasure, mean, by telling the Secretary of the Treasury that they have $116,000 in their vaults, but under an obligation to spare $100,000 to two of the New York banks next week? To what New York banks was it to be "spared," and for what purpose? What is meant by spared? It is not given, certainly. It must be either lent or paid. If it means paid, then the Girard Bank had, after paying this $100,000, fourteen thousand dollars in specie, with a circulation of $366,000; $800,000 due to the United States, and $550,000 to individual depositors, making a total amount of debt immediately demandable of $1,716,000; to meet which, it had on that day, of funds immediately available, specie $14,000, due from the Bank of the United States $350,000, balances due from other banks, after deducting those due to other banks, $60,000—total, $424,000. If, on the other hand, *spared* means *lent*, I ask which were the two banks in New York to whom $100,000 specie was to be lent to "fortify" themselves? The returns to the New York Legislature, by the safety fund banks, are not made till January. It could not be for that purpose. Two of the State banks in New York did, indeed, make returns of their situation to the Treasury, dated within the week after the 2d November. But I hope it was neither of these. I will not permit myself to conjecture there is any shifting of specie among the selected banks. I trust the President has not "fortified" himself behind the veto, for the sake of banks that "fortify themselves by passing specie from hand to hand, as occasion requires.

Sir, I pass from the immediate subject of the argument, for a moment, to notice some most extraordinary assertions of the President.

If we are to believe his former Secretary of the Treasury, a man whose varacity as yet has not been successfully impeached, the Chief Magistrate has asserted, "that if the last Congress had remained a week longer in session, two-thirds would have been secured for the bank by corrupt means; and that the like result might be apprehended at the next Congress."

Now, sir, I beg leave to ask, what authority the Executive head of this republic had for thus calumniating the majority of Congress. Yes, sir, I say calumniating. Will any gentleman on this floor justify—will any one palliate such a charge? Could the President have reflected on what he was saying? Can he now reflect, with any satisfaction, that he himself has sullied the character of that country which he defended, and will be cited as authority throughout the world, that our institutions are rotten to their heart's core? Sir, I enter my most solemn, however feeble, protest, against the truth and decency of the charge. I was not one of those who voted for the bill, believing the attempt to pass it then, under all the circumstances, ill-judged and precipitate. But I do not know a man of those who did so vote, whose motives I do not believe as pure as my own, or as those of the President himself, and I trust, so long as the charge exists, my humble but sincere testimony will survive to combat it.

Again: In his annual message he seems to consider the bank as constantly engaged in corrupting the people and their representatives. "In this point of the case, the question is distinctly presented, whether the people of the United States are to govern, through representatives chosen by their unbiased suffrages, or whether the power and money of a great corporation are to be secretly exerted to influence their judgment and control their decisions. It must now be determined, whether the bank is to have its candidates for all offices in the country, from the highest to the lowest, or whether candidates on both sides of political questions shall be brought forward as heretofore, and supported by the usual means."

Sir, this charge explains the extraordinary course of conduct the President has pursued. The President believes that two-thirds of the last Congress were, or would have been, corrupted by the bank, and apprehends that the like result will be produced on the present Congress. To prevent the success of a bare majority, in relation to the deposites, he removed them before Congress assembled, under the idea that a new act of legislation would be necessary, and to that act his assent must be required, and would be refused. In other words, dreading the corruption of Congress, he intrenched himself behind the veto. And now, pursuing the same course of policy, to prevent the effect of action by a corrupt Congress, as he calls them, there is reason to believe that he meditates procuring a difference between the two Houses, and then adjourning them to such time as he thinks proper. When that will be, no one will presume to guess. There have been illustrious examples for such a proceeding, both by those who had and those who had not the legitimate power. The example of Charles encouraged the audacity of Cromwell, as the example of Cromwell is now held up to the imitation of the President. What have we in the official or semi-official gazette of Friday last? Alluding to certain Senators of the United States, the paper through which "the Government" communicates with the people, holds this language:

"These great constitutional lawyers are understood to hold, that, in case the Senate disagree from the House of Representatives, the popular branch is not only to bend to them, but the Executive is not authorized to interfere, and must bend also to such a modest Senate, unless Congress happened at that session to have been specially convened by the Executive.

"In this way, not only the other powers of the Government can, by this federal construction doctrine, be set at defiance, but the people be burdened with the maintenance of the honorable Senate here, for bank purposes, through the dog-days, and, indeed, till, like a Rump Parliament of old, they become the scoff and scorn of the country."

That this is not mere bravado, every one who hears me has some reason to suppose. The existence and extent of the power in question has been for sometime eagerly discussed in conversation. A design to use it has been twice or thrice charged on this floor, and not denied by any friend of the administration. When the gentleman from Massachusetts [Mr. ADAMS] adverted to it, he was replied to, but the design was not disclaimed. Sir, the same justification can be made now that was made then and since. Charles accused his Parliament of sedition. Cromwell taxed his with corruption; and Napoleon charged the Council of Five Hundred with violations of the constitution. Wherever a representation of the people existed, the first step of a usurper has been to bring it into contempt. In modern times, sheep-skin, lead, and lamp-black, sometimes suffice for this purpose. When that is effected, steel will do the rest. "Hear these prating idiots, comrades," says the future Cæsar, "they dare to threaten your general. They intend to usurp all power. They declare themselves perpetual. Down with the tyrants." The hall is cleared in an instant by the soldiery, and the protector of the people's liberties, pointing to the Speaker's mace, says, "Take away that bauble!" Such is the brief history of many revolutions. Upon what did Cromwell ring the changes of complaint? That "many eminent persons," the "great constitutional lawyers" of that day, "had said there was no safety for the country but in the continuance of this Parliament." When Lucien quitted the chair of the Council of Five Hundred, to throw himself on horseback by the side of Napoleon and harangue the troops, he invented the fable so often since repeated, of daggers raised against the general. "Those robbers," said he, "are no longer the representatives of the people, but the representatives of the poniard."

We have had our poniard story too.

How great the difference between the beginning and the end of a revolution. When Louis ordered the States General to separate, and his grand master of ceremonies reminded them of the order, what was the indignant answer? "Slave! go tell your master we are here by the voice of the people, and we will not go hence but at the point of the bayonet." Our revolution began sooner, and has outlived that of France. Does it approach its end? Have we, indeed, then, come to this, that two successive Congresses of the United States have been stigmatized with corruption, and a forced adjournment threatened? Sir, if this charge and this threat do not rouse the spirit of the American people, the republic exists no longer. It has found a master.

The elections of the city of New York, and the State of Virginia, alone stand between us and the dictatorship. Great exertions are making to persuade the Old Dominion that this question touches nothing but the bank. If she believes it.——But no! She cannot--she will not believe it--Who shall so deceive her? It is a question of liberty or slavery. She sees it--she feels it--she will treat it so. Rending the shackles of party distinction--bursting even the ties of personal attachment; casting from her with disdain the glittering toys of place and power, she will fling her spotless, glorious banner to the wind, and, trampling in the dust the prostrate form of arbitrary power, wake every mountain echo in the land to her shout of triumph, "*Sic semper tyrannis.*"

But it has been said, and will be said, The money of the nation is in the selected banks; it will do no good to remove it; will you not provide for its safe-keeping there? I answer frankly, No! I will not consecrate usurpation by law. They have seized upon the treasury. Unless we, its constitutional guardians, can restore it to its safe and proper depository, let them keep it till they can be impeached. If tyranny will not rouse the people, ruin will.

One word to constitutional dissidents. They who say the deposites should not be restored because the bank is, in their opinion, unconstitutional, make an alleged violation of the constitution by Congress the justification of a palpable infraction thereof by the Executive. The proposition they maintain amounts to this: "Stealing stolen goods is not theft."

We are promised that the State banks shall answer all the ends of Government as fiscal agents, as well or better than the Bank of the United States. The President and Secretary have, indeed, nothing to do with the currency, (though the President promised us a good one,) and Congress ought to have nothing to do with it, except as to the coin. So say the committee. But when the entire control of the currency is surrendered to the State banks, they will voluntarily take such care of it, and manage it so well, that there will be nothing further to desire. Before I give credence to the second series of the prophecies of Amos, I must believe the first have been accomplished. Several months since, some epistles, containing *esoteric* precepts for the church in Philadelphia, were exposed to the public eye as other mysteries have lately been. What said they?

"When you consider that the public moneys in the bank were about $9,868,000; that their sudden withdrawal would probably carry with it $3,000,000 out of the private deposites, now amounting to $8,000,000; that the bank has now to pay two or three millions of the three per cents. deferred in Europe; and that, upon so extensive a curtailment of business, many millions of its nineteen millions in circulation must soon return upon it; you will perceive that sudden withdrawal of the public moneys would at once destroy it. Yes, sir, this boasting giant is now but a reptile beneath the feet of the Secretary of the Treasury, which he can crush at will. It exists by his forbearance, and will for the next forty days; and great forbearance will it require to save it from destruction.

"But do not suppose the bank will be permitted to pursue a hostile course towards the State institutions, and thereby produce that pressure which it is the policy of the administration to prevent. Manifestations of such a course on the part of the bank will undoubtedly be met by a commensurate transfer of the public money, which shall make the bank the first to feel the consequences of its own policy.

"Thus has this haughty institution been brought to its knees at the first step of the State banks. But the result of a necessity forced upon it by the foresight and energy of the new Secretary of the Treasury is now, with characteristic impudence, set down to the account of its own liberality and forbearance."

So much for the Apocrypha of Amos. What have we in the last political epistle of Andrew?

"I am happy to know that, through the good sense of our people, the effort to get up a panic has hitherto failed, and that, through the increased accommodations which the State banks have been enabled to afford, no public distress has followed the exertions of the bank; and it cannot be doubted that the exercise of its power, and the expenditure of its money, as well as its efforts to spread groundless alarm, will be met and rebuked as they deserve."

Now, it is admitted there is distress--there is a panic; but the justification is, "all that break" "ought to break."

What is the true state of the case? Congress retained the entire control over the place of deposite: original, when in session; appellate, when the Secretary decided, for urgent causes, in the recess. His reasons were to be submitted to Congress, that they might approve or disapprove. If they approve, they will proceed to designate another fiscal agent; if they disapprove, no further act of legislation is necessary. There is an existing law. If there is no approval of the reasons of the Secretary, for suspending the performance of his duty under it, the duty is to be resumed as usual, that law being in full force. Who does not perceive that, if the Secretary, acting under the order of the President or otherwise, were to restore the public deposites to the Bank of the United States to-morrow, all would go on as heretofore, in relation to the intercourse of the bank and the Treasury? The 16th section, then, is not repealed. How, indeed, could the Secretary repeal it? If it is not repealed, unless both Houses of Congress concur in pronouncing his reasons sufficient, it is his duty to restore them. If he does not, he takes the responsibility, and, so far as my vote is concerned, I will hold him to it.

In removing the deposites, the Secretary of the Treasury acts as the special agent of Congress, to whom, for short periods in the recess, they have delegated a part of their power, which they cannot then use themselves, to be employed, according to a sound discretion, in the event of some extraordinary exigency, and under an accountability to them. It is analogous to the power sometimes given to the President of suspending the force of certain laws, in the event of particular occurrences. The law is not repealed, and, unless the act of the Executive, in suspending it, is confirmed, it remains in full force.

The committee, by some strange fatality, for which it is not my province to account, seem destined never to recommend a decision of the questions which they argue, and never to argue the questions which they decide. Thus they have decided against the constitutionality and expediency of the Bank of the United States, which they have not argued; and they have argued in favor of the reasons of the Secretary, which they do not call on Congress to decide. They shun putting before this House the simple, naked proposition, "the reasons of the Secretary are satisfactory;" and they place before it a resolution that "the Bank of the United States ought not to be rechartered." We all understand this, sir. It is a piece of generalship to throw forward the strong wing and reserve the weaker; and, if a majority of this House move according to mere party tactics, they will wheel and face, as the order of the day requires. But if, as I hope, and would fain believe, they regard the interests of their country before even their party allegiance, will they not pause and inquire, "Why should we vote on this proposition?" The bank is not before us asking a recharter; we do not know that it wants one; we know the President says he will never sign one. What use is there in saying we won't grant one? Such a declaration won't bind our successors; why should we volunteer to bind ourselves? "The Government" very naturally wishes to commit us; but why should we suffer ourselves to be committed by those whose maxim it is not to commit themselves? If the deposites must not go back, let the administration go on with its scheme of State banks. Let us see how it will work. If that fails, let them try a specie currency if they like; but if that too fails, let us at least have still behind one experiment which has been tried and has not failed--one measure upon which we can act untrammelled. This would seem to me the natural and proper course; but, as it might be said that I sought to shun a question which I am perfectly ready to meet, as there is a portion of the House who believe the reasons of the Secretary unsatisfactory, and yet think the bank ought not to be rechartered, and as my only choice of modes is to enable every gentleman to vote upon the precise proposition on which he wishes to vote, I do not move to lay the first resolution on the table. I prefer having a vote upon the distinct question of the sufficiency of the Secretary's reasons, the very question which was referred to the committee; the question which the committee have elaborately argued, and which it becomes the House distinctly to decide. The remaining questions presented by the report, without the tediousness of a formal examination, have been incidentally discussed. The propriety of continuing the deposites in the State banks, by the condition of the country, the currency, and those banks themselves; the proposed inquiry into the causes of the distress, by a select committee, was once offered by myself, and voted down by the gentleman at the head of the committee and his friends. It is now proposed to connect it with other topics, the obvious effect of which is to increase the public alarm, and to give color to the charge of corruption, so that Congress may adjourn and the experiment may proceed.

We are told this "experiment" will not be abandoned whatever may be the consequences, until it has been tried and fails.

And what sort of experiment is it? The President has the agriculture, commerce, manufactures, and constitution of the country, with a large portion of the fortunes and happiness of twelve millions of people, in his crucible. It is on the subterranean fire of the palace, and we can all discern through the smoke, what alchemyst it is that promises to extract a metallic currency out of misery and ruin, and to restore the golden age. The cries of the wretches whose substance is consuming in this witches' caldron, are drowned by the attendant spirits in bursts of mocking laughter, mixed with taunts and bitter irony. One gibbering elf traces a caricature upon the walls, and calls it "panic day." A voice of unearthly music, sweet and scornful as the accents of archangel ruined, sings in the sufferers' ears, the scoffing exhortation, "Groan, sinners, groan!" while the guardian angels of the Treasury, unable to be heard amid the din, hold up a mighty scroll labelled "Bank investigation."

DOCUMENTS REFERRED TO BY MR. WILDE IN THE PRECEDING SPEECH.

Extracts from that part of Mr. Dallas's report, entitled "*II. A view of the fiscal measures during* 1816."

In various communications from this Department to Congress, the injurious effects of the suspension of payments in coin, upon the administration of the finances, have been anxiously represented. For the immediate object of the present statement it is proper to repeat some of them.

1. The Treasury has been compelled to accept the payment of duties and taxes in the local currency of the respective places of payment.

The comparative value of the local currencies appeared, in some degree, to render this course of payment unequal; but the alternative was either to adopt it, or to abandon the hope of collecting the revenue in any convertible medium, for satisfying the public engagements. The rule was, therefore, declared that the Treasury would receive and pay, in the notes of banks circulating at par, at the respective places of receiving and paying. For a time, the test of the fact, that the notes did circulate at par, was the agreement of the banks employed as the depositories of the revenue, to credit them as cash in the Treasurer's accounts. But when the principal banks withdrew that accommodation, and refused to credit as cash any bank notes but those which they had themselves respectively issued, the fact of the circulation at par was necessarily left to its own notoriety, and to the official responsibility of the collectors. Few notes, except the notes of the local banks, continued to circulate at par; and such as did so circulate were received by the banks upon special deposite, for safe-keeping: constituted a discredited fund, upon which the Treasurer could only occasionally draw.

The operation of this measure was, undoubtedly, severe in many of the collection districts; particularly in the States where the banks, preparing for the resumption of coin payments, had so reduced the issues of their paper as to render the circulating amount insufficient for the demand. But it was not in the power of the Treasury to dispense with the general rule. If notes not circulating at par had been received in one district, they must have been received in every district; and there existed no mode of discriminating between notes to be received and notes to be rejected, either as to the bank or the place at which they were issued. The inevitable consequence must have been, that the duties and taxes would every where be paid in the most depreciated paper; and that the medium thus received, could never be employed to discharge the demands upon the Treasury even at the places of receiving it. The revenue would accumulate in the Treasury, only to perish there; while the expedient of substituting Treasury notes to meet the public engagements led to an indefinite augmentation of the national debt.—Pp. 6, 7, 8.

Again, pp. 9, 10.

3. The Treasury has been involved in the difficult and delicate task of designating the medium in which the warrants drawn by the heads of Departments should be respectively paid.

The revenue is collected throughout the Union, but the amount of the collection is very different in different places; and it has happened, not unfrequently, that the demand for payment was the greatest when the means of payment were the least.

4. The Treasury has been compelled to increase the number, and extend the range of banks employed as the depositories of the public revenue, with consequences unavoidably inconvenient and injurious.

As soon as the differences of the current value of bank notes were introduced, and particularly when one bank refused to credit, as cash, a deposite of the notes of another, the Treasury was driven to a choice of expedients; that is, either to take the hazard of the accumulation of masses of revenue in the hands of the individual collectors and receivers, or to recognise as places of deposite the banks (being, however, banks of unquestioned solidity,) established in the districts which were most affected by the course of exchanges. Many powerful reasons led to an adoption of the latter measure; instructions were issued to the collectors and receivers to act accordingly; and the number of banks thus necessarily employed by the Treasury, from Maine to Louisiana, may be stated at ninety-four.

To the inconveniences incident to this multiplication of the places of deposite, was added the complexity inevitably arising from the various kinds of paper in circulation as money, upon some of which minute calculations were required. Generally speaking, the Treasury has with each bank four accounts:

An account of cash, meaning (in the absence of coin) the local currency.

An account of special deposites of bank notes, being notes issued by banks, other than the depository.

An account of special deposites of Treasury notes, bearing interest.

An account of deposites of small Treasury notes, not bearing interest.

Owing to this untoward condition of the machinery for the collection, custody, and distribution of the revenue; to the great extension of the business of receipts and expenditures; and to several accidental causes; the punctual statement and settlement of the Treasurer's accounts have not been found practicable.

* * * * * * *

The successive attempts made by this Department to relieve the administration of the finances from its embarrassments, have been ineffectual.

There was no magic in a mere Treasury instruction in the collectors of the revenue, which could, by its own virtue, charm gold and silver again into circulation. The people, individually, did not possess a metallic medium, and could not be expected to procure it, throughout the country, as well as in the cities, by any exertion, unaided by the banks. And the banks, too timid, or too interested, declined every overture to a co-operation for reinstating the lawful currency. In this state of things, the Treasury, nay, the Legislature, remained passive. The power of coercing the banks was limited to the rejection of their notes in the payment of duties and taxes, and to the exclusion of their agency in the custody and distribution of the revenue; but the exercise of that power would not generate a coin currency, although it would certainly act oppressively upon the people, and put at hazard every sum of money which was due the Government. Until, therefore, a substitute was provided for the paper of the banks, it would have been a measure of useless and impolitic severity towards the community, to insist that all contributions to the expenses of the Government should be paid in a medium, which, it is repeated, the community did not possess, and could not procure.

* * * * * * *

The result of the proceedings of the last session of Congress has justified the opinion, and realized the hope, which were formed. The establishment of the Bank of the United States will open the sources of a uniform currency, independent of the State banks; and, as the people will be thus supplied with a medium which can be used for every public and private purpose, the peremptory requisition of the resolution of Congress, for the collection of the revenue in the lawful money of the United States, after the 20th of February, 1817, becomes at once just, politic, and practicable.

As soon as it appeared, upon a reasonable calculation, that the subscription to the capital of the Bank of the United States would be filled, a proposition was offered to the consideration of the State banks, for commencing the payments of small sums in coin on the 1st of October next, upon the principles which, with the approbation of all the members of the administration, were stated in the report made to the President on the 24th of June, 1816. The terms of the resolution of Congress seemed, indeed, to require from the Treasury Department an effort to facilitate the restoration of the lawful currency, even before the 20th of February, 1817; and, short of a general return to that currency, nothing was thought more likely to be acceptable and useful than the proposition in question. But the effort has failed. The State banks, with few exceptions, have deemed a partial resumption of coin payments inexpedient; and the banks of the Middle States, (New York, Pennsylvania, and Maryland,) have intimated that the 1st of July, 1817, will be the proper period for resuming the banking operations on the basis of a metallic capital.

The rejection of the Treasury proposition is regretted. Upon principle, there is no good reason why a debtor should not pay a part of his debts, although he cannot pay the whole; nor why he should refuse to pay his small debts, because he cannot pay the large. Upon experience, banks (for instance, at this epoch, the Bank of England,) have been in the practice of paying coin for their notes of a low denomination, while they refused that kind of payment for notes of a high denomination. And upon policy, it is clear, that the payment of small notes in coin would soon beget confidence in bank paper of any amount; and, consequently, render a general payment in coin easy and safe.

The quantity of small notes abroad; the probability of a run through that medium upon the banks; and all the terrors which bankers and brokers may feel or imagine, will furnish no argument against the proposition for a partial resumption of coin payments, at this time, which will not be more forcible against a general resumption, at all times. But it is impossible to pass from disease to health without some suffering; and the banks cannot expect to recover from the disorders of the present banking system without encountering risks and impairing profits. The rejection of the proposition has, however, constrained the Treasury to limit its exertions to preparatory arrangements, for the general collection of the revenue in the lawful currency, after the day prescribed by the Legislature.

B.

Extracts from the reports of the Delegates of the citizens of New York, Philadelphia, and Baltimore, relating to their interviews and conversations with the President.

NEW YORK COMMITTEE'S REPORT.

The New York delegation addressed him: "You are aware, sir, that we are a delegation from mechanics and artisans of the city of New York, to make known to the Government the pecuniary difficulties under which the citizens are laboring at the present time." "Well, what do you want? What would you have me do? What do you come here for? Why don't you go to the United States Bank? Go to Nicholas Biddle!" His manner was agitated, expressing impatience and anger. We replied, that we were not authorized to make application to the bank, but to the Government, for an amelioration of our sufferings. To which he replied: "I have been applied to by committee after committee, from New York, Philadelphia, Baltimore, and New York again; one, two, five, seven, and you are the eighth. I have dealt openly and candidly with all; you have seen the committee from your city—they could tell you my determination. I told them, and I now tell you, I never will restore the deposites; I never will recharter the United States Bank, or sign a charter for any other bank, so long as my name is Andrew Jackson."

His energy and his anger increased as he continued to speak. We replied, that we did not come to ask the recharter of the United States Bank, but merely to declare that our complaints did not orignate in fiction; and to request from the Government the adoption of some system which might tend to restore mercantile confidence. He asked, "How am I to do that?" We replied, that we were not instructed to dictate to the Government what to do; but we looked upon the want of a good understanding between the President and the bank, as the great cause of our present embarrassment. At this he became excessively agitated, rose from his seat, and shaking his finger in an earnest and threatening manner, said "In what way have I produced it?" To which we replied, "You informed Congress, in your official communications, that you did not believe the bank was solvent; that it would not be able, on winding up, to pay all demands against it." The President replied, "I did so, and say it now; it will not pay all; it is a corrupt and abominable institution, buying up presses, and interfering with elections throughout the country. It has violated its charter repeatedly." We answered, that the business portion of the citizens of New York, we believe, view it in a different light; but, if the bank has violated its charter, the laws point out the proper course to be pursued. Here his excitement assumed an extraordinary shape, his whole frame trembling with agitation. "Well," said he, "have I not pursued lawful measures?" We answered, that the charter authorized the President to issue a *scire facias*, but we believed that course had not been pursued. He answered, in a vehement manner, "It may be, however, before the affairs of the bank are wound up."

He became too angry now to hope for any good growing out of further conversation. One of our committee, with a hope of appeasing his extreme irritation, said to him, in the kindest manner, "May it please the President, we have been particularly instructed by those whom we represent, not only to present our memorial to both Houses of Congress, but to state, personally, to the Executive our grievances, and ask the wisdom of the Government to devise some method for our relief." But the President continued, "Why am I teased with committees? Here I am receiving two or three anonymous letters every day, threatening me with assassination if I don't restore the deposites, and recharter the bank; the abominable institution—the monster that has grown up out of circumstances, and has attempted to control the Government; I've got my foot upon it, and I'll crush it." (The Globe lay before him on the table, containing some of the letters referred to.) He continued: "Am I to violate my constitutional oath? Is it to be expected that I am to be turned from my purpose? Is Andrew Jackson to bow the knee to the golden calf, as did the Israelites of old? I tell you, if you want relief, go to Nicholas Biddle." We replied, "Nicholas Biddle will tell us that he is but following the recommendations of the Executive in winding up the affairs of the bank, by curtailing its discounts." The rage of the President now increased, if possible, to a degree which we shall not attempt to describe. He continued, "Did I advise him to interfere with elections, and corrupt the morals of the people? Did I advise him to withdraw thirty-five millions from the purchase of inland bills of exchange in the Western country? I tell you, I am opposed to all banks and banking operations, from the South Sea bubble to the present time. The Israelites, during the absence of Moses to the mount, made a golden calf, and fell down and worshipped it; and they sorely suffered for their idolatry. The people of this country may yet be punished for their idolatry. Let the United States Bank relieve the community by issuing their notes, and I pledge myself that the State banks shall not oppress it."

PHILADELPHIA COMMITTEE'S REPORT.

He told the committee of delegates from Philadelphia:

1. That application for relief must be made to the Bank of the United States and not to him; that whatever distress existed in the community (and he believed there was some distress) had been caused by the bank, which was hoarding its specie and curtailing its discounts in order to crush the State banks and compel the Government to abandon its policy. That the Executive had no power to relieve the distresses of the community, but that the stockholders of the bank might effect that object by electing directors who would conduct its affairs honestly and on principles of Christian benevolence.

2. That the present directors of the bank had violated its charter by giving to the president the whole power of the bank; a power to use its funds without voucher or receipt. That such a power in the hands of one man was dangerous to the liberties of the country, and had been used to destroy the elective franchise. That the president of the bank, if an honest man, would not have accepted a trust so unlawful. That for these reasons he regarded the bank as a monster of corruption, which he was determined to put down. That a bank so using its powers ought (as he repeatedly expressed it) to be robbed of those powers.

3. That the law creating the Bank of the United States, was, in his opinion, unconstitutional. That no power to create a national bank was conferred, or intended to be conferred, by the constitution. That the provision by which Congress was authorized to regulate the currency, had reference only to domestic and foreign coin, and not to paper of any description.

4. That, having made up his mind irrevocably upon all these points, Andrew Jackson never would restore the deposites to the bank—Andrew Jackson would never recharter that monster of corruption; that neither persuasion or coercion, not the opinions of the people, nor the voice of the legislature, could shake his fixed determination; that sooner than consent to restore the deposites or recharter the bank, he would undergo the tortures of ten Spanish inquisitions; that sooner than live in a country where such a power prevailed, he would seek an asylum in the wilds of Arabia.

5. It was announced by the President that he meant to continue the present system of collecting the revenue by the State banks until the experiment had been fully tried, and at all events, until the expiration of the charter of the United States Bank; that he had no doubt of the success of the experiment, nor that the State banks would answer all the purposes of the country; that he would furnish the country with as good, nay, a better and more solvent currency than that of the national bank; that he had early foreseen and provided against the inclination of the Bank of the United States to crush the State banks, and that his interposition alone had saved them from ruin; that he would continue to protect the State banks by all the means in his power.

6. The President admitted that considerable distress had followed the action of the Government in relation to the deposites. He had never doubted that brokers and stock speculators, and all who were doing business on a borrowed capital, would suffer severely under the effects of the measure, and that all such people ought to break.

BALTIMORE COMMITTEE'S REPORT.

"General, you are, no doubt, aware that this committee has the honor to be delegated by the citizens of Baltimore, without regard to party, to come to you, sir—the fountain head—to make known the distressing situation of the currency of this country, and respectfully to ask, from you, relief"——

"Relief, sir!"—interrupted the President, in a tone of excitement—"Come not to me, sir!—go to the monster! Did not Nicholas Biddle come here, sir, and, on his oath, swear before a committee, that, with six millions in his vaults, he could meet the wants of the whole people? And now—when he has wrung more than ten millions from the people—he sends you to me for relief! It is folly, sir, to talk to Andrew Jackson. The Government will not bow to the monster!"—

"Sir," said the chairman, the "currency of the country is in a dreadful situation. The State banks have not confidence in each other; they cannot give trade the facilities required. I have recently travelled to and from the Falls of Ohio to Baltimore, and can assure you, sir, I have heard but one opinion on this subject. We are your friends—not politicians. I have always been, up to the present moment, a decided friend of your administration." Here the President, in a very angry tone of voice, interrupted the chairman, by saying—

"Sir, you keep one-sided company. Andrew Jackson has fifty letters from persons of all parties daily on this subject. Sir, he has more and better information than you, sir—or any of you. Andrew Jackson published his opinion in September last. I am surprised that you should thus talk to me, sir! It is folly: you would have us, like the people of Ireland, paying tribute to London, that already gets a large amount annually from this country, extorted from the laboring part of the community. The failures that are now taking place are amongst the stock-jobbers, brokers, and gamblers, and would to God, they were all swept from the land!—it would be a happy thing for the country."

"Sir," said the chairman, "all my experience goes to show that there is no money more cheerfully paid by the merchants and people of this country, than interest—

bank interest—not such interest as they now pay—say two and a half per cent. to collect a sight draft drawn in Baltimore or Pittsburg."

"Sir," replied the President, "I had, last night, any amount of money offered me on good security, by a gentleman from New York, at six per cent. They are, sir, men who have overtraded that are now pressed. The real capitalists of the country felt the pressure last September and October, when the monster first put the screw down. Did not the monster draw from the South and West, last fall, thirty-five millions? For what, sir? To oppress the State banks in your city, Philadelphia, New York, and Boston. But Andrew Jackson foresaw what they were about, and met them. Sir, I could have destroyed the monster in thirty days—but the President would not do it. Not wishing to bring distress upon the people, Andrew Jackson invited a compromise with the mammoth—they would have nothing to do with me, and now, sir, I will have nothing to do with them. The restoration of the deposites is virtually a renewal of the charter—one and the same thing."

The chairman answered—"The people, sir, have not understood the character of the President, if he is unwilling to hear their calls and demands."

Here, in a vehement manner, the President exclaimed, "The people! talk to Andrew Jackson, sir, about the people! the people, sir, are with me. I have undergone much peril for the liberties of this people; and Andrew Jackson yet lives, to put his foot upon the head of the monster, and crush him to the dust."

"Sir," interrupted the chairman, again, "the country has tried your measures; they will not do—they will ruin two-thirds of the good trading men of the country. You haev bled us—we are sick, fainting, and dying, one after another."

"The mammoth, sir," replied the President, in a violent rage, "has bled you! When I put him down, sir, the other moneyed institutions will meet all the wants of the people. It is folly in the extreme to talk to me thus, sir. I would rather undergo the tortures of ten Spanish inquisitions than that the deposites should be restored, or the monster be rechartered."

"Sir," said the chairman, "as there is no general relief to be had, direct the public money now in the State bank, in our city, back to the branch of the Bank of the United States and they will at once give Baltimore relief."

"Talk not to me, sir, about your branch!" exclaimed the President—"Did they not send in nine thousand dollars of their illegal bills or checks to the bank, the first day? Let them make another move on the board, and Andrew Jackson will check-mate them. Let them turn the screw again, and I will make them feel the power of the Executive, by returning on them ten millions of dollars of their illegal checks now in circulation."

"I hope, sir," said the chairman, "you will be able to demonstrate how the country is to pay upwards of 50,000,000 of discounted paper, now due to the Bank of the United States, with a metallic currency but little over 20,000,000."

The answer was—"Go, go to the monster! and only the other day, sir, what did the monster do? Disputed with the Executive the right to the pension fund!" At this time the President had grown into such a rage, that no object was to be gained by attempting to prolong the discussion, and as several of the delegation had already manifested their wish and their impatience to close the conference, the members of the delegation withdrew.

C.

REDUCTIONS OF THE UNITED STATES BANK.

We subjoin a statement, to which we ask particular attention. After the outcry which has been made at Washington, we confess that we did not think that the United States Bank had made a reduction of discounts so small in proportion to the public and private withdrawal of deposites.—*U. S. Gazette.*

Bank of the United States,
March 5, 1834.

At a meeting of the board of directors held this day, Mr. Eyre, from the committee on the offices, presented the following report, which was read:

The committee on the offices having now ascertained, by an experience of several months, the progress in the reductions in the business of the bank, ordered by the board on the eighth of October last, avail themselves of the monthly returns from the bank, and all its offices, made up for the month of March, to present a statement of those reductions.

The design of the board in directing them, was to protect the institution, and to provide the means of paying the deposites of the Government, so as to press with as little injury as possible on the community. How far that purpose has been accomplished, will be seen from the following statement of the amount of loans, deposites, specie, and circulation of the bank from the 1st of October, 1833, to the 1st March, 1834.

1833.	Discounts.	Domestic Bills.	Total.	Public Depos.	Private Depos.	Total.	Specie.	Circulation.
Oct. 1	42,226,275 42	17,867,927 51	60,094,202 93	9,868,435 58	8,008,862 78	17,877,298 36	10,663,441 51	19,128,189 57
Nov. 1.	41,062,813 94	16,147,790 44	57,210,604 38	8,232,311 18	7,285,041 88	15,517,353 06	10,342,160 46	18,518,000 57
Dec. 1.	38,780,567 49	15,672,537 18	54,453,104 67	5,162,260 63	6,827,173 10	11,989,433 73	9,818,529 25	18,650,912 99
1834.								
Jan. 1.	38,609,069 46	16,302,392 24	54,911,461 70	4,230,509 63	6,734,866 06	10,965,375 69	10,031,237 72	19,208,379 90
Feb. 1.	37,544,252 82	17,298,720 82	54,842,973 74	3,066,561 72	6,715,312 60	9,781,874 32	10,523,385 69	19,260,472 90
Mar. 1.	37,381,131 86	18,786,698 00	56,167,829 86	2,604,233 62	7,343,129 92	9,947,363 54	10,385,439 15	18,523,189 00

From this statement, it will be perceived, that from the 1st October to the 1st March, the total reduction in the line of local discounts' was	$4,845.143 56
While there has been an increase in the domestic bills of	918,770 49
Making the total reduction of loans	3,926,373 07
During the same period, the reduction of the public deposites was	7,264,201 96
And of private deposites	665,732 86
Making a total reduction of deposites	7,929,934 82
During the same time, the specie of the bank has diminished	278,002 36
And the circulation of the bank	605,000 57

The comparison of the two periods will be more obvious from the following tabular statement:

	Loans.	Deposites.	Circulation.	Specie.
October 1, 1833,	60,094,202 93	17,877,298 36	19,128,189 57	10,663,441 51
March 1, 1834,	56,167,829 86	9,947,363 54	18,523,189 00	10,385,439 15
	3,926,373 07	7,929,934 82	605,000 57	278,002 36

The general result of the operation of the bank, during the last five months, have been—

1st. That the reduction of the loans has not been, by upwards of four millions of dollars, as great as the reduction of the deposites; and

2d. That the withdrawal of nearly eight millions of dollars of those funds on which the bank had based its accommodations to the community, has not yet been followed by a reduction of accommodations equal to one-half of the amount of funds thus withdrawn.

3d. That, from the 1st of January to the 1st of March, the increase in the line of domestic bills amounted to nearly two millions and a half of dollars.

4th. That, during the same period, there has been an actual increase in the total loans of the bank of $1,256-363 16.

The committee cannot regret the smallness of this reduction during the last five months, nor even the actual increase of its loans since the 1st of January; because both have arisen from the strong desire of the bank to give every relief to the community consistent with its own safety. But they cannot forbear to express their deliberate conviction that these reductions are much less than are required for its security during the present unsettled state of the currency, and that it has now become the duty of the bank gently, but steadily, to diminish the amount of the claims upon it, by continuing to lessen its business.

Whereupon, on motion of Mr. Newkirk, the following resolution was unanimously adopted:

Resolved, That, as much apprehension appears to exist throughout the country in regard to the reduction of the loans of the bank since the removal of the public deposites, the foregoing report be published for general information.

Extract from the minutes.

S JAUDON, *Cashier.*

D.

Extracts from the letters of Mr. Duane, late Secretary of the Treasury.

* * * "My commission bore the date of May 29th, 1833, and, on the 30th, I reached Washington. After waiting upon the President, on the next day, I went to the Treasury Department, and took the oath of office, on the 1st of June. On the evening of that day, Mr. Reuben M. Whitney called upon me at my lodgings, at the desire, as he said, of the President, to make known to me what had been done, and what was to be done, in relation to the United States Bank. He stated that the President had concluded to take upon himself the responsibility of directing the Secretary of the Treasury to remove the public deposites from that bank, and to transfer them to State Banks; that he had asked the members of the cabinet to give him their opinions on the subject; that the President had said, "Mr. Taney and Mr. Barry had come out like men for the removal;" that Mr. McLane had given a long opinion against it; that Mr. Cass was supposed to be against it, but had given no written opinion; and that Mr. Woodbury had given an opinion, which was "yes" and "no;" that the President would make the act his own, by addressing a paper or order to the Secretary of the Treasury; that Mr. Amos Kendall, who was high in the President's confidence, was now preparing that paper; that there had been delay, owing to the affair at Alexandria; but, no doubt, the President would soon speak to me on the subject; that the paper referred to would be put forth as the proclamation had been, and would be made a rallying point; that he (Mr. Whitney) had, at the desire of the President, drawn a memoir, or exposition, showing that the measure might be safely adopted, and that the State banks would be fully adequate to all the purposes of Government. He then read the exposition to me, and, as I desired to understand matters so important, and so singularly presented to me, I asked him to leave the paper with me, which he accordingly did. He also read to me divers letters, from individuals connected with State banks. The drift of his further observations was to satisfy me that the Executive arm, alone, could be relied on to prevent a renewal of the United States Bank charter."

* * * * * * * * * * *

"On the next evening, (Sunday,) Mr. Whitney again called upon me, in company with a stranger, whom he introduced as Mr. Amos Kendall, a gentleman in the President's confidence, and who would give me any further explanation that I might desire, as to what was meditated in relation to the United States Bank, and who then called on me because he was about to proceed to Baltimore. I did not invite or check communication. Very little was said, and perhaps because I did not wholly conceal my mortification at an attempt, apparently with the sanction of the President, to reduce me to a mere cipher in the administration."

The next morning, (June 3d,) I waited upon the President, and, as I had been apprized by Mr. Whitney would be the case, he soon introduced the subject of the bank. I stated that Mr. Whitney had made known to me what had been done, and what was intended, and had intimated that his communication was made at the President's desire. The President replied, in a tone of dissatisfaction, that it was true he had conferred with Mr. Whitney, and obtained information from him as to the bank, but that he was not his confidant, nor had he told him to call on me. *I enumerated the representations which Mr. Whitney had made, and their correctness was admitted.* I said I feared that I should not be able to see the subject in the light in which the President viewed it; to which he remarked that he liked frankness, that my predecessor and himself had sometimes differed in opinion, but it had made no difference in feeling, and should not in my case; that the matter under consideration was of vast consequence to the country; that, unless the bank was broken down, it would break us down; that, if the last Congress had remained a week longer in session, two-thirds would have been secured for the bank *by corrupt means; and that the like result might be apprehended at the next Congress;* that such a State bank agency must be put in operation, before the meeting of Congress, as would show that the United States Bank was not necessary; and thus some members would have no excuse for voting for it.

"My suggestions as to an inquiry by Congress, as in December, 1832, or a recourse to the Judiciary, the President repelled, saying it would be idle to rely upon either; referring, as to the Judiciary, to decisions already made, as indications of what would be the effect of an appeal to them in future. After mentioning that he would speak to me again, before he departed to the eastward, he said he meant to take the *opinions* of the members of the cabinet with him, but would send them to me from New York, together with his *views*, and would expect me, on his return, to give him my sentiments frankly and fully.

"On the 5th of June, I had a brief conversation with the President, in the course of which, as at all other times, I do him the justice to say, he emphatically declared that his views were altogether public-spirited. He concluded by saying—'Remember, I do not wish any body to conceal his sentiments; I give you my views, you give me yours; all I ask is, that you will reflect with a view to the public good.'

"The President left Washington on the 6th of June. During his absence, further circumstances came to my knowledge, which induced me to believe that the removal of the deposites was not advocated with any view to public utility, but urged to accomplish selfish, if not factious, purposes. I sought no intercourse with those who, I felt satisfied, had an undue influence over the President, at least in relation to the grave questions connected with the removal of the deposites. Whenever any of them called on me, there was no hesitation in urging me to accord in the proposed measure. It was contended that the removal of the deposites would be made a rallying point, at the opening of Congress, or a flag up, for the new members. Whenever I urged a recourse, in the first instance, to Congress, or the Judiciary, such a step was scouted, and delay represented as hazardous."

E.

BANK NOTE TABLE.

Corrected by J. K. Goodman & Co., 34 Wall street.

March 14, 1834.

U. S. Bank and branches,	Par.

NEW YORK.

Jefferson Co. Bank—Adams,	1¼ dis.
Chenango Bank, Norwich,	1¼ dis.
Bank of Albany, under $20,	¾ *a* 1 dis.
Commercial Bank, Albany, under $50,	¾ *a* 1 dis.
Mohawk Bank, Shenectady,	¾ *a* 1 dis.
Troy City Bank,	¾ *a* 1 dis.
Merchants and Mechanics', Troy, under $100,	¾ *a* 1 dis.
Ulster County Bank,	½ dis.
Bank of Geneva,	1 dis.
Steuben County Bank,	1 dis.
Orange County Bank, Goshen,	½ dis.
Central Bank, Cherry Valley,	1¼ dis.
Auburn Bank,	1¼ dis.
Ontario Bank, Canandaigua,	1¼ dis.
Utica Bank,	1¼ dis.
Ithaca Bank,	1¼ dis.
Rochester Bank,	1¼ dis.
Monroe Bank, Rochester,	1¼ dis.
Lockport Bank,	1¼ dis.
Genesee Bank,	1¼ dis.
Bank at Ogdensburg,	1¼ dis.
Wayne County Bank, Palmyra,	1¼ dis.
Bank of Lansingburg, under $50,	1¼ dis.

CANADA.

Upper Canada, York,	5 dis.
Montreal and Quebec banks,	4 *a* 5 dis.

CONNECTICUT.

Union Bank, New London,	½ dis.
New London Bank, New London	½ dis.
Bridgeport Bank,	½ dis.
Norwich Bank, under $5,	⅝ dis.
Thames Bank,	⅝ dis.
Fairfield County Bank,	½ dis.
East Haddam, Windham, and Jewit City Banks,	¾ dis.
All other banks in the State,	¾ dis.
Eagle Bank, New Haven,	Broken.
Derby Bank,	Broken.

RHODE ISLAND.

Citizens' Union Bank, Scituate,	⅝ dis.
All other banks in the State,	¾ dis.

MASSACHUSETTS.

Housatonuck Bank,	¾ dis.
Adams Bank, Adamsville,	2 dis.
Sutton Bank, Wilkinsonville,	5 dis.
All other banks in the State,	¾ *a* 1 dis.
Farmers' Bank, Belchertown,	Broken.

MAINE.

Winthrop Bank,	10 dis.
All other banks in the State,	¾ *a* 1 dis.
Bath Bank,	No sale.

NEW HAMPSHIRE.

Exeter Bank,	¾ *a* 1 dis.
All other banks in the State,	¾ *a* 1 dis.

VERMONT.

Bank of St. Alban's,	– dis.
All other banks in the State,	1 dis.

NEW JERSEY.

Newark Banks, $5 and over,	Par.
Trenton Banking Company, under $5,	¾ dis.
State Bank at Camden,	¾ *a* 1 dis.
Cumberland Bank, Bridgeton,	¾ *a* 1 dis.
Mount Holly Bank,	¾ *a* 1 dis.
Sussex Bank, under $10,	¾ *a* 1 dis.
State Bank at Morris, under $5,	¾ dis.
Morris Canal and Banking Company,	¾ dis.
Union Bank, Dover,	¾ dis.
Mechanics' Bank, Paterson,	¾ *a* 1 dis.
People's Bank, Paterson,	½ dis.
Commercial Bank, under $10,	½ *a* ¾ dis.

PENNSYLVANIA.

Banks in Philadelphia,	¾ *a* 1 dis.
Erie Bank,	2 *a* 2½ dis.
Bank of Chester County, Chester,	¾ *a* 1 dis.
Bank of Delaware County, Chester,	¾ *a* 1 dis.
Farmers' Bank, Lancaster,	¾ *a* 1 dis.
Harrisburg Bank,	1 *a* 1¼ dis.
Norristown Bank,	1 *a* 1¼ dis.
Easton Bank,	1 *a* 1¼ dis.
Germantown Bank,	1 *a* 1¼ dis.
Northampton Bank,	1 *a* 1¼ dis.
Lancaster Bank,	1 *a* 1¼ dis.
Farmers' Bank, Bucks County,	1 *a* 1¼ dis.
York Bank, Little York,	1½ dis.
Gettysburg Bank,	1½ dis.
Chambersburg Bank,	1½ dis.
Carlisle Bank,	1½ dis.
Bank of Pittsburg,	1½ dis.
Reading Bank,	1½ dis.
Brownsville Bank,	5 dis.
Newhope Bank,	1½ dis.

DELAWARE.

All banks in the State,	1 *a* 1¼ dis.

DISTRICT OF COLUMBIA.

Bank of Columbia,	25 dis.
All other banks in the District,	1½ dis.
Merchants' Bank of Alexandria,	No sale.
Franklin Bank of Alexandria,	No sale.

MARYLAND.

Baltimore banks,	1¼ dis.
Port Deposite Bank,	1½ dis.
All other banks in the State,	1½ dis.

VIRGINIA.

Bank of Virginia and branches,	2 *a* 2½ dis.
Farmers' Bank of Virginia and branches,	2 *a* 2¾ dis.
Bank of the Valley and branches,	3 *a* 3½ dis.
N. W. Bank of Virginia, Wheeling,	4 dis.

NORTH CAROLINA.

State Bank and branches,	2½ *a* 3 dis.
Newbern and Cape Fear Bank,	2½ *a* 3 dis.

SOUTH CAROLINA.

Charleston banks,	2½ dis.

GEORGIA.

Bank of Augusta,	2½ *a* 3 dis.
State Bank, Savannah,	2½ *a* 3 dis.
Planters' Bank, Savannah,	2½ *a* 3 dis.
Bank of Darien,	5 dis-

OHIO.

Bank of Chillicothe,	6 *a* 7 dis.
Bank of Marietta,	6 *a* 7 dis.
Bank of Muskingum,	6 *a* 7 dis.
Farmers and Mechanics' Bank of Steubenville,	6 *a* 7 dis.
Lancaster Bank,	6 *a* 7 dis.

Bank of St. Clairsville,	6 *a* 7 dis.
Bank of Mount Pleasant,	6 *a* 7 dis.
Western Reserve Bank,	6 *a* 7 dis.
Commercial Bank, Lake Erie,	1½ dis.
ALABAMA.	
Mobile Bank,	5 *a* 6 dis.
Tombigbee Bank,	50 dis.
LOUISIANA.	
New Orleans banks,	3½ *a* 4 dis.
MISSISSIPPI.	
Natchez Bank,	6 dis.
MICHIGAN.	
Bank of Michigan,	2 dis.
Farmers and Mechanics' Bank, Detroit,	2 *a* 2½ dis.

NEW ORLEANS PRICES—OCTOBER and FEBRUARY.

"On the 1st day of October, cotton varied in value from 16½ to 18½ cents; on this day ranges from 8½ to 13 cents. On the 12th of October, a sale of sugar was made by auction at 8½ cents; and this day it is quoted, notwithstanding a crop diminished one-third under the crop of last year, at 5 to 7¼ cents. Molasses, same day, was sold at 27 cents per gallon; this day it is quoted at 23 cents. Flour, on the 1st day of October, was about $6 per barrel; now, $4. Whiskey, then at 32 cents; and now, at 26 to 27 cents. New Orleans stocks have suffered a like, or a greater, depreciation. In New York, on the 28th of September, New Orleans Canal Bank sold $114; City Bank, $111; Commercial Bank, (10th of December,) $106; Mechanics and Traders' (10th of December,) $106. In New York, at our last dates, New Orleans Canal Bank stock was sold at $94½; City Bank, $97½; Commercial Bank, $94½; and of the Mechanics and Traders' there were no sales. On the 28th September, bills on London were at 7½ per cent. premium, and have since been reduced to one per cent. below par."

WEDNESDAY, MARCH 19.

Mr. ELISHA WHITTLESEY, from the Committee of Claims, reported the following resolution, viz:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of providing, by law, for referring all claims for buildings burnt and destroyed by the enemy during the late war, because they were in the military occupation of the United States, by the order of an officer, or agent of the United States, as places of deposite, or as barracks, to the Third Auditor of the Treasury Department, on principles that have been heretofore prescribed in the settlement of such claims; and that they further inquire into the expediency of providing, by law, for the settlement of all claims arising from the loss of property in the military service of the United States, by contract or employment, and for horses lost during the late war; also, during the war with the Seminole Indians; and the late war with the Indians, commanded by Black Hawk, on such principles as have heretofore been prescribed in such cases.

Mr. W. stated, in support of the resolution, that it was the opinion of the committee that its adoption would essentially conduce to the promotion of the ends of public justice. He adverted to an appropriation, which had been made in 1826, of $250,000, to pay for buildings owned by private individuals, which had been destroyed by the enemy, in consequence of their occupation by troops of the United States as barracks, or as depositories of arms and military stores. He explained the reason why the Commissioner of Claims had not acted on these cases, which was understood to be a limitation as to time in their presentation. Mr. W. contended that no such limitation should be interposed, but that the claims ought to be acted on without delay. The adoption of such a measure as was proposed, would relieve the committee from an oppressive load of business, and would lead to a just decision between the Government and the claimants.

The resolution was agreed to.

PUBLIC DEPOSITES.

The consideration of Mr. MARDIS's resolution on the deposites, being the unfinished business of the morning,

Mr. BURGES resumed the floor, and continued the course of his remarks in opposition to the resolution until one o'clock, when they were again cut short by the expiration of the morning hour.

The House then proceeded to the order of the day, which was the report of the Committee of Ways and Means on the letter of Mr. Taney, when

Mr. WILDE again took the floor, and continued and concluded his speech in support of the amendment he had offered to the committee's report, declaring the reasons given by the Secretary insufficient and unsatisfactory. The whole of which is given entire in the preceding pages.

The House, then, on motion of Mr. PINCKNEY, adjourned.

THURSDAY, MARCH 20.

Mr. CLAY, from the Committee of Public Lands, reported a bill to authorize the construction of railroads and canals through lands of the United States. The bill was read twice. Mr. C. said he did not desire to have this bill committed; he desired only to have it printed and laid on the table for the present. Agreed to.

Mr. C. also reported a bill making grants of land to disbanded officers and others, for services during the late war; which was read twice; and he then moved to have it committed to the Committee of the Whole on the state of the Union.

Mr. MASON, of Virginia, objected to its commitment to any but the usual committee for such subjects—the Committee of the Whole House.

Mr. WILLIAMS said that bills as interesting as this had been referred to the Committee of the Whole House.

Mr. CLAY said the bill had been reported at the instance of various Legislatures of the Union. He wished to have its consideration insured during this session; for which purpose he moved its reference to the Committee of the Whole on the state of the Union.

Mr. MASON considered that this was in its nature a private bill; he could not, therefore, see any reason why precedent should be given to it over all others. He moved its commitment to the Committee of the Whole.

Mr. CLAY remarked that although the bill should be sent to the committee which he desired, yet it did not follow that it would have any preference given to it, unless it should be the pleasure of the House to take it up.

After a desultory conversation, in which Messrs. WILLIAMS, MILLER, and CHILTON participated,

The bill was referred to the Committee of the Whole House.

PUBLIC DEPOSITES.

The House then took up the unfinished business of the morning, which was the consideration of Mr. MARDIS's resolution on the deposites; when

Mr. BURGES once more addressed the House in opposition to the resolution, and held the floor until the expiration of the morning hour, when his remarks were suspended.

The House then proceeded, at one o'clock, to the orders of the day, viz: the consideration of the report of the Committee of Ways and Means; when

Mr. PINCKNEY, of South Carolina, rose and addressed the House: He began by asking the permission of the House to address it in relation to the subjects now before it. Other gentlemen have been permitted to occupy the floor for hours, and he hoped, therefore, the House would indulge him in a few observations. I assure the House (said Mr. P.) I would not have asked this indulgence, nor would I have obtruded at all upon their patience, were it not that certain gentlemen who have spoken on this subject have gone out of their way to denounce the political party to which I am attached, and to attack the State of which I have the honor to be a delegate. The House will recollect, for instance, that the honorable member from Virginia, [Mr. Patton,] who spoke in opposition to the resolutions of the Virginia Legislature, not only animadverted severely upon the conduct of the Governor and Legislature of his own State; but took occasion, in the course of his remarks, to censure what he was pleased to call the rashness and precipitancy of South Carolina, in acting as she did in relation to the tariff, and to inform us that, if she had only acted with prudence and discretion, much better terms would have been granted her by the administration party than those she obtained by the compromise bill. Now, sir, before I proceed to comment upon this matter, I take the liberty to deny and protest against the right of that gentlemen, or the right of this House, to sit in judgment on the ordinance of South Carolina, or the conduct of the convention by which that ordinance was adopted. The people of South Carolina are not answerable to him, nor to this House, nor to this Government, for any of their proceedings in reference to that, or to any other subject on which they may deem it expedient to legislate; nor can I perceive that there was any such natural or necessary connexion between the Virginia resolutions respecting the deposites and the conduct of South Carolina in relation to the tariff, that the gentleman could not have attacked the one without stepping aside to assail the other. But as the gentleman has assailed my State, and without a shadow of provocation being given to him, I consider it my duty to show, as I shall do, that his remarks are utterly unjust and untenable. It is at such a time, and upon such an occasion as this, however, that I feel most sensibly the loss of that talented and distinguished friend, [Judge Bouldin,] whom we recently followed in mournful procession to the grave, and for whom Congress did all that even Congress could do, in paying to his memory the gorgeous and imposing, but idle and unavailing honors of the dead. Sir, were he now alive, South Carolina would not have required one of her own delegates to defend her. He would not have called her rash for maintaining her rights and sovereignty in the manner that she did. He would not have called her rash for acting on the principles of Jefferson and the doctrines of Virginia. He would not have censured her precipitancy in standing up, as she did, not only for her own rights and honor, but for the interests and liberties of the whole Southern region of the Union. No, sir, he would no more have thought of assailing South Carolina than he would have thought of dragging his own honored and beloved Virginia to the bar of this House, for having dared to raise her voice in resistance to Executive usurpation, or of attempting to ridicule her Chief Magistrate for having dared to express the pleasure he feels at the noble stand that that renowned Commonwealth has taken in the great cause of liberty, or for having simply expressed a hope that she would be supported in that stand by those who have the honor to represent her in the Legislature of the Union. On the contrary, he would have thrown himself in the breach, and he would have sustained South Carolina here, as he had sustained her elsewhere. Sir, permit me to pay a passing tribute to his memory. He was a Southerner who was devoted, heart and soul, to Southern rights and liberties. He was a Virginian worthy even of Virginia in her proudest days. He was a State-rights man, who well understood his principles, and acted up to the principles he professed--a successor of Randoph, who filled even Randolph's seat with honor. Yes, sir, the mantle of Randolph had descended on him; and he fell, even here, in the House of the people, advocating the cause of the people, and with the inspiring name of Randolph on his lips. It is a remarkable fact, that, in almost the very last conversation I had with him, he told me of a speech which he delivered to his constituents soon after the adjournment of the last Congress, and in which he defended South Carolina against the very charges now brought against her by his colleague. Would he were here to defend her again. But he is gone forever; he has followed his illustrious predecessor to the tomb. But, though neither of their voices will ever again be heard on this floor, maintaining the great principles of constitutional liberty, we have yet the consoling reflection that the same spirit which animated them glows in the heart and glistens in the eye of the illustrious Commonwealth that gave them birth; and that, if we now behold Virginia, like a bereaved mother, dropping a tear for them, we behold her also, like a proud republic, hurling defiance in the teeth of tyranny, and standing up firmly and immoveably for those great principles for which they lived and died. This, then, is the great difference between the honorable member and myself; that, whilst he censures South Carolina, I admire and revere Virginia. I revere her, not only as the illustrious mother of a host of illustrious men, but as the great mother country of republicanism--as the political school in which South Carolina learnt her principles--principles, sir, which were her pillar of cloud by day, and her pillar of fire by night, and which led her through a long and desperate, and most unequal conflict, to the full restoration of her rights, and the complete attainment of all the objects for which she had contended. But, it is said, she acted rashly. What idea of rashness that gentleman has I know not; but, if South Carolina was guilty of rashness and precipitance, I should like to know what constitutes prudence and deliberation. When did she act, sir, and how did she act? Did she nullify the protective system the moment it was passed? Did she do it without petitioning or remonstrating against the injustice and oppression under which she labored? No, sir! Had she done this, she might have been justly liable to the imputation of precipitance. But it is notorious that her people repeatedly petitioned, year after year, and that her Legislature not only frequently remonstrated, but solemnly protested against the continuance of the system. And what was the consequence? Why, every one knows that the petitions of the people, and the protests of the State, were utterly disregarded; that every application for relief was only answered by an augmentation of their burdens; and that the more they struggled the more their oppressions were increased, until at length, after ten years of unavailing effort, the system was consummated by the passage of the memorable act of July, 1832. And, sir, when that act was passed—when the cup of their humiliation was filled to overflowing, and the work of their political enslavement and pecuniary ruin was complete—would the gentleman have had them still fold their arms in apathy, and submit, without an effort, to a state worse than colonial vassalage and degradation? Would he have had them petition again, to be laughed at and despised? Remonstrate again, only to have had additional burdens and indignities inflicted? Sir, what possible hope remained of a relaxation of their chains? What possible prospect had they that Congress would yet consider their situation, and do them justice? Were they not told distinctly that the act of 1832 should never be altered, or, if altered at all, should only be modified to suit the views of the manufacturers? Were they not told by the leaders in both Houses that the protective system was the settled policy of the country—that it was fixed and irrevocable; and that the people of the South must and should submit to the will of the majority?

Were they rash, then, in acting, when not to have acted under such circumstances would have been to have sealed their fate forever, and to have doomed themselves and their posterity to slavery? And who are the men that are thus charged with rashness? Sir, let me tell that gentleman that a more enlightened and patriotic body than the State convention of South Carolina never assembled in any portion of this Union! They were men, sir, not only of the most enlarged and comprehensive minds, but patriots, deeply imbued with the love of freedom, and worthy of the rights which their fathers had bequeathed them. They did not act rashly. No, sir; they acted firmly, coolly, and deliberately; they understood their situation well; they saw the dangers that impended; they knew the peril of the step they were about to take; but, sir, they had calmly counted the cost of all that might ensue, and they willingly staked their lives and fortunes on the issue, because they knew nothing so intolerable as voluntary slavery! And is such a body as that to be charged with rashness? And upon what ground, sir? Why, says the gentleman, if South Carolina had not acted so precipitately, better terms would have been granted her by the administration party than those she obtained by the compromise bill! Better terms, sir! And what are they? She has got all that she wanted, and what more could she desire? She desired the abandonment of the protective policy, and the protective policy will be abandoned. She desired that the duties should be reduced, and they are to be reduced from one hundred per cent. and upwards to twenty per cent., and may be brought down even below that amount. She desired the relinquishment of specific duties, and of the odious principle of minimums, and they have been relinquished. She desired the establishment of a uniform system of ad valorem duties, and the act provides that it shall be established. She desired that the revenue should be limited to the necessary expenditures of the Government, and the act provides that no more revenue shall be collected than is absolutely necessary for an economical administration of affairs. It is true there are exceptionable features in the act, such as the cash duties and the new-fangled principle of the home valuation. It is true, too, that time, abundant time, is given for the gradual reduction of the duties; but she gave it cheerfully. She is perfectly satisfied with the principles of the bill, and has no desire, nor ever had any, to injure the manufacturers by the sudden prostration of the system. No, sir; she has obtained every thing for which she contended, (and here permit me to say, that though the compromise was unquestionably owing to the action of South Carolina herself, yet she is by no means insensible to the merits and exertions of the distinguished statesman who introduced that bill,) and although she suffers still, and will continue to suffer for several years to come, under the operation of the protective policy, yet she is content to suffer, looking forward to the day which will soon roll round, when that odious system will finally expire, and the great principles of free trade and equal rights be firmly established on its ruins. And what better terms than these would have been granted by the administration party? Did not the President emphatically declare, in his message of 1832, that the abandonment of the protective policy was neither to be expected nor desired? Did he not call upon the tariff States, in his proclamation, to arm him with authority to coerce Carolina to submission? What hope, then, could we have had in him of a satisfactory adjustment of the contest? And where, then, were the better terms of which the honorable member speaks? Were they in Mr. Verplanck's bill? Why, sir, it is notorious that Mr. Verplanck's bill was in every respect more objectionable to the South than the compromise act; and, not only that, but it is also well known that, bad as it was, it met no favor from the administration party; that they clogged it with amendments which would have insured its rejection by the State, and that, had it not been for the Senator from Kentucky and his friends, in all probability no adjustment of the controversy would have been effected. What does the gentleman mean, then, by his better terms? Does he mean that, if South Carolina had not acted at all, the President might have recommended, and his friends might have sanctioned, a more favorable modification of the system? Sir, the gentleman may believe this himself, but I am sure there is no one else who does. Who was it that fixed the tariff on the South? Who passed the act of 1832? Was it not the administration party? And if they would not give us better terms to save the country from civil war, is it presumable that they would have done so if the State had quietly submitted to the system? The thing is impossible. The idea does not admit of argument. It is only necessary to state it, and every one sees at once that it carries its own refutation on its face. But, sir, even admitting the possibility that such might have been the fact, let me say to that honorable member, that South Carolina does not hold her rights of the President, and had no idea of begging them from him. She neither asked nor cared what he might do, or what he might not do. She held her destinies in her own hands, and did not look to him for favor or protection. She holds the President to be the servant, not the master of the States. She had no idea of going to the palace, like the committees from the people of the North, to lay her grievances at the foot of the throne, and to be treated with contumely and contempt. No, sir; the people of South Carolina do not beg the President for their rights and liberties; they speak to him as freemen should to a public servant, by their acts and resolutions, not by humble petitions and supplicating deputations. And here permit me to express the pleasure I feel at having perceived that the cities of the North have determined to send no more committees with humble petitions to the President. The proper chord has at length been touched. They knelt at the throne, and have been treated with contempt. They bowed lowly, and begged humbly, and they have been trampled in the dust. Their eyes are now opened; they now see and feel their situation; they now see that if they wish relief, they must relieve themselves; that if they would be free, they must themselves strike for their freedom, and not beg it of a man. And now they speak as freemen should. They no longer huzza for Jackson, right or wrong, but give "hearty cheers for the constitution and the laws." They no longer lie down quietly, like the poor worshippers of Juggernaut, and allow the President to crush them at his pleasure, but they have risen, like men, solemnly determined to stop the progress of oppression. This is as it should be. Let the people hold to this—let them act in this manner, and this spirit, and in their liberties are safe!

Sir, the honorable member to whom I have alluded, addressed the House at considerable length, and with earnestness and eloquence, against the resolutions adopted by the General Assembly of Virginia. Here, then, is another point of difference between him and myself. He opposes the proceedings of his State upon this important subject, and differs, it would seem, from the great body of the people of Virginia. I have the pleasure, on the contrary, to concur upon this subject with the great body of the people of South Carolina. It is well known that South Carolina is divided into two political parties, between whom there is a wide, and, I fear, an irreconcilable difference of opinion respecting the relative rights and powers of the Federal and State Governments; but, upon this question, I believe there is little or no difference of sentiment amongst them. The removal of the deposites is universally condemned from the seaboard to the mountains, and both parties desire their restoration. I know, at all events, that this is the case in the district which I have the honor to represent. The people of my district have spoken upon this subject. They met together, without reference to party--nullifiers and unionists assembled harmoniously, for the first time for years, and have made common cause against a common usurpation. They all denounce the conduct of the President in the most unequivocal and decided terms; and it is a source of great gratification to me to know, as I do, that, upon this subject, at least, I represent the feelings and sentiments, not of this party, or of that, but of all my constituents. It seems, however, that though they are singularly unanimous in favor of restoring the deposites, they scrupulously avoided saying any thing as to the constitutionality or the recharter of the bank. They acted judiciously in doing so. The two parties are as much divided upon these points as upon any other whatsoever. Had those topics been introduced, the meeting would necessarily have been drawn into a contest respecting them, and they very prudently determined, therefore, not to embarrass a subject upon which they all agreed, by the introduction of others upon which they differed. Their silence, however, by no means leaves me at liberty to follow their example. Efforts have been made, and still continue to be made, by the organs of the administration, to create an impression in the public mind that all who vote to restore the deposites are secretly friendly to the recharter of the bank. Now, sir, I take leave to say that, as regards myself, and I believe I can answer for my political associates generally, this imputation is utterly unfounded. I sincerely believe that Congress has no constitutional competency to establish a national bank, and I shall, therefore, assuredly oppose the recharter of the present bank, or the establishment of any similar institution, as long as the constitution remains unaltered. I will not argue the constitutionality of the bank, but I may be permitted just to say that, independently of all other objections, there is one view of that subject that is perfectly conclusive to my mind, and that is, that there is not only no substantive authority in the constitution to incorporate a bank, nor any specified power from which it can fairly be deduced, but that it is well known that propositions to confer the power were repeatedly made, and repeatedly rejected in the federal convention. It is manifest, then, that Congress cannot incorporate a bank, as exercising a substantive power, without a palpable assumption of authority; still less can they do it, as incidental to the execution of the revenue power, without involving the absurdity that, under the mere pretext of executing a granted power, they may assume and exercise another and equally important power, which was not only not granted, but expressly prohibited by the framers of the constitution. I will not deny that the present bank has been eminently serviceable to the Government and country. I will not deny that it has been of eminent utility in collecting and disbursing the revenue, in equalizing exchanges, in promoting the fiscal and commercial operations of the country, and in establishing a currency which, for uniformity, stability, and purity, may well challenge the admiration of the world. But while I freely concede to the bank all the advantages that have been claimed for it by its friends, I cannot consent "to do evil that good may come." It may be true that, if the present bank be abolished, some Government substitute may be established in its stead, or, what is still more probable, that the Government deposites will continue as they are, in the local banks, and the country be subjected to all the inconveniences and embarrassments which will necessarily result. But what then? Are we to sacrifice our principles to views of expediency, or even to the pressure of necessity? Shall we consent to one violation of the constitution for the purpose of averting another and a greater? Sir, our situation is painful and peculiar. We see the distress that universally prevails, and we hear the cries of our people from every quarter of our Union. Most willingly would we relieve them if we could. But we have solemnly sworn to support the constitution, and, believing as we do, that Congress has no shadow of authority to incorporate a bank, we dare not disregard the solemn obligation of an oath. If, indeed, the constitution could be so amended as to confer the power upon Congress to incorporate a bank, reserving to the States the right to admit or reject the location of branches within their respective limits, the State-rights party might then be favorable to the establishment of such an institution. The question then would be entirely a question of expediency; and, as there can be no doubt that the necessities of the country require a bank; that the people, generally, earnestly desire a bank; and that they infinitely prefer the existing bank, or one of the same description, to any possible substitute that either has or can be devised; so the State-rights party would then be at liberty to consult the wants and wishes of the people, untrammelled by constitutional scruples or restrictions. But be this as it may, this question is not now before us; and I have only made these remarks to obviate any apparent inconsistency between my views in relation to the bank, and the vote I shall give upon the main proposition respecting the deposites.

Sir, there is a very wide difference, I apprehend, between the recharter of the bank and the restoration of the deposites; and, therefore, opposed as I am to the bank, I cannot be insensible to the injustice that has been perpetrated on it. Gentlemen, indeed, have argued that it is useless to restore the deposites unless the bank is to be rechartered. I differ from them most decidedly; I think that the relief which will be afforded will be efficient now, and that the people will be enabled to accommodate themselves to the state of things which may occur when the charter of the bank shall have finally expired. But, sir, whether the relief be great or small, permanent or temporary, I hold it to be our duty to extend it to the people; and particularly when this pecuniary relief is coupled, as it is, with the restoration of their political rights. In voting to restore the deposites, we strike for a suffering community and a violated constitution: both lie low and bleeding at a tyrant's feet; and it is our duty, if possible, to resuscitate both. This is the light in which this subject is regarded by my constituents—my generous and patriotic constituents--who are as ready and as willing now to aid their Northern and Western brethren against the oppression which they now are suffering, as they were, a year ago, to nullify the tyranny which was then fastened on themselves. Let it not be supposed, however, that my constituents do not suffer, or that they have felt nothing of that tremendous blow which was levelled alike at all the commercial cities of the Union, and under which many of them are now staggering and reeling, as if suddenly assailed by some mortal stroke. No, sir; the city of Charleston has suffered, and suffered severely; and not only this, but the people there look forward with horror and alarm to the still greater scenes of suffering which may yet befall them—when the waters of bitterness, that are now boiling and raging in New York and Philadelphia, shall have spread like a deluge over every other portion of the Union—and spread they must, and spread they will. There is no power or skill in the Treasury Department, or its favored banks, by which the progress of these evils can be arrested. As the heart is to the human system, so are those great commercial emporia to the Union at large; whilst they go on with activity and vigor, they communicate health and prosperity far and wide; but stop their action, destroy their energy, and a general paralysis must necessarily be produced, first in one then in another, until it reaches the very extremities of the Union. Appalling as the prospect is, however, the people of Charleston do not view this subject exclusively in reference to its effect upon the currency, or upon the agricultural and commercial interests. No, sir; injured as they may be in their properties, and anticipating still greater injuries from the persistance of the administration in its wretched and infatuated course, they still look upon this subject in a higher and more elevated point of view. They look upon it as they did on the protective tariff, as a question involving the sacred principles of constitutional liberty. They look upon it, not to see how deeply it affects their pockets, but how deeply it has affected the constitution and the laws; and they call upon Congress, as the representatives of the people, to restore the deposites—not for the purpose of sustaining the bank, nor merely of averting pecuniary evils or disasters, but because it is the only means by which they can rebuke the encroachments of the Executive on the Legislative department of the Government; because it is the only means by which they can cut the unhallowed union of the purse and sword in the hands of a single man; because it is the only means by which they can teach the limited Chief Magistrate of this great republic that, however he may desire to act the part of Cromwell, the people are not yet ready to hail him as the Lord Protector of their liberties!

In the remarks I propose to offer, I shall confine myself principally to the political considerations connected with this question; and this I shall do, not only because the grounds upon which I go for the restoration of the deposites are entirely political, but because the financial, commercial, and other grounds have been already ably and thoroughly discussed by my distinguished colleague, [Mr. McDuffie,] and by the able members from Pennsylvania and Connecticut, [Messrs. Binney and Huntington,] and by other gentlemen who have addressed the House. I shall, therefore, trouble the House with no remarks respecting the three per cents., in relation to which they have triumphantly vindicated the bank from the charges alleged against it. Nor shall I say any thing respecting the protested bill on France, further than to remark that the conduct of the bank in that transaction was strictly consistent with mercantile principles; that, in demanding damages of the Government, it not only did what it had a right to do, but what the Government itself has always done to others; that, if the Government has suffered any injury, the fault was its own, in demanding payment before it had ascertained that the Government of France was prepared to pay; and that it has poorly endeavored to palliate its own misconduct by charging the bank with an attempt to injure the credit of the Government, and to enrich itself at the expense of the people. This charge, indeed, is exactly of a character with that respecting the expansion and contraction of its discounts. The bank, in 1831, extends its discounts to accommodate the wants and supply the exigencies of the country; no notice is taken of it for upwards of two years afterwards; but then, all of a sudden, the suspicion of the President is excited; the bank is operating powerfully upon popular opinion, and, to punish it for its audacity, the deposites are removed. The bank, thus shorn of a large portion of its strength, now acts upon the common principle of self-preservation, and curtails its discounts. This constitutes another sin, for which it must be punished; its very sufferings are turned into faults. It is held responsible for the consequences of the very blow of which itself was designed to have been the victim; and every effort is now made to persuade the people that the public distress has been produced by it. The truth is, the administration is deeply mortified at the failure of its plan. The shaft which was aimed at the bank, has not only missed its victim, but it has pierced the very vitals of the country; and, whilst every other bank is tottering and trembling on the verge of a precipice, the very bank which it was intended to destroy, stands firm and immoveable, laughs at the dagger, and defies its point.

And here, let me ask, is there a parallel, in any country upon earth, to this extraordinary attack of the President upon the United States Bank? Is there on record a war like this, waged by the Executive of a Government against a government bank—against an institution in which the Government itself was the largest stockholder; upon which it depended to collect and disburse its revenues; upon which it depended for a considerable portion of its income; whose notes were made exclusively receivable in the payment of government dues; and which is admitted, on all hands, not only to have been perfectly safe as a depository of the public funds, but to have been eminently advantageous as a fiscal agent of the Government? And whence all this hostility? Why this most unprecedented attack by the Executive upon an institution so highly important to the Government? Why, but to gratify personal and political hostility; to destroy a company which differed politically from him, and had even dared to refuse to support his re-election! And was this Government made, sir, to minister to the passions, and to gratify the antipathies of a single man? Or will the people permit laws and charters to be trampled in the dust, that he may execute his vengeance upon those whose only crime is the monstrous audacity of thinking for themselves? But let me not be misunderstood; I am no advocate of the bank; I stand not here to examine its conduct, or to vindicate its character. It is perfectly immaterial to me whether the charges brought against it by the President are grave or frivolous, true or false. The only question is, Who was the proper judge of its conduct, or who had a right to punish it, supposing its conduct to have deserved to be punished? The President asserts that he is that judge; and he has not only passed, but executed sentence; and the consequence has been that gentlemen appear to have regarded this question almost entirely as a contest between the administration and the bank, and have ranged themselves accordingly under their respective banners. Nay, to such an extent has this feeling been carried, that some, who cannot approve the removal of the deposites, and who actually intend to vote for their restoration, have yet favored the House with impassioned appeals in support of the administration, thus condemning it themselves by their votes, and yet laboring to persuade others to support it. But, sir, this is not a mere contest between the administration and the bank. If it were, I would look on quietly, utterly regardless of the issue; for what would it be to me, which of two usurpations might overcome the other? No, sir, it is a contest between the President and the constitution—between the President and Congress! It involves the great question, whether the Executive shall be allowed to arrogate and exercise the whole power of the Government? This is the true and only question. And, as it involves a most arbitrary assumption of legislative power by the Federal Executive, so it involves the tremendous issue now solemnly made up, whether this House will rise in its majesty, as the representatives of a free people should, and roll back upon its source the tide of encroachment which threatens to sweep away its rights, or whether, by tamely acquiescing in this high-handed act, it will quietly consent to lay at his feet the most important power with which the constitution has invested it.

Sir, we live in strange times; and I fear we have fallen upon evil days. The time was, and it is not very long ago, when this was a Government of laws—when Congress legislated, and Presidents confined themselves, as they should do, to the mere execution of the laws. Formerly Presidents submitted to the popular opinion, and the will of Congress, even against their own judgments and opinions. Mr. Jefferson recommended the repeal of the embargo when he found that it was obnoxious to the Eastern States, and Mr. Madison put his signature to the bank act, contrary to his own convictions, in respectful deference to the desire of the people, as expressed by their delegates in Congress. But here we have a President who legislates, judges, and executes, according to his own pleasure and discretion. Does he find an act, or a treaty, or a decision of the Supreme Court, differing from his views upon a subject—instantly he arrests them, no matter how long they may have been of force, upon the monstrous doctrine that he has a right to enforce them or not, according to his reading and construction of the constitution! Does Congress pass an act, no matter by how large a majority, which he dislikes—instantly he puts his veto upon it, and defeats the operation of the public will! Does a State pass a law giving civil remedies to her citizens against what she regards as a system of injustice and oppression—instantly he proclaims her in a state of rebellion against his sovereign authority, fills her shores and waters with mercenary myrmidons, and threatens with the pains and penalties of treason all those of her citizens who may dare to support her authority or to obey her laws! Is a gallant officer of the navy tried, and after a long and severe examination of the charges alleged against him, solemnly acquitted by a competent tribunal—if he does not like the sentence, instantly the acquittal is reversed, and the officer, no matter how gallant and meritorious he may have been, is not only tyrannically cashiered from the service, but stigmatized and insulted in the bargain! Does any individual, holding a federal office, dare to express an independent opinion upon political subjects—instantly he is removed from office, and another, more enlightened or more patriotic, substituted in his place! Is there a poor debtor to the Government, who is known to be utterly insolvent, and who, after many long years of emaciation and misery in a dungeon, has been once more permitted to see the light of the sun, and to breathe the pure air of heaven—instantly another prosecution is commenced, and, like the hyena feeding on the dead, the hapless sufferer, the poor miserable monument of life and death, is again dragged and buried in his living grave! Nor is this all. Not only are these things done by the President, but even the heads of departments, the creatures of the legislative will, and whom the breath of this body could blot from existence in a moment, even they, imitating the fascinating and contagious example of their chief, have assumed the powers of Congress, and undertaken to act as they please upon their construction of the constitution and the laws. Is it not so, sir? Has not the Postmaster General involved the Government in debt near half a million of dollars? Was there any law authorizing him to borrow that amount on the credit of the Government? No, sir; the measure is his own; like his chief, he takes the responsibility! And, if he has a right, without the authority of Congress, thus to involve the Government in debt, may he not go on and involve it still more deeply, and may not every other department do the same, whenever they deem it proper and expedient? And has not the Secretary of War, not only without the sanction of Congress, but in utter defiance of an act of Congress, ordered the Bank of the United States to transfer the books and funds in relation to pensions to another bank, and thus endeavored not only to abolish the agency which Congress had established, but to create another in its place, and this, too, without even the common formality of consulting Congress on the subject. And, in order to sustain this additional attack on the bank, and this most extraordinary assumption of legislative power, have we not now a legal opinion from the Attorney General of which the object is to prove that the act of July, 1832, commonly called the mammoth pension act, and under which millions upon millions have been expended upon pensions, is, in reality, no pension law at all? And, above all, have we not a most grave and learned homily from the Secretary of the Treasury, upon the relative duties and powers of the Congress of the United States and the Treasury Department? Does he not tell us, in his report, that though he removed the deposites for the reasons therein given, yet that he claims the right to have removed them without assigning any reason whatsoever? Congress directs that, in the event of their removal, he shall report his reasons for the measure; that is, he shall specify and explain the proceedings on the part of the bank which compelled him to remove them. But, he says, in reply, it is not necessary that the bank should have behaved improperly, or that the deposites should have been unsafe: it is not necessary that the Government should have suffered, or even anticipated injury from the conduct of the bank; it is not necessary to give financial reasons, or any other reasons whatsoever. I have a right to remove them, whenever, in my opinion, the public interest or convenience may be promoted by the change! Here again we have it. The measure is my own; I take the responsibility. It comes not only from the chief, but the subordinate officers of Government. They all ride rough-shod over the Legislative department of the Government. I am the head of the Treasury, says the Secretary. All the public revenues are at my disposal. Congress may place them in a particular channel if it pleases, but if I do not like that channel, I will transfer them to others. A bank that will not use its influence to support the administration, is of no service to the Government. I will place the revenue in banks which, by sustaining the administration through thick and thin, and subserving the plans and purposes of "the Government," will promote the interest and convenience of the country! And not only this, sir, but he soars still higher, and even censures Congress for having passed an unconstitutional act, and for having established what he denounces as a great moneyed monopoly, dangerous to the liberties of the country, and the purity of our institutions. Yes, sir, he not only assumes the right to remove the revenue from the bank in which Congress had placed it, and to place it in local banks, and to make contracts with those banks, and all this without authority and against the consent of Congress, but he actually tells the Legislature of the Union that he has done all this because he thinks the charter of the bank unconstitutional, and the bank itself a dangerous monopoly! And has it come to this? Shall not only the President, but the Secretary of the Treasury lecture the Legislature upon the characters of laws, and tell us to our faces that he will not be governed by an act in relation to the public revenue which he thinks unconstitutional and dangerous? Sir, there are many good administration men upon this floor who deny the right even of a State of this Union to sit in judgment on the constitutionality of an act of Congress. What do they say, then, to the assumption of this right by the Secretary? Is he the supreme tribunal to decide those matters? Sir, who made him the judge whether the charter of the bank was constitutional or not? Who made him the great conservator of public liberties, or the great regulator of the purity of our institutions? Is it not bad enough when language like this is held by the Executive himself? And is it not utterly intolerable when repeated by a Secretary, and not only repeated, but actually assigned by him as a reason for violating the public faith, and disregarding the declared opinion of this House. Yes, sir; and if this House endures it in the President, it deserves it from the Secretary. If it allows the one to trample it, the weight of the other will make but little difference. Sir, if I must have a master, it boots but little whom I serve, and whether one or many!

Sir, I have already alluded to the efforts that are most disingenuously made to induce the people to believe that all who vote to restore the deposites are secretly working for the recharter of the bank. But there are other efforts, still worse than this, that are also made by the administration press, and that ought to excite the most unqualified reprobation of the people. I allude particularly to the attacks that have been recently made upon the mercantile community. The merchants generally have respectfully petitioned the President to consider the commercial embarrassments of the country, and their deputations have not only been repelled, and in some instances even treated with indignity, but the merchants themselves are now openly and bitterly denounced as having been "always hostile to democracy," and with "being enemies to the people and to public liberty." Sir, I live in a mercantile community—I know the high character and honorable principles of the Charleston merchants well; and, as far as they are implicated in this calumny, I would repel it in the strongest terms, were it not that I cannot condescend to speak of it in the terms it merits. And I would not only repel it as regards them, but I have no hesitation to pronounce it a most unfounded aspersion as regards the great body of American merchants generally. They enemies of the people! They enemies to liberty! Sir, if they deserve these epithets, where will you find republicans and patriots? When has our country ever produced more sterling patriots than your Hancocks, and your Morrises, and a hundred others that might be named? Where was it that the first blow was struck for American independence? Was it not in the commercial city of Boston? Who carried the colonies successfully through the war of the Revolution, and sustained them by their credit and their influence? Was it not the merchants? Who supported the administration during our last contest with Great Britain, and contributed most freely, by their money and their power, to maintain the rights and the honor of our Government? Was it not the merchants? And who are always foremost, sir, in every enterprise and undertaking which has for its object the advancement of our country in any and every element of national prosperity and glory? Is it not the merchants? And is such a body of men as this—so intelligent, so valuable, and who have always shown themselves, in times of national difficulty and disaster, so eminently patriotic—are they now to be denounced, by the official paper of the Government, as enemies to the people and to liberty? And why are they thus denounced, sir? Why, simply because they have taken the liberty to represent to the President that the commerce of the country will be destroyed, and that they themselves are threatened with bankruptcy and ruin, by his inexorable persistance in his present course. Really, it would seem that the administration has not only made war upon the bank, but that it has fulminated a declaration of hostility against almost every valuable portion of our people, and every great and important interest in our country. Is it not so, sir? Is not the language of bitter denunciation held towards all those great classes and interests which have humbly petitioned for redress? Are not your merchants denounced as enemies and traitors to the Government and country? Are not your manufacturers and mechanics told that it is better, far better, that all credit and currency should perish, than that the President should be thwarted in his designs against the bank, or in the great experiment he has now in hand? Are not your planters and farmers—the yeomanry of our country—are they not denounced as "miserable petitioners," and "pot-house politicians?" And as for all that large and enterprising portion of our citizens who operate upon borrowed capital, the very nature of whose business requires bank accommodations, and who are therefore deeply distressed by the forced curtailments of the banks, are they not told plainly, by the President, that it is of very little consequence whether they break or not, and the sooner they break the better? Yes, sir, such is the language that is held, and such the course pursued, by the President and the presses that sustain him—a language, sir, which has never been used to the people of this country by any President before—and a course, I venture to assert, which would be tolerated in no constitutional monarchy in Europe, and which, had it been resorted to in France or England, would have either roused the British to another triumphant struggle for reform, or have produced in Paris another three days' revolution! And yet the conduct of the President is not only tolerated here, but he has even been complimented on his motives. Yes, sir, gentlemen have told us that he has been governed by the purest and most elevated motives; and not only that, but they have also favored us with ardent and impassioned descriptions of his military character and exploits. But what is this to me, sir? What have I, or what have the people, to do with his motives? I do not impeach his motives, but I look to his conduct, and to the constitution and the laws. A man, with the very best motives, for aught I know, may act in a manner calculated to subvert them. It may have been with the very best motives, for aught I know, that Cæsar assumed the imperial purple, and Cromwell dissolved the Parliament of England, as it is rumored that the President intends to dissolve the Congress. And as for his military services, so far as he has rendered service in the field, so far I tender him the most cordial tribute of my gratitude. But, sir, because he gained the victory of New Orleans, is that any reason why he should be allowed to concentre in himself the whole power of the Government? Because he once fought for the liberties of his country, must he therefore now be permitted to destroy them? Would it have reconciled the citizens of South Carolina to butchery and massacre, to have been told that the individual who ordered it was a great military chieftain? Would it satisfy the people of Alabama, to be driven from their homes and despoiled of their possessions, or, in case of murmur or resistance, to be shot down like beasts, to be told that he who ordered it is a man of Roman virtue and integrity? Or will it satisfy the people of this country, that he shall violate the public faith, and destroy all that is valuable in property or dear in freedom, to be told that he has done it with the best intentions? No, sir; I apprehend not. I apprehend they care nothing for his motives, and look only to his conduct and its consequences; though, indeed, if there are any who are exceedingly curious as to the principles of action by which he may be sometimes governed, perhaps they may obtain some information by applying to Mr. Duane, who has characterized the removal of the deposites by five emphatic and comprehensive words; or they may acquire it still better, perhaps, by examining the sentence of the gallant Randolph, or by visiting the dungeon of the unhappy Watkins, or by reading the epitaph of the murdered Owens!

But, sir, perhaps I have no right to speak thus freely. It may be considered disrespectful to "the Government," as a certain memorial from a public meeting was; or I may be told, as the Governor of Virginia has been, that it is highly improper to express an opinion or a wish, unless it be favorable to the measures of "the Government;" or I may be told again, as the House has already been admonished by an honorable gentleman from Tennessee, [Mr. Polk,] that it is high time this subject was terminated, because discussion does no good, and only tends to create excitement in the people. Sir, with all due deference to him, the honorable member is mistaken. It is not discussion here that excites the people, but it is that the distresses of the people have roused them to action, and that the movements, the powerful and majestic movements of the people, are beginning at last to act upon this House. But, sir, even if it was, as the gentleman supposes, that efforts are made on this floor to awaken the people to a just assertion of their rights, where is the harm, or what fault has the gentleman to find? Are not the people injured and oppressed? Would the gentleman have them lie down quietly, and allow the torrent to roll over them, without an effort to avert it? Sir, well may the advocates of power deprecate excitement; for well they know that popular apathy is the very throne of despotism. But I know, too, that the spirit of liberty lives in the storm. Its very element is excitement and agitation. Give me, then, popular excitement, popular effervescence, the very licentiousness of liberty, any thing, no matter what, any thing that strikes for the constitution and the laws, rather than that miserable apathy which will sleep in chains, provided only it is allowed to sleep; that wretched indifference to public affairs which will submit to any and every encroachment on their rights, rather than make one noble and patriotic effort to arrest it. Here, then, in the people's house, I raise my voice in the people's cause; and if I had a voice that could reach every individual in the Union, this is the sentiment I would endeavor to impress upon his heart: that no tyrant ever enslaved a people, unless they themselves were ready for the yoke; and that, of all slavery, that is the most contemptible and the most degraded, where a people, "by tamely submitting to arbitrary power, fabricate themselves the very fetters by which their liberty is manacled." Yes, sir, this is the sentiment I would impress upon their hearts; and if, after that, they chose to submit, and to give up every thing to a single man, I at least will have the proud consolation to know that I have done nothing either to enslave myself or to enslave my countrymen!

And here, sir, with the permission of the House, I would advert for a moment to an honorable member from Virginia, [Mr. Moore,] (with whom, by-the-by, I was so much pleased when he last addressed the House, that I cannot find it in my heart to quarrel with him,) who "exulted," as he said, that "nullification had been destroyed by the proclamation of the President." Sir, does that gentleman remember that nullification is the doctrine of Thomas Jefferson! That it is imbodied in the Virginia resolutions of '98! That it is the great principle for which Mr. Madison contended in his celebrated report! And that it was the glorious banner under which our republican fathers fought, and achieved the great civil revolution that brought Mr. Jefferson and the republican party into power! And does he indeed rejoice at the idea that the doctrines of Jefferson have been put down by Jackson; and that the distinguishing principle and the crowning glory of the Old Dominion have been swept away by a presidential proclamation? But let him not lay this flattering unction to his soul. Nullification has not been destroyed by the proclamation! On the contrary, it has grown and thriven on it. Thousands upon thousands, who before were doubtful, are now convinced. They now perceive that there is no medium between the right of a State to resist oppression, and the concentration of all power in a great central Government; and, flying with horror from the monarchical doctrines of the proclamation, they cling like children to their parent States, and call upon them to save them from the evils of consolidation, and the still more intolerable despotism of a single man. Yes, sir, it has not only confirmed the State-rights party of South Carolina in their principles, but it has made converts to those principles in almost every other section of the Union. Where can the gentleman look and not behold these principles alive and flourishing? What is it that animates so large and powerful a party in the State of Georgia? What was it that roused Alabama, in her late controversy with the Government? What is it that speaks in the election of Mr. Tazewell as Governor of Virginia? What is it that has united the whole South, in solid phalanx, against the removal of the public funds? What is it that is organizing State-rights associations in Pennsylvania, and that every now and then puts forth a voice, the voice of freemen, from Ohio and Kentucky? What is it, sir, but this much-abused Carolina doctrine? And what is that but the great whig principle of our fathers, the right of resistance to unauthorized power? And does the honorable member imagine that that principle is dead—that that spirit is extinct! Nay, sir; why is it that he himself has determined to vote to restore the deposites? Is it not because he considers their removal an act of usurpation? And how is it, then, that he exults at the idea that nullification is destroyed, when he will actually vote with the nullifiers in this important application of their principles? But, so that he does vote with us, he is welcome to the dream that that great principle of liberty is dead; and so too I would say to another honorable member from Virginia, [Mr. Wise,] that as he has also avowed his intention to vote for the restoration of the deposites, he is welcome to denounce the nullifiers, and to charge them, as he has done, with an unholy combination with another party, for the mere purpose of defeating the administration. But, as the gentleman informed us that a definitive treaty of alliance had been concluded between these high contracting parties, may I ask him to tell us when and where it was concluded? And may I also beg him to inform us (if there be really this unholy and insidious combination that he speaks of) how it happens that his name will be found enrolled amongst them? Has he been convinced by their arguments, though he detests their principles? Or does his conscience compel him to assent to their principles, even though he denounced and condemned them in his speech? But enough of this. Gentlemen may rail at our principles, provided they vote to sustain them; and they may proclaim a combination as loudly as they please, provided their own names are found in the list of the condemned. But, sir, let me say to that gentleman, seriously, that, however unintentionally he may have done it, he has done the State-rights party great injustice. There is no union whatever, and there never can be, between them and any other party holding adverse principles. They go for the restoration of the deposites upon the very same grounds upon which they nullified the tariff and resist the force bill. And were all other parties in the country now united to sustain the Executive in his present course, as they were formerly united to sustain him in the passage of the force bill, the nullifiers would still be found at their posts, true to their principles, battling, unaided and alone, to rescue the constitution from the grasp of tyranny, as they may, for aught I know, be found again during this very session, struggling against them for the repeal of the force bill. No, sir, we go for the constitution. If others go with us, well and welcome; we are proud and happy of their company. If not, we shall go alone, and go for the constitution.

And here, while I repel the charge that has been brought against the nullifiers, allow me to say to those who are now, like them, resisting the high-handed conduct of the President in relation to the bank, that I see nothing in it but the natural consequence of the arbitrary principles of the proclamation and the force bill, which they united in applauding and sustaining. Does any man believe that the President would have removed the deposites, but for the passage of the force bill? No, sir. Had that bill be enrejected, it would have taught him prudence; it would have taught him that there was still a constitution, by which he is bound; that there was still a Legislature to which he is amenable. But the passage of that bill, and particularly by so large a majority, told him he might venture upon any thing, no matter what, and that Congress would sustain him. If, then, they are now shocked and horrified at his arbitrary assumption of the public purse, let them remember that they had previously given him the unlimited disposal of the army, the navy, and the treasury, for the coercion and subjugation of a member of this Union. It was but natural that he, who thus had a sovereign State put under him, should indeed imagine himself above the constitution and the laws. It was but natural that he whom Congress had invested with dictatorial authority, should conceive himself at liberty to treat Congress as he pleases. They who gave him unlimited power, should not be astonished that he disdains restriction. They who made him a despot, should not be astonished, however they may be mortified, that a despotism is upon them!

Let me now turn from the gentleman from Virginia to another honorable member from Tennessee, [Mr. PEYTON,] who, why, or wherefore, I know not, has dragged poor South Carolina into this controversy respecting the deposites. The gentleman was answering some remark or other by my colleague [Mr. McDUFFIE] touching a drilled majority; and, in reply to that, he has charged the majority in South Carolina with having passed what he pleased to denominate an odious, tyrannical test act. Sir, I am not sorry that the gentleman has introduced this topic, as it affords me a fair opportunity to explain it. The act alluded to is not a test act. Test acts, properly speaking, are of a religious character; such as those that were passed by the British Parliament in relation to Roman Catholics and Protestant dissenters, and they generally require conformity to a particular religious creed as an indispensable prerequisite to office. I know of nothing of this kind in any State in this Union, except it may be in that provision of the constitution of Tennessee which directs that no individual who disbelieves the existence of the Deity shall be eligible to any civil office under the Government of that State. Now, sir, I neither deny the right of that State to establish this principle, nor do I think the principle wrong in itself; for, most assuredly, no one could regret more than I would, that civil offices should be held by persons who deny the being of a God, or the existence of a future state of rewards and punishments. All that I say is, that the act of South Carolina is not of that description. It imposes no religious test, nor civil disability of any kind. No citizen of South Carolina has been disfranchised, or dispossessed of any right or privilege whatever. All that the act enjoins is, that every citizen elected to an office under the State, shall, before he enters upon the execution of its duties, take an oath of allegiance to the State, and also swear to protect and defend the constitution of the United States. The gentleman is therefore totally mistaken in calling it a test act. He is equally mistaken in supposing that it was adopted by a mere majority. It was adopted by the people in convention. According to the constitution of South Carolina no convention can be called except by a vote of two-thirds of both branches of the Legislature. That convention was called by a vote of three-fourths of both branches of the Legislature, and the convention represented the people nearly, if not entirely, in the same proportion. The requisition of an oath of allegiance, then, was the act of the people assembled in convention, and in their sovereign capacity. Now, does the gentleman mean to imply that a State in her sovereign capacity cannot require an oath of allegiance from her citizens? Or does he mean that it is an act of despotism to require them to support the State and Federal constitution? Does he deny that his own State is a sovereign? Does he deny her right to the fidelity and allegiance of her citizens? Would he consider it an act of tyranny in her to call upon him to swear allegiance to his State? If he would not, then why does he denounce in South Carolina what he would admit and sustain in Tennessee? But, if he would, then I have only to remark that, however he may renounce all claim of sovereignty for his State, I never will abandon it for mine. Sovereignty must reside somewhere, and wherever it resides, there allegiance is due. Where, then, does it reside? In the Federal Government? Would the gentleman venture to bring in a bill requiring the citizens of each and every State to swear allegiance to the Federal Government? I rather apprehend not. Would he venture to bring in a bill requiring the citizens of each and every State to take an oath of allegiance to the President? I should like to see the experiment made. I doubt very much whether it would take in a single State. I question very much whether it would take even in the State of Tennessee, devoted as it is to the present Chief Magistrate, because I perceive, and with great pleasure too, that the constitution of that State imbodies and proclaims the great cardinal principle of freedom, that "the doctrines of passive obedience and non-resistance are slavish and absurd, and destructive of the happiness of mankind." If, then, the idea of allegiance to the Federal Government, or the President, would be scouted, as it certainly would be, with the deepest indignation, by the people of the States, where does sovereignty in our complicated system lie? Where, but in the parties to the federal compact, in those sovereign and equal States which created this federal agency for a few limited purposes common to them all, which are the rightful judges and controllers of its conduct, and which, if they choose, can blot it from existence in a moment? The States, then, being separate and independent sovereignties, though united by a federal compact for the great ends of peace, and war, and commerce, each State has an unquestionable right to the allegiance of its own citizens; and if every State is entitled, as it certainly is, to the fidelity and attachment of its own citizens, how can the requisition of an oath of fealty be possibly tortured into an act of despotism? An oath of allegiance tyranny! Why, sir, does not the State of Virginia exact it of her citizens? Does not the State of Georgia exact it of hers? Are not the people of Massachusetts and several other States, required to take it? Nay, was it not imposed by almost all the States during the revolutionary war? And will it be said that the States are not as sovereign and independent now as when they were struggling for independence against the Government of Britain? Has not almost every State in the Union an article in its constitution providing for the punishment of treason? Can treason be committed against any other than a sovereign? And does not the very fact that a man may be punished by a State for treason, imply allegiance to the State against which the crime of treason may be committed? Above all, is it not an established principle in political science that allegiance and protection are reciprocal? Now, sir, who protects me in my life and liberty, and property? Who redresses my wrongs and sustains my rights; upholds me by day, and covers me with her broad shield by night? Is it this Federal Government? No sir; I know it for no such purposes. It can punish no depredation on my property, nor libel on my character: it can redress no deprivation of my liberty, nor assault upon my life! And can my allegiance be due to a Government which, for all the great purposes of civil society and social happiness, is utterly destitute of power? No, sir; my allegiance is due to South Carolina. As a child is not only bound by duty, but impelled by love, to honor and obey his parents, so am I actuated by every principle of patriotism and gratitude to honor and obey my State. She is my parent in every sense of that endearing name. In her arms I was born; in her bosom I was reared; and it is to her I am indebted for whatever I am, for all that I have. In her soil the bones of my ancestors repose; in her bosom I shall mingle my dust with theirs; to her care I shall bequeath my children when I die; and, therefore, even if she had not commanded me to swear allegiance with my lips, the instinct of nature would write the oath upon my heart. As far as she has entered into a compact with her sister States, so far am I bound, as her citizen, by the obligations of that compact. Allegiance to her requires me to obey and support every act of the Federal Government which she recognises as constitutional and binding upon her; and the same allegiance which requires me to support a constitutional act, requires me, when she commands it, to resist and arrest every dangerous infraction of the compact. Allegiance to South Carolina, then, so far from repudiating the rightful authority of the federal constitution, actually presupposes, implies, and includes it. It requires her citizens to support the Federal Government in every just and rightful exercise of power; and to support the constitution, by resisting every dangerous infraction of that instrument, whether it consist in encroachments by Congress on the reserved powers of the States, or in the assumption by the Executive of the peculiar and exclusive powers of the Legislative department of the Government. This is the whole sum and substance of the oath; and now, if the gentleman can convince any candid and reflecting man that such an act is tyrannical, or ought properly to be branded as an odious test act, he will certainly exhibit no ordinary portion of casuistical acumen. No man can hesitate to take the oath, except he denies the right of the State to enjoin it. He who denies that right, denies her sovereignty; and he who denies that, certainly has no right to complain that she will not abandon her claim to sovereignty to remove his scruples. And, indeed, who would desire to serve a State that has no sovereignty? Who would hold a military commission under a State which cannot command the allegiance of her soldiers? Who would care to be a member of the Legislature, or even Governor, of a State which he regards as a mere petty corporation, having no sovereign authority whatever, and which may be swept from existence by a presidential proclamation? And yet do not the very terms I have used demonstrate, of themselves, the sovereignty of the States? The Legislature and the Governor! What but sovereignty can create a Legislature? What act of State legislation is there that is not an act of sovereign authority? What higher powers can be exercised by any Government on earth than those which affect the persons and properties of a people; which levy taxes, create corporations, define and punish crimes, and regulate society in every conceivable relation which man can bear to man? Can the Federal Government do these things? It is notorious it cannot. And why? Because it is limited entirely to a few general and external objects! Limited by whom? Why, it is limited by the States? It only exists by the permission of the States; and yet sovereignty is claimed for this limited agency, which can only exercise a few delegated trusts, whilst it is denied to the very States themselves by which it was created, and which can abolish it at pleasure! But, sir, I have done with this matter. Perhaps I ought to ask pardon of the House for having dwelt at all upon it; but as the gentleman from Tennessee had assailed my State, I felt myself bound, by my allegiance, to defend her. I come now to the consideration of the main proposition before us.

There are two great points of view in which this subject may be regarded: the one pecuniary or commercial, the other constitutional or political. And both of these again divide themselves into certain points or propositions, a correct understanding and decision upon which is absolutely necessary to a correct understanding and decision of the great question, Shall the deposites be restored or not? Looking at this subject, then, in a pecuniary point of view, these questions naturally force themselves upon us. Is the country distressed? If so, what has produced this distress? And what is the appropriate remedy? Looking at it politically or constitutionally, questions of a different character arise; such as, Who removed the deposites? What impelled him to remove them? What right had he to remove them? What is the true character of the whole proceeding? Does it involve a violation of the constitution and an assumption of legislative power; a violation of the charter of the bank and of the public faith; an abuse or perversion of the power of appointment and removal; and an utter disregard of the opinion of the people, as solemnly expressed by a vote of this House in relation to the bank? And, if it does, what is the appropriate remedy for these usurpations and abuses?

Under the first division, then, the first question is, Is the country distressed? Why, sir, I am almost ashamed to ask the question! Does not the country tell us that it is distressed? Does not your table groan with memorials and petitions from all quarters of the Union, and from all classes of our citizens? Does not every mail teem with accounts of public meetings, driven almost to madness by the certain ruin that stares them in the face, and imploring Congress to interpose its power? Does not every breeze from every section of the Union, come freighted to the Capitol with the most frightful accounts of the stagnation of commerce, the derangement of the currency, the fall of produce, the depreciation of property, the destruction of all enterprise and industry? Does not every day, and every hour, tell us of the rapid and continued fall of every kind of stock; of appalling and afflictive failures; of banks unable and afraid to lend; of extensive factories suspending their operations; of thousands upon thousands of laborers and operatives driven from employment; and, in short, of a most frightful scene of ruin and desolation, rushing, like a mountain torrent, over all classes of society, and involving indiscriminately the rich and the poor, the wealthy merchant and the industrious artisan, the lordly manufacturer and the poor operative who depends upon his daily labor for his life? And do they not tell us that, frightful as the scene now is, it is daily getting worse and worse; and that, unless some adequate remedy be devised by Congress, it will continue to increase; failure will follow after failure, specie payments will be suspended by the banks, the country will be overrun with depreciated paper, and that it will inevitably be involved in calamities even worse than those of '16 and '17, and from which it was only relieved by the controlling and regulating power of the United States Bank. And who are they that tell us these things? The ignorant—the factious--the disappointed--the vulgar? No, sir: they are the very best classes of our citizens—the intelligent and productive classes--the merchants and manufacturers—the planters and farmers--almost all the banks—the boards of trade and chambers of commerce--these are the people who tell us that the country is distressed! The country then is distressed! deeply and deplorably distressed! Now, then, let me ask, What has produced this distress? As causes and effects are necessarily united, and as, when we see a particular action performed, and a certain result produced, we naturally ascribe the one to the operation of the other, so common sense proclaims, in this case, that the removal of the deposites is the cause. Before that rash and disastrous act, the country was not only tranquil and contented, but prosperous and happy; commerce spread its sails, and whitened every sea; agriculture and manufactures flourished; the spirit of improvement was abroad; enterprise and labor were well rewarded; the rich had no fear of bankruptcy, the poor no dread of starvation; every thing went on well, and the whole country presented a scene of improvement, and vigor, and prosperity, upon which the eye of the patriot might dwell with rapture. Such was the condition of our beloved country only a few brief months since. But lo! the public treasury is seized by the high hand of power; the deposites are removed from the custody in which the laws had placed them, and transferred to hands utterly unknown, as Government agents, to the people or the laws; and in an instant--in the twinkling of an eye, as if by the blast of the Simoon, or the powerful spell of some political magician—the whole scene is reversed; the country becomes agitated and alarmed—commercial operations are deranged--manufacturing operations are suspended—a sudden paralysis seizes upon every species of enterprise, and every department of industry and labor, and the people every where are running to and fro, as if agitated by an earthquake, calling upon the Government to save them from the chasm that yawns before them! Sir, what has caused all this? Why is it that this great country, lately so prosperous and happy, is now filled with lamentation and despair? Shall we insult the people by telling them that it is all entirely owing to overtrading, and to the operation of cash duties and diminished credits at the custom-house? Shall we tell them that it has all been caused by the malignity of the bank, which is torturing and oppressing them, in order to compel a renewal of its charter? No, sir: the people know that these are miserable fallacies, and that they are only intended to turn their indignation from the true source of their misfortunes. They understand their interests well. They know well what has caused their sufferings—and much better than we can tell them. The merchant needs no one to tell him what stops his ship; nor the manufacturer his shuttle; artisans and mechanics need no one to tell them why all improvements have ceased; nor the poor working-man why he can no longer get work for his hands, nor bread for his children. They know the reason well; and they all tell us, with one voice, that the removal of the deposites is the cause. And this being the cause, as it unquestionably is, what is the appropriate remedy? The people tell us that, as all their distresses have been caused by the removal of the deposites, so the restoration of the deposites is the proper remedy. But what do the majority of the honorable Committee of Ways and Means say? Do they go for the people or against the people? Why, sir, they have presented a report that goes the whole against the people. They have presented a report in which they reiterate all the reasons and assertions of the Secretary of the Treasury, and pronounce them perfectly satisfactory and conclusive. They go over the whole ground again, of the three per cents. and the protested bill, and the enormous criminality of the bank in publishing Mr. McDuffie's report and Mr. Gallatin's essay upon currency and banking. But, sir, what do they say to the distresses of the people? What do they say to the cries for relief that pour in upon us from thousands and hundreds of thousands in every quarter of the Union? Why, they reply to the lamentations of the people in a string of flat denials and repulsive propositions. The people call upon Congress for relief, and the committee say, in reply, that the bank ought not to be rechartered! The people call upon us for relief, and the committee say, in reply, that the deposites ought not to be restored! Hundreds of thousands of our fellow-citizens, who are at this moment on the eve of ruin, call upon us for relief, and the committee tell them coolly, in reply, that if a general currency be necessary, it can be as well accomplished by the local banks as by the national bank; and that a select committee shall be appointed to institute a searching scrutiny into the conduct of it for the purpose of discovering whether the bank ought not to be totally destroyed! And is this the answer of the committee to the call of the country for relief? Is this the only aid and consolation they propose so give? Sir, think you the people will be satisfied with such a decision as this? What does it decide? Why, it decides nothing, and worse than nothing, for it only decides that things shall continue as they are, and that the country shall still go on in a state of unutterable confusion and embarrassment. It denies all redress to the country, and shuts the very door to its hope and prayers. It tells the people they shall not be relieved; that they shall not be heard; and that their complaints and petitions are treated with contempt. And now, let me ask, What does this House intend to say upon this subject? Will it sanction that report? Will it adopt that report, and thus throw a fire-brand amongst the combustible elements which are now every where collected? Will it fulminate a declaration of war against the properties and liberties of the people, to which they will not and ought not to submit? Will they go on from oppression to oppression, adding injury to injury? Will they say to the people as Rehoboam did to the Israelites, when the tribes petitioned for a relaxation of their burdens: You have suffered much, but you shall suffer more; you have been scourged with whips, but now you shall be scourged with scorpions; and force them to reply, in an agony of desperation, To your tents, oh Israel? Sir, this is a momentous subject. We have arrived at a fearful and momentous crisis. The people have told this House what they expect at our hands; and they will not, and they ought not to be satisfied with our doing any thing less than what they have demanded. This is no time to trifle with the feelings of a suffering, injured, indignant people. This is no time to talk about "experiments." This is no time to talk about a metallic currency, or a hard-money Government, or making experiments with local banks to see whether they cannot accomplish what every boy in the country knows they cannot. The people are sick of experiments; they are now writhing under a most awful experiment; and he who talks to them of making another, will only be regarded as adding insult to their injuries. What then, I ask, does this House intend to say? Shall we say that the people are divided, and therefore we are at liberty to vote as we please? I entreat the House to pause for a moment, and reflect upon this matter. True, the people are divided. But how are they divided? They are divided into those who suffer and those who do not; and because those who do not suffer, and who are actually benefited by the sufferings of others, tell us not to restore the deposites, are we therefore to turn a deaf ear to those who do suffer, and who entreat us to relieve them? Sir, I hope not. I hope that the good sense and the good feeling of this House will exhibit sympathy for the sufferings of the people, and not persist in an impolitic and oppressive course merely from party principles or party motives. Suffering knows no party; money is neither whig nor tory; distress involves the friends as well as the opponents of the administration; and, therefore, all who have hearts to symphatize with the misfortunes of the country, should vote to relieve them without reference to party. Think you, sir, it will satisfy the people to tell them this was the act of the President, and therefore it must be supported, right or wrong, no matter how disastrous the consequences may be? What, sir, is this the determination of the President himself? Is this the tone he holds, and the attitude he takes; that, because he has done it, therefore it shall be irrevocable? Who has brought all this calamity upon the country? It is not he? Who, then, ought to be the first and foremost to relieve it? Is it not he? Sir, when David sinned by causing the tribes of Israel to be numbered, and his offence was punished by the Deity with a sore visitation upon them, he prayed that the innocent people might be spared, and the punishment of his sin might fall upon himself alone. Does our Chief Magistrate pray that the innocent people may be spared, and that he alone may suffer the consequences of his conduct? Has he an eye to pity, or a hand to help them? No; he sees not; he hears not; he feels not. The waves may rise and the winds may blow, but they disturb not him. House after house may fail, his palace is secure; bank after bank may break, his bank is safe; factory after factory may fall, his salary is still the same; wretch after wretch may starve, and widow and orphans may weep and wail, he still dines in regal splendor, and reposes on a bed of down. What is it all to him? What cares he for the wreck and ruin that surrounds him? Andrew Jackson has done it, and it shall not be undone! Shall not! And is this the language that is held to the people by a servant of the people? Shall not! Sir, suppose the people say it shall? What then? Why, then I can tell this House that it is much easier to avert than to control a storm; much easier to comply with the memorials and petitions on your table, than to subdue the people when they are once thoroughly aroused to an assertion of their rights. And it needs no effort to arouse them. Sir, the report of the Secretary of the Treasury will not be sustained by a vote of Congress. It will be severely censured by a large majority in one branch, and only sustained, if sustained at all, by a very meager majority in the other. The result, upon the whole, will be disapproval of his conduct; and that disapproval will necessarily impose upon him the duty and the obligation to retrace his steps. Will he refuse to do it? Will he again contemn the wishes and opinions of the country and the vote of Congress? Sir, let me tell you, the deposites must be restored, or fearful will be the responsibility that will rest upon this House. The people have resolved it, and they will execute their pleasure. The spirit that threw the tea overboard is at work in Boston. New York and Philadelphia are in wild commotion. The West is rising like a young lion from his lair; and the whole South is united firmly and determinately on this subject. And who cannot foretel the issue? Who cannot forsee that, in a contest for their properties and their liberties, the people must and will succeed? Yes, sir; and I say with them, as a member of this House, the restoration of the deposites is the appropriate remedy; and I say to them, as being one of them myself, I hope and trust they will never sleep nor slumber until they have redressed their wrongs and regained their rights.

I come now to the second branch or division of this subject, and the first question here is, Who removed the deposites from the United States Bank? After what I have said already it may seem superfluous to discuss this point, and therefore I shall say but a few words on it. I say that it was the President who removed them, and that he, and he alone, is answerable for the consequences. It is true the President tell us in his message that it was the act of the Secretary of the Treasury; and the Secretary has sent us a pamphlet containing what he calls his reasons for doing what was ordered to be done before his appointment to his office. The President gave his reasons to his cabinet, and the Secretary gives the reasons of the President to Congress. The reasons in both are identical. Every reason urged by the President is repeated by the Secretary. Yes, all the reasons were assigned, and the act was commanded to be done, before the present Secretary was appointed. This, of itself, is conclusive upon the subject. But the whole transaction is so precious a piece of history—it reflects such high honor on our Government, and will shine so brightly to future ages—that I must be indulged in dwelling on it for a moment! What a theme for an American historian is the President's offer of the Russian embassy to Mr. Duane, not if he would resign—oh, no; but if he would only make him happy by violating his own conscience and duty, and go into an honorable exile, so as to clear the way of the President to the possession of the treasury. What a scene for a painter; the Government directors sitting as inquisitors upon their brethern, and prying into every hole and corner of the bank, gathering matter with which to assail their associates, and to blacken the character and destroy the credit of an institution which it was their bounden duty, as officers of Congress, to have sustained and protected even against the President himself. And, above all, what a subject for the sublimest strains of poetry, that noble exclamation of the President—The measure is my own; I name the day. What a wonderful man! Who but he would have dared to have spoken this? What other President would have dared not only to seize the treasures of the Government, but to proclaim the seizure as a deed of merit, and to call upon the people to bow down and worship him because he now stood, like a demigod, with the sword in the one hand and the purse in the other, and his foot upon the constitution! But, not to detain the House upon a self-evident proposition, is it not notorious that the President repeatedly urged the late Secretary of the Treasury to remove the deposites from the United States Bank? that when he found that officer unwilling to remove them, he convened his cabinet and read to them a manifesto in which he assigned his reasons for removing them? and that when he found that that officer would neither abandon his duty by accepting the embassy to Russia, nor sacrifice his conscience by submitting to unauthorized dictation, he instantly and unceremoniously dismissed him from office by substituting another in his place? Is it not notorious, also, that he appointed an agent (and where did he get authority to appoint that agent?) to ascertain the relative standing and condition of the local banks, and to regulate the terms upon which the public revenue should be transferred to them, and that some of the deposite banks were actually selected before the appointment of the present Secretary of the Treasury? Would the President have removed the late incumbent of the Treasury, if he had succumbed to his dictation? Would he have appointed the present incumbent, if it had not been ascertained that he coincided in opinion with him, and would execute his will? Nay, to put this question beyond the possibility of cavil, did not the President himself unequivocally declare that the act was his own, and that he takes the responsibility? On his head, then, let the responsibility rest. The Secretary of the Treasury has had nothing to do with it, except as the organ of the President. The act is the President's; and, having demonstrated that, I shall now examine the principal reasons upon which he has attempted to justify his conduct.

What then are his reasons? Sir, he has no reasons. The document containing them degrades the Government, and insults the common understandings of the people! What does he say, sir: That the deposites were unsafe in the United States Bank? No. That it had acted illiberally and oppressively to the local banks? No. That it had failed to perform any of its duties or obligations to the Government? No. That the Government had either sustained any loss, or even apprehended any loss from the continuance of the deposites in its custody? No. That the deposites would be more secure in the local banks? No. That they would collect and disburse the revenue or equalize exchanges, or regulate the currency, or assist the commercial operations of the country, better than all this was done by the United States Bank? No. He says nothing of this kind; and yet these are the only good reasons that could have been assigned, suffering him to have had a rightful authority for acting as he has done. What then does he say, sir, in justification of this most arbitrary act? Why, he tells us, yes sir, he actually tells us, that the bank had interfered in political concerns! Now, if it really has, it has certainly been more ignorant or inattentive to its interests than banks usually are. But what proof has been adduced to sustain this assertion? Not a particle of proof. But, even admitting that the charge is true, was that a sufficient reason for tampering with the credit and currency of the country as he has done? Were the stockholders of the bank disfranchised? Had they no right to think or to vote as they pleased, because of their connexion with the bank? And, if it be a crime in them to have meddled with elections, had they no example in the President himself? Has he never interfered in the local politics of the States? Has he never thrown the weight of his name and influence in the scale of one political party in a State, and denounced the principles and conduct of another? And will he not concede the same right to others which he practises himself? or, has he determined to monopolize the right of interfering with elections, as he seems to have monopolized all the powers of the Government? Another reason is, that the bank has corrupted the public press, and injured the morals of society! Now, I will not stop to ask who made him the regulator of the press, and the *custos morum* of the people; but, does any man doubt that the press would have been perfectly pure, and the morals of the people perfectly safe, if the money, alleged to have been corruptly expended by the bank, had only been expended in support of the administration? But the bank was independent; and, therefore, it was corrupt: it opposed his re-election; and, therefore, it demoralized the people. Hitherto a national bank had always been considered the natural ally of power and enemy of liberty; and, therefore, he could not realize the strange political anomaly that the present bank, instead of being thoroughly subservient to all his views and purposes, should actually question his qualifications for the Presidency. But what was the corruption? Why, it consisted in the enormous crime of printing and disseminating able and scientific papers, for the purpose of showing its great utility to the Government and country, and enlightening the public mind, generally, in relation to its true character and operations. And is it not a shame—is it not an insult to the country—that such reasons as these should be seriously assigned, in a grave state paper, as the reasons for attempting to destory the bank, and involving the country in disorder and distress. And here again let me ask, even admitting that the bank did act corruptly in disseminating documents and employing papers in its own defence, is not this charge just as applicable to the banks to which the public funds have been transferred? Will there be no corruption there? Nay; had not the bank an illustrious example in the administration itself? What is the expenditure of a few thousands by the bank to the enormous amount annually expended by the different departments of the Government, in the pay and patronage of party presses? Talk to me of the power and corruption of the bank! No, sir, here is the great source of danger to the freedom and morals of the people. Here, sir, in the unbounded power and patronage of the federal Executive: with the annual expenditure of upwards of thirty millions; with the unlimited disposal of countless offices of honor and emolument; with a whole host of pensioners, dependent on the bounty of the Government; and, above all, with an army of presses, thinking only as he thinks, changing as he changes, and devoted to his service, right or wrong: this is the power we should dread. Sir, this is the power which corrupts, and enslaves, and degrades the country; and, instead of uniting with the Executive to crush the bank, we should rather exert all our energies to curtail the monstrous and unlimited power of the President himself—a power which not only controls the press, and regulates popular elections throughout the Union, but which has actually assumed supremacy over the States themselves; and makes no more of ordering and directing the conduct of a State, than of reforming a postmaster, by putting another in his place.

Such, sir, are the two principal reasons assigned by the President for removing the deposites; and admitting, for argument sake, that he had a right to remove them, I now confidently ask this House, are they satisfactory, or can they justify his conduct? Did he not veto the recharter of the bank, and had not the bank a right to struggle for its life, and procure another recharter if it could? Had he not assailed it in every form and mode calculated to destroy its credit and impair its usefulness? And had it not a right to repel his assaults, and employ a portion of its own means in sustaining its own character and interest? Would it not have been wanting to itself—nay, would it not have been treacherous to its stockholders, and to the Government, which is its largest stockholder, if it had not employed every legitimate weapon by which it could resist his power? What, sir! was it treason against him to act on the defensive? Was it the bounden duty of the bank to lie down quietly and suffer him to destroy it? Is the sedition law in force? or does the Executive really intend to act upon the monstrous principle, that it is a high crime and misdemeanor to criticise his conduct or expose his errors, and that no institution shall live, except it be subservient to him; and that no press shall dare to speak at all, except it be to laud and adulate himself? But, sir, I have done with his reasons; and I should apologize to the House for having noticed them at all, were it not that they actually constitute the causes—the frivolous, and worse than frivolous causes—from which has flowed that river of wo and desolation which is now rushing through the Union, involving all classes and interests in indiscriminate destruction.

And now, sir, for his right. What right had he to remove the deposites? There are several grounds on which he predicates his claim of right. One is, that, as the bank was not to be rechartered, it was not only his right, but his duty, to remove them. But he himself has told us that the power of the Secretary over the deposites was unqualified. Now, if the power of the Secretary was unqualified and absolute, how could it have been the duty of the President to remove them? His duty, sir! Who made it his duty? Was it made so by the constitution, or the charter of the bank? No, sir; on the contrary, I shall show, before I resume my seat, that he has grossly violated both; and, as to his vaunting, as he does, that he never shrinks from the responsibility of performing his duty; what is this but tantamount to saying that he will do as he pleases, utterly regardless of the consequences? And is language like this proper or becoming in a limited Executive like ours? No, sir; it may become the lips of a European despot; it may be the appropriate address of a Russian autocrat to his serfs and vassals, but I trust the period has not yet come when any individual in this country may trample at his pleasure on the constitution and the laws, and then tell the people, for their consolation, that he dares to do it. If he does not shrink from committing usurpation, so neither will I from the duty of making an humble effort to arrest it; and if this House is only true to itself, and to the rights of the people, it will take a stand in relation to this matter, which will effectually deter all other Presidents from taking measures of their own, and from assuming responsibilities utterly unknown to the constitution and the laws.

Again: He grounds the right of removing the deposites upon the new-fangled doctrine of supervision and direction. The argument is this: that, as the President appoints the Secretary, therefore he may direct him as he pleases, no matter what the law or the constitution says; and the Secretary must either obey the direction, or be dismissed from office. It is needless to expose the fallacy or the despotism of this monstrous doctrine. Its best refutation is the degrading effect it has already produced on the different departments of the Government. The constitution intended them as aids to the President and Congress, and sources of light and correct information to the people. But the doctrine now set up totally reverses the constitution in this particular, and has necessarily destroyed the public confidence in documents or opinions proceeding from the Departments. The President does not ask the opinion of a Secretary for the purpose of enlightening his own mind, or assisting his own judgment, which is what the constitution means when it says that he may, whenever he deems it necessary, require the opinions of the heads of Departments; but he forms his own opinion, and takes his own course first, and then directs a Secretary either to sustain it by an argument or vacate his place. Sir, I protest against this doctrine. It is the very essence of despotism. It is a gross and degrading perversion of the power of appointment; and, until I can agree that the perversion of one power can confer a right to exercise another, I can never agree that this assumed power of direction, which degrades the Departments into mere automata, conferred a right upon the President to remove the deposites. No, sir; one wrong can never authorize another; nor can an abuse of the power of removal from office justify an assumption of the peculiar and exclusive power of the Legislature.

But there is another claim of right still more extraordinary yet; and that is, that Congress had surrendered to the Executive all power over the deposites; and, therefore, unless he removed them, they could not be removed at all. Now, is not this a mockery? Is it not intolerable that he should not only usurp the power of Congress, but even tell us, as he does, that he really regrets that it has been surrendered to him; that he would have rejoiced if Congress had reserved it to themselves: perhaps it was an oversight; but, as they had given him the power, he would not hesitate to use it, however painful and unpleasant to his feelings! Is not this the very essence of irony and ridicule? Can any thing be conceived more contemptuous from an Executive to a Legislature? Is it not exactly akin to another passage in his manifesto, in which he congratulates the people upon his having destroyed the monster; and then admonishes them, most paternally, never to confer such a power over the currency, or such a control over popular opinion, as the bank possessed, upon the Executive; because, forsooth, it might be exceedingly dangerous and liable to be abused. Surrendered to him, sir. When and where was this power surrendered to him? Is there any act authorizing him to remove the deposites? Is there any act authorizing him to place the public funds in local banks; or to make contracts with those banks; or to transfer them, at his pleasure, from those banks to others? No, sir, there is no such law. The power of Congress over the public funds neither has been nor can be surrendered. Legislative power is incapable of delegation. Congress could not have transferred their power to the President without a direct violation of the constitution, and a most shameful dereliction of their own rights and duty. But they neither did, nor did they design to abandon this great power to the President. On the contrary, they expressly withheld it from him. According to the charter of the bank, the deposites of the public money were pledged to that institution during the continuance of its charter, unless otherwise directed by the Secretary of the Treasury; and this authority to transfer them was given to the Secretary, not only because he is the financial officer of Congress, and it was therefore appropriately confided to his department, but for the express purpose of preventing any control or interference by the President. It would indeed have been an anomaly if the Federal Legislature had designedly surrendered to the Executive its most important power, that power which includes all others, the moneyed power of the Government: and it would have been equally strange, to say the least, if they had done this unknowingly and unintentionally, in an act of which the very object was to keep it from him and reserve it to themselves. No, sir; the treasury power resides in Congress; the President, without a shadow of authority, has seized it for himself; and, whether he shall be allowed to retain, or compelled to restore it, is now the great question which the States and the people must determine.

There is one other ground well worthy of remark, and which, in fact, surpasses the preceding both in fallacy and boldness. It is this: that the charter of the bank is a contract binding upon Congress; implying, of course, that, as Congress could not violate it by removing the deposites, it was necessary that he should do it for the public good. It is true, sir, that the charter is a contract binding upon Congress. It is one by which the public faith was pledged to the bank that the public deposites should remain therein until the expiration of its charter, unless otherwise ordered, for sound financial reasons, by the financial officer of Congress. It is one for the benefit of which the bank paid, and the Government received, the valuable consideration of a million and a half of dollars. The right of the bank, then, to the use of the deposites, was a regularly legal and vested right, of which it could not be deprived by Congress without the perpetration of gross injustice; nor could it be legally deprived of it at all, except by the decision of a competent judicial tribunal, and for some such misconduct or criminality on its part as would have amounted to a forfeiture of its charter. But who will pretend that any or all of the charges alleged against the bank constitute acts, or any thing like them, for which its charter could justly have been forfeited? The idea is preposterous; no man of candor will pretend it. But is it not most extraordinary that, while the President distinctly recognises the binding obligation of this contract upon Congress, he himself should have violated it; and violated it upon the very ground, too, that it could not be violated by the Legislative department of the Government. If it was binding upon the Legislature, who made the law, was it not equally binding upon the Executive, whose duty it is to execute the laws, and at all events not to break the laws? What, in fact, are all the grounds upon which he claims the right to dispose of the treasury as he pleases, but so many grounds upon which he claims the right to disregard laws, trample upon charters, and usurp legislative power at his pleasure? And here, let me ask, was this question so plain and simple, so free from all objections of every character whatever, that he could not have postponed the transfer for two poor months longer, and submitted its propriety to the judgment of the Legislature? Could he not have condescended to have consulted Congress before he took a step involving such important principles and such appalling consequences? He wait two months longer! He condescend to consult Congress! Why, the very object of his acting at the time he did, was to put it out of the power of Congress to counteract his measures. He removed the deposites in October, for the very purpose of defeating their restoration now; and committed a usurpation of the power of Congress then, that he might now, by an abuse of the veto power, if necessary, virtually commit another and a still greater usurpation, by defeating any effort of the Legislature to resume its rightful authority over the public purse, and to remedy the evils which he has brought upon the country. Thus he usurps one power, and then abuses another, that he might retain possession of the first. And yet, the honorable member from Virginia [Mr. Wise] has argued that the House has nothing to do with the President in relation to this matter; that he is *coram non judice;* and that, in discussing this subject in reference to him, we are travelling beyond the record, and deciding upon points not properly before us. Sir, with all proper deference to that gentleman, I differ most decidedly upon this point. The President is before us in relation to this matter. Ay, sir, and not only before us, but around us and about us, above us and upon us. There is no possible aspect in which he can be viewed, in which it is not manifest that he removed the deposites; that he has taken possession of the public purse, and that he has determined to retain it. If the act had been really and indisputably the act of the present Secretary of the Treasury, whatever I may have thought of the insufficiency of his reasons, I would not have troubled the House with a word upon the subject. But the act is not his; it is the President who has done it; and therefore it is that I have felt it my duty to the constitution and to the people to raise my voice against it, humble and feeble as it may be.

I trust, sir, that I have now shown, conclusively, that the President has assigned no valid reason, nor even a shadow of rightful authority for transferring the deposites from the national to the local banks. But there are other points of view in which this will be made still more apparent. And this brings me to the question, What is the true character of this proceeding? And here I have no hesitation to say that, in my opinion, it is a palpable and most dangerous infraction of the constitution. According to that instrument, "No money can be drawn from the Treasury except in consequence of appropriations made by law." The President, however, has diverted the whole revenue of the country from a particular depository to which it had been assigned by Congress, and transferred it to a variety of others selected by himself. Is there any law authorizing this procedure, or that placed the revenue at his disposal? No, sir! It is not even pretended that there is. Is it not evident, then, that, in acting as he has done, he has exercised a power which belongs exclusively and appropriately to the Legislative department of the Government, and thus outraged both the spirit and the letter of that provision of the constitution to which I have just adverted?

I maintain, also, that it is a direct violation of the public faith, and of the charter of the bank; but, as I have already touched upon this point, I shall only now remind the House that the charter is admitted, upon all hands, to be a contract obligatory on the Government; and that, according to that contract, it is expressly stipulated that the public revenue shall be deposited in the bank until the expiration of its charter, unless otherwise directed by the Secretary of the Treasury. Now, sir, had the charter of the bank expired? Unquestionably not; because, even at this moment it has still upwards of three years longer to continue. Were the deposites taken from the bank by the Secretary of the Treasury? No, sir; for it has been not only demonstrated to the House, but unequivocally admitted by the Executive himself, that the measure is his own, and the measure, then, being his, as he himself proclaims it to be, I now confidently ask this House, Is it not a violation of the public faith which pledged the public moneys to the bank until the termination of its charter? And is it not a violation of the charter, which had nearly four years to run when the public moneys were taken from it? Sir, I shall say nothing further upon these points; they are too self-evident to require illustration, or even to admit of argument.

I maintain, again, that it is a gross perversion of the power of appointment to and removal from office—a gross abuse of one power not given by the constitution, but only permitted by custom, or sanctioned by necessity, for the purpose of clutching another, in utter defiance of all law and the constitution. It has been repeatedly contended, in justification of the President, that he has unlimited authority to appoint and remove all federal officers at his own pleasure and discretion. There is no doubt whatever that he does it, and, unfortunately, the Senate and the country have submitted to it; but, notwithstanding that, I protest against the doctrine, and I am happy to perceive that resolutions in relation to this very matter have been introduced into the Senate, which, if adopted by that body, will cause it to be regulated hereafter more in accordance with the letter of the constitution, and, certainly, more in unison with the principles of justice and the true spirit of our Government.

The constitution says: "The President shall nominate, and, with the advice and consent of the Senate, appoint ambassadors, judges, and all other officers whose appointments are not herein otherwise provided for." Here, then, it is manifest that the right to nominate is the only part of this power given exclusively to the President. He cannot appoint without the concurrence and approbation of the Senate. The power of appointment, then, is not only divided between the Senate and himself, but, in fact, resides essentially in the Senate itself, seeing that, though he may nominate whom he pleases, he can make no appointment without their approbation. The Senate may reject all his nominations, but he can make no appointment without the concurrence of the Senate. The power of appointment, then, is not only virtually, but really in the Senate, and was unquestionably intended to be so by the framers of the constitution; although, like all other powers, it has been swallowed up in the vortex of Executive assumption! Again, the constitution says: "The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session." He may fill all vacancies that may happen during the recess of the Senate. Now, unless a thing done on purpose is an accident, or a man forcibly turned out of office may be said to have resigned it, or a vacancy expressly made by the strong arm of power may be said to have happened, according to the common signification of these terms and phrases, it will be no difficult matter to prove that the President has directly and repeatedly violated both these provisions of the constitution, for the double purpose of wreaking his vengeance on the United States Bank and obtaining possession of the public purse. Let us look at his conduct, then, as regards these two clauses, and in connexion with the subject before us. What was it, sir? Why, sir, it is well known that when the removal of the deposites was first in agitation, the present Secretary of State [Mr. McLane] was then at the head of the Treasury Department. It was soon understood or ascertained, however, that he was averse to the contemplated measure. What was the consequence? Why, the then Secretary of State [Mr. Livingston] was appointed ambassador to France, and the then Secretary of the Treasury was promoted to the State Department. The vacancy thus created in the Treasury Department was then filled by the appointment of Mr. Duane, who was scarcely appointed, however, before he was removed; and the vacancy thus again created in that Department was supplied by the appointment of the present Secretary of the Treasury, who was then Attorney General; and the vacancy thus again created in the office of Attorney General was filled by the appointment of the gentleman who now holds that office. Here, then, we have no fewer than five appointments and removals in about as many months, to and from the very highest offices under the Federal Government! Were the individuals appointed nominated to the Senate? No, not one of them! Did the President make all those high appointments with the consent and concurrence of the Senate, who are his constitutional advisers? No, not one of them. Were these appointments made for the purpose of filling vacancies which had happened according to the true intent and meaning of the constitution? No; not a single vacancy happened by death or resignation: they were all created by the President himself, either by the transfer of an incumbent from one office to another, or by his total dismission from the public service. Are not all these appointments and removals, then, gross violations of both the provisions of the constitution to which I have just referred? What was the object of requiring nominations to the Senate, and the concurrence of that body in appointments? Was it not for the very purpose of preventing capricious and arbitrary removals by the President? Was it not for the very purpose of limiting his power, and preventing him from elevating individuals whom neither the Senate nor the people might approve? And has he not broken down these barriers, and disregarded at once the injunctions of the constitution and the equal rights and authority of the Senate? Is not this particularly the case in relation to the late Secretary of the Treasury, [Mr. Duane,] who was dismissed, not for not doing his duty, but for doing it too well; not for not obeying the laws in the execution of his functions, but for his independent and highly honorable conduct in refusing to submit his judgment of his own duties and obligations to the arbitrary dictation of the President? Sir, I admit, as a general rule, that, as the President is responsible for the negotiations carried on with foreign Governments, and for the general policy pursued by the administration, he would be perfectly justifiable in recalling a minister who differed politically from him, and in removing any executive officer against whom the same allegation might be justly made; but none of these reasons apply to the case of the late Secretary of the Treasury. He was neither personally nor politically hostile to the President, or most assuredly he would never have been appointed. He was not an executive officer, and, therefore, no liability for his conduct devolved upon the President. He was not responsible to the President, but, on the contrary, being peculiarly and emphatically an officer of Congress, he was exclusively amenable to it for the management and disposal of the public funds.

All this is manifest from the peculiar construction of his office, from the very obvious distinction between it and the other departments of the Government, and from the very nature of his duties. In the acts of Congress establishing the Department of Foreign Affairs and of War, they are distinctly styled "Executive Departments," and the officers holding them are required to obey the orders of the President in reference to all matters connected with their offices respectively. These acts were passed, the first in July, and the second in August, of the year 1789, and they were passed by the first Congress which assembled under the present constitution. But in the act relating to the Treasury, it is simply entitled the Treasury Department, and the officer holding it, instead of being required to obey the orders of the President, like the Secretaries of State and War, was rendered responsible to Congress alone, and required to report to it touching the execution of his functions. Nor was this distinction accidental; on the contrary, it appears to have been deliberately and designedly made, and may well be regarded as a kind of constitutional exposition by the first Congress (many of whom had been members of the federal convention) of the true spirit and character of our Government. In the bill relating to the Treasury, it was originally proposed to make it, and to call it, like the others, an "Executive Department," responsible to the President. But after long and elaborate discussion, the words "Executive Department" were stricken from the title of the bill, and it was simply established as the Treasury Department. The Secretary of the Treasury is in no way subjected to the orders of the President. He is not accountable to him for the performance of his functions, nor is the name of the President even mentioned in the act. It appears, then, that it was the deliberate design of Congress, not only not to subject the Treasury to the orders of the President, but to make it essentially and completely independent of him; and this is not only abundantly evident from the discussion in the Congress of 1789 relating to this subject, but also from the fact that in the act establishing the Navy Department, which was not passed until 1798, that Department is called, like those of Foreign Affairs, and of War, an "Executive Department," and, like them, is also rendered subject to the orders of the President. And it appears to me that the distinction thus made between the Treasury and the other Departments was perfectly proper and judicious. It showed the regard which was felt by our ancestors for the public liberty, and the jealousy and apprehension they justly entertained of Executive power. As the President is intrusted with the transactions of our foreign affairs, and is also constituted the commander-in-chief of the army and navy, it was but right and proper that he should be made supervisor and controller of those Departments of the Government. But the same constitution which conferred those powers upon him, also confided to the Legislature exclusive power over the federal Treasury. Congress alone has power "to lay and collect taxes," and to dispose of them when collected. "All revenue bills shall originate in the House of Representatives." "No money shall be drawn from the Treasury but in consequence of appropriations made by law." This is the language of the constitution. It is, then, not only the exclusive right, but the solemn and peculiar duty of Congress, to take charge of the Treasury, and to regulate the disposal of the public funds. It is a power which, as I have said already, they could not have surrendered to the President without a gross violation of the constitution, and a most shameful dereliction of their own rights and duties. But they never designed or desired to do so. They saw very clearly that he had too much power already, and they were naturally jealous of increasing it. Invested with the supreme command of the army and navy, and with an almost unlimited disposal of public offices and honors, what could he want to render him absolute but a similar command of the public purse? Give him that, and having then all power in his hands, he might well indeed be called "the Government." But I have shown that they not only never conferred such power upon him, but expressely withheld it from him, both in the act establishing the Treasury and in the charter of the bank. In both those acts, the Secretary of the Treasury is alone intrusted with the public funds, and is distinctly required to account, not to the President, but to Congress, for his disposal of them. And yet the President dismissed the late incumbent of that office, simply because he would not obey his orders, and act counter to his own convictions of his duty. And I now put it to the candor of this House to say, whether it was not a most gross and indefensible abuse of the power of removal, thus to dismiss an officer for not obeying him in a matter in which he could not have obeyed him consistently with his own judgment and conscience, and without violating his duty as an officer of Congress?

I contend, also, that he has contemned the opinion of this House, as expressed by their vote at the last session, in relation to the bank. It is well known that, during that session, an investigation was instituted into the affairs of the bank, at the suggestion of the President himself; and such was the impression produced upon the House by the result of that investigation, that they adopted a resolution, by a very large majority, declaring their unshaken confidence in the bank as a safe depository of the public funds. The bank, then, was perfectly safe, at that time, in the opinion of this House. Has any thing occurred since that period to render it unsafe, or the change of the deposites necessary? The late Secretary of the Treasury, whose exclusive right it was to judge and act upon this subject, was distinctly of opinion that nothing had occurred, and therefore refused to remove them, even at the penalty of dismission from his office. The President himself, however, has undertaken to remove them, in opposition to the judgment of the Secretary, and the recorded opinion of the House of Representatives. And now I submit to this House, whether, by acting as he has done, he has not equally and manifestly usurped its power, and despised its judgment?

And now, sir, let me ask, what have been the consequences of this most extraordinary act? and what is our duty in the application of a remedy? Has any evil been averted from the Government or country? No sir; no evil existed or was feared; none has been arrested or prevented. Has any good been produced to the Government or the country? Any good, sir! Ask the present unparalleled confusion of affairs; ask the cries and supplications of a suffering community, and they will tell you what good has been produced. But who will deny the evils that have followed? Putting aside the violation of the constitution and the laws, (evils which can neither be calculated nor expressed,) is it not demonstrable that the deposites must be more unsafe in the local banks than they possibly could be in the United States Bank; and is not that an evil? Are they not now in the custody of banks of whose characters and capitals we are entirely ignorant, and which may become insolvent, as hundreds of others have done; and is not that an evil? Is not the President at liberty to remove the deposites from one set of banks to another, at his own discretion or caprice, thus elevating some and depressing others, and creating continual excitement and alarm in the commercial community; and is not that an evil? Has he not injured the Government, which is the largest stockholder in the United States Bank, by transferring the public moneys from it to other banks, and thus giving them a decided advantage over the very bank upon which the Government depends for a considerable portion of its revenue? Has he not violated State laws, by which the capitals of the State banks are limited to certain amounts, by doubling and more than doubling their capitals? and can he not, at any moment, whilst they are actually trading on this double capital, reduce them to the very verge of bankruptcy, by suddenly withdrawing the deposites? Has he not thus violated the charter of the national bank, on the one side, and the charters of the local banks on the other? And may he not, at any time he pleases, treat the selected banks as he has done the United States Bank, by removing the deposites from them, and involving them in utter confusion and embarrassment? Is it not highly probable that, in consequence of the existing pressure, the importations of foreign commodities will be exceedingly diminished during the present year, and, of course, that the revenue of the Government will be proportionably reduced? And are these no evils? And is it not a fact the whole country is now involved?—but, sir, I have said so much already of the distresses of the country, that I will only now say, that, appalling and afflicting as these pecuniary distresses are, there are political evils resulting from this measure, much more to be deprecated and avoided. I could bear to learn that my country is distressed, but I cannot bear to think that it is degraded and enslaved! Were we called upon to suffer for any just, or patriotic, or honorable cause, it would be our duty to suffer, and any and every privation would be borne with cheerfulness. But, sir, are we called upon to suffer for our country—to sustain its credit—to maintain its honor—to repel a foreign foe, or to preserve our own rights and liberties? No, sir, nothing of this kind is involved in this measure—no such appeal is, or can be made to Americans to sustain it! We are called upon to sustain it for no other reason under heaven than that the President has done it! We are called upon to suffer, in every way in which men can suffer, that he may triumph over Congress, and the constitution, and the bank, and become to all intents and purposes a despot! Ay, sir, and not only that he may triumph in his present contest with the constitution, but that he may go on and commit other usurpations, which he has already avowed his determination to commit—such as, for instance, to establish a Treasury bank, (which will make him more than a monarch in influence and power,) or to make this a hard-money Government, (who gave him power to make it so?) to establish a metallic medium of circulation, (who gave him authority to establish it?) to stop the circulation of all notes under ten dollars, (who gave him a right to stop them?) by prohibiting the bills of any banks from being taken in payment of the public dues, which may issue notes of a smaller amount; (who gave him a right to issue such a prohibition?) and after that, to stop the circulation of all notes of a smaller denomination than twenty dollars. Now I say nothing as to the expediency or inexpediency of any of these measures, nor shall I discuss the question whether the constitution did or did not intend this to be a hard-money Government; but I ask again, and again, Where does the President get authority to control the banks, to regulate the currency, to determine in what or by whom the public dues shall be paid; and, in short, to abolish the constitution and to revolutionize the Government? But this is not all. Not only are these measures in contemplation by the President, but can there be a doubt that the system now adopted will and must be attended with the most pernicious consequences? Are not the selected banks totally dependent on the favor of the administration? Does not the President hold their fortunes in his hands, and will he not use them for his purposes? Will they not necessarily become his instruments--an organized corps of political machines, obedient to his bidding, and always ready to sustain him, right or wrong? Will he not thus wield, for political purposes, the tremendous influence of a whole host of moneyed institutions? And will not their influence, added to the still greater power and patronage of the Executive himself, render him absolutely irresistible in his control over popular action and opinion? Now, then, it is, that public liberty is in danger! Now it is that every lover of his country should raise his voice! If his present conduct is submitted to, he will asuredly go on adopting other measures as his own, and there will be no limit whatever to his assumptions of authority. Yes, sir, if these assumptions are sanctioned by this House, then the President will be authorized by this House itself to usurp any and every other power that he pleases. Farewell, then, a long farewell to all constitutional restraint and legislative power.

The Executive will possess all power, and this House will become a mere recording body, to register the edicts, and to execute the pleasure of an absolute despot, and the rights and liberties of the people will be gone forever! But I will not despair. I still hope for the best. I still hope and trust that, in this great contest between liberty and power, the spirit of our free institutions will yet prevail; and that, while the nations of Europe are roused and stimulated by the example of this country, to generous and heroic struggles for the rights of man, we shall not show, by the issue of this question, that liberty is delusive; that the capacity of man for self-government is nonsense; that a republican constitution is a farce; and that all, all, have been sacrificed, to gratify the ambition and exalt the power of a single man? Sir, the subject before us involves others of infinitely greater magnitude and importance than itself. We are now called upon to determine, not merely whether the deposites shall be restored or not, but whether we really live in a free republic or under a monarchy in disguise. Whether the constitution is really dead and buried, or has still sufficient vigor to regulate and harmonize the action of the Government. Whether it is still the peculiar province of Congress to legislate, and the duty of the President only to execute the laws; or whether he has a right to trample upon those that are made by Congress, and to make and execute others for himself. In one word, we are now called upon to decide whether the people of this country are still free, and resolutely determined to remain so; or whether they have become so fallen, so servile and degenerate, as to care nothing for their liberties, and to have relinquished every thing, the constitution and the Government, their rights and liberties and all, to the irresponsible power of a single man. Yes, sir, the decision of this question vitally involves the future character of our Government, and the future destinies of our country. It is not a mere question whether the public revenue shall be continued in this bank, or transferred to that; but it involves the tremendous issue of liberty or power--a republic or a despotism! And as every true lover of freedom, both in this House and throughout this Union, must now be satisfied that "a despotism is upon us," so I hope and trust that they will now make a vigorous and united effort to throw it off, and to vindicate and restore the majesty and purity of the constitution and the laws!

When Mr. P. concluded, about three o'clock, several gentlemen simultaneously addressed the Chair. The floor was obtained by Mr. GILMER, on whose motion

The House adjourned.

Friday, March 21.

PUBLIC DEPOSITES.

The consideration of Mr. Mardis's resolution on the deposites came on again as the unfinished morning business; when Mr. BURGES resumed, and continued his speech in opposition to the resolution until the hour expired, when his remarks were suspended by the intervention of the rule, and the House passed to the order of the day, which was the consideration of the report of the Committee of Ways and Means, on the subject of the removal of the public deposites, with the amendment thereto moved by Mr. Wilde.

Mr. GILMER, of Georgia, who had the floor, addressed the House in substance as follows: He said that the interest excited by the importance of the subject under consideration was not confined to the great commercial cities, or to particular sections of the country--it was felt every where. His situation, in reference to the subject, was peculiar. He should vote against the restoration of the deposites, for reasons essentially different from those which had been assigned by others for giving the same vote. It was, therefore, due to the members of the House, and still more to his constituents; he felt it to be due to himself to state explicitly the reasons which directed his own course. And here, in the outset of his remarks, he must, he said, enter his decided protest against the manner in which the discussion had been conducted. Instead of inquiring whether the plighted faith of the Government required the restoration of the deposites to the United States Bank, or the propriety of designating by law the State banks which should be the depository of the public money, (and these had been the only resolutions upon the subject of the deposites which had been before the House,) the debate had been almost exclusively directed to the conduct of the President in removing one Secretary of the Treasury and appointing another. The most animated appeals had been made to the passions of the people and their party prejudices. The President had been called tyrant and usurper on one side, and hero and patriot on the other. The natural consequences had followed: the public judgment had been formed upon the conduct of the President, instead of the conduct of the bank; and upon the power of the President to remove public officers, instead of the power of Congress to direct the place where the public money should be kept. He admitted that the power of removal from office by the President, as well as the abuse of that power, were questions of importance, and deserved to be deliberately investigated by Congress; but most assuredly, he said, the present was not the proper time for that investigation, when the decision would necessarily be influenced, if not controlled, by the party character which had been given to the particular case in which the power had been exercised. But what he particularly objected to was, that the power of Congress over the public money should be made to depend, in any degree, upon the conduct of the President.

Mr. G. said that there was one subject, not directly in the course of his remarks, but closely connected with them, which he considered so important, that he felt it to be his duty to express his opinion in relation to it. He alluded to the removal of the public money from the Bank of the United States, which had been deposited there, before the order of the Secretary of the Treasury directed that the United States should cease to be the place of public deposite. He was of the opinion that the Secretary of the Treasury had no authority, either by law or the constitution, to withdraw that money from the Bank of the United States. The power to change the place of the public deposites, he said, was very different from the power to remove the public money from the place in which it was deposited by law.

Mr. G. then proceeded to inquire into the extent of the power of Congress over the public money, and whether any contract had been made between the Government and the bank, by which the bank was entitled, as a matter of right, to the public deposites. He called the attention of the House to the counter-report, which had been submitted by the Committee of Ways and Means. The report of the majority of that committee stated that, "so far as regards Congress, the contract is absolute that the deposites shall be made in the Bank of the United States, and no shadow of authority is reserved to them otherwise to order and direct; Congress had divested itself of all power over the deposites, unless the Secretary should first issue his order of removal." The minority of the committee asserted that the law creating the bank was a contract between the Government and the bank; that the public deposite was one of the exclusive privileges and benefits conferred upon the bank by the charter, for which the bank had paid to the Government the bonus of $1,500,000. He said that the report of the majority was, obviously, an effort to support the Secretary of the Treasury in all the reasons he had assigned to Congress for the removal of the deposites; whilst that of the minority labored equally hard to prove that the removal of the deposites was in violation of the chartered rights of the bank.

Mr. G. said that he considered the positions assumed by both reports to be equally erroneous. He denied that the public money had been placed in the bank in consequence of a right to its possession, which the bank had acquired by contract with the Government. He said that it was generally admitted by those who were the advocates for the bank, that the Government had no power to create the bank, but as the necessary means for executing some of its expressly granted powers. The law creating the bank had, therefore, two objects: one to confer exclusive privileges and benefits upon the stockholders; the other, to obtain for the Government some public benefit. So far as the law made the stockholders an artificial being, and conferred upon it the appropriate powers of a bank, it was a private law; so far as it made the bank the depository of the public money, and provided through it for the transfer of the public money from place to place, it was a public law. The Government had no right to alter or take from the bank the exclusive privileges and benefits which were conferred upon it by the charter; but it had the power to alter that part of the law which was intended for the benefit of the Government, so as to make it accomplish the object designed. The advantages to be secured to the Government by the law creating the bank, were to provide a proper depository for the money of the United States, and the means of transferring that money to whatever place the exigencies of the Government might require. Indeed, unless these or some other public purposes were the necessary and proper objects to be executed by the law creating the bank, that law was unconstitutional, according to the opinions of the advocates of the bank.

Those who considered that the bank was entitled, by contract, to the public deposites, inferred the existence of that contract from the bonus of $1,500,000, which the bank had paid to the Government for the exclusive privileges and benefits conferred upon it by the law of its incorporation. That inference, however, disregarded what had been clearly shown to be true, that the public money was deposited in the bank, not for the benefit of the bank, but for the purposes of the Government. That inference did not follow from the premises, (Mr. G. said,) for another reason. The control of the public money was a trust, which the Government could not part with; which it had no power or right to sell to the bank or other corporate body, or to any individual. The depository of the public money must, like the money itself, be kept continually within the controlling power of the laws. For what, then, it was asked, did the bank pay the bonus of $1,500,000? He answered, in the words of the law, for the exclusive privileges and benefits conferred upon it by the law of its incorporation. What were those exclusive privileges and benefits? Its corporate existence for twenty years, with the right to establish branches in the States, exempt from their authority; to have a capital of thirty-five millions; the right to hold property, including its capital, to the amount of fifty-five millions; the right to discount notes, with the faith of the Government pledged that no other bank should be chartered during its existence; and that its notes should be received in payment of all public dues, until otherwise directed by law. The price paid by the bank for these privileges was exceedingly cheap. The Government could now obtain, for the same privileges and benefits, five times the price paid by the bank.

If it would have been a violation of the trust delegated to Congress to have sold to the bank the possession of the public money; if the bank was made the depository of the money of the United States, for public purposes, and not for the benefit of the bank; if the bonus paid by the bank was a very small consideration for the exclusive privileges and benefits conferred upon it, then the inference was irresistible, that the bank was not entitled, by contract, to be the depository of the money of the United States.

But, (said Mr. G.,) what kind of contract was that, the benefits of which could be taken away from the party paying for it, by the party receiving the pay, at any time, without conditions, and without the consent of the other party? These charges of violated rights, and plighted faith, and broken contracts, brought against the Government by the bank, and sustained by its advocates, could not be used, and would not have been listened to for a moment, but that all the elements of party strife and discord had been mingled together to conceal the truth from the public eye. Mr. G. said that he had been thus particular upon the subject of the right set up by the bank and its advocates to the possession of the public money by contract, because he would not permit himself to discuss the propriety of doing any thing which the obligations of contract and common honesty required to be done. Neither did he think that so sacred a principle should have been called in to aid such an unfounded assumption. Another argument had been used for the purpose of enlarging the rights of the bank, which, Mr. G. said, he had been surprised to hear addressed to the American Congress. Public feeling had been attempted to be excited, by dwelling on the sacredness of chartered rights. The House had been solemnly warned against trifling with what was so dear to the people of this country. It had been said that, in interpreting the grant by which chartered rights were secured, the law was to receive the most liberal construction. Mr. G. said that no portion of the history of human society was more replete with interesting and instructive matter than the origin, progress, and general effect of chartered institutions. They had their origin in Europe, when the feudal system had rendered the people abject slaves to the Crown, the nobility, and the church. They were the means by which the people reacquired some portion of their natural rights, by which society was improved, and many of the abuses of the Government reformed. The friends of liberty had, therefore, in every part of Europe, endeavored to enlarge the sphere of chartered privileges. Emigrants from Europe, and especially the colonists of this country, who were generally the ardent lovers of freedom, brought with them the most sacred regard for those privileges, and in most of the colonies, obtained some security for their enjoyment by grants from the Crown. The Revolution effected an entire change in the whole order of things. By that great event, the people were restored to all their natural rights. The Government which they established was founded upon the principle that all its citizens were equally free, and entitled to equal privileges. Under such a Government, exclusive privileges ceased to be objects of popular regard. Grants of corporate powers became monopolies. They were *stricti juris*, because they derogated from common right. The construction of such grants, instead of being, as formerly, exceedingly liberal in favor of natural right, and against the absolute power of the Government, had become strict, because they detracted from common right in a Government where it was intended that the same advantages should be enjoyed by all. Chartered rights, derived through banking corporations, so far, therefore, from being considered peculiarly sacred, and entitled to an enlarged construction, ought to be strictly limited to the privileges expressly granted.

Mr. G. said that his next object would be to demonstrate that the public deposites ought not to be restored to the Bank of the United States. Before he proceeded to do this, he would say something upon the subject of their removal. The Secretary of the Treasury, Mr. G. said, was, as an officer of the Government, directed by the law creating the bank, to exercise his discretion in changing the place of the public deposites; and that discretion, like every other duty imposed by law upon the officers of the Government, derived its authority from the power of Congress over the subject. It was given to the Secretary, without doubt, because the bank was incorporated solely for the purpose of aiding the Treasury Department in executing its appropriate duties; and because, from the weekly returns made to him, and other means which he had of knowing of the course pursued by the bank, he was best enabled to judge whether it answered the object of its creation.

It had been contended by all who were opposed to the removal of the deposites from the bank, that the sole ground on which the Secretary of the Treasury could justify the act was, that the public money was unsafe in the bank. The safety of the public money, he said, was not even the principal reason for using the bank for its deposite. The truth of that matter was upon the surface. Gentlemen appeared to have been literally diving after it in a well. If safety had been the sole reason for placing the public money in the bank, it might have been permitted to remain in the hands of the collectors or receivers, or placed in the Treasury, where money had never yet been placed. The money was put into the bank, he said, in order that it might be transferred with facility to every part of the country, where the public service required its employment, and for the purpose of lessening the burdens of taxation upon the people, by returning it into circulation through the discounts of the bank, and thereby promoting industry and advancing the wealth of the people.

It was no part of his intention, Mr. G. said, to discuss the sufficiency of the reasons of the Secretary for changing the place of the public deposites. He differed with him as to the sufficiency of all the reasons which he had assigned, except that which charged the bank with producing commercial embarrassment by withholding the accommodations from the people which the possession of the public deposites enabled it to give. The House had nothing to do with the conduct of the Secretary, unless a charge of official misconduct should be made the subject of special investigation. The depository of the public money had been changed in pursuance of the discretion given by law to the Secretary of the Treasury. The question for the determination of Congress was not whether the Secretary had done right, but what the public interest required that Congress should now do with the public money. It had become the duty of Congress, in the exercise of its undoubted and entire control over the disposition of the public money, to express its will distinctly as to the place of its deposite. Ought that place, said Mr. G., to be the Bank of the United States? Upon the decision of that question by Congress, and the manner in which it should be sustained by the people, he was thoroughly convinced, would depend the recharter of the bank. Mr. G. said he was resolved not to be drawn aside from the course of his remarks, by the extraordinary arts which had been used by the advocates of the bank, and those who were zealously engaged in the struggle for party power, to persuade the people that the restoration of the deposites had no connexion with the recharter of the bank. He should not degrade the cause of truth and of his country, by entering into such a controversy. To be convinced that the recharter of the bank was connected with the restoration of the public deposites, it was only necessary to trace out the conduct of the bank, and what must obviously be its future course. It was a trite adage, that a bank had no soul. Its obviousness did not lessen its truth. The moral accountability, or the motives which control human beings, could not influence corporate bodies created by the Government. The object of a corporation was to accomplish the purpose of its being. The end of a bank was to make profit. That was the purpose of its being, and all considerations bearing on its course of policy were controlled by that end. It would not otherwise be true to itself. The charter of the bank, Mr. G. said, was near expiring. To obtain a recharter was greatly more important to the bank, than any profit which could be derived from its ordinary business. All its operations, of late, had been, and would continue to be, directed to the accomplishment of that purpose. It was not his intention, Mr. G. said, to examine into the charges which had been made against the bank on account of the three per cents., the French bill, the publishing and distributing of pamphlets, its loans to newspaper editors and other influential persons, or the violation of its charter in the manner of conducting its important business. These matters were of little importance in arriving at the results to which his own course of investigation and reasoning led him.

Mr. G. asked what had been the conduct of the bank? Its first step, he said, towards obtaining a recharter, was the direct application to Congress for that purpose, at the session immediately preceding the last presidential election. And why then? Undoubtedly with the design of either deterring the President from the performance of his constitutional duty, or of making him responsible to the people for its exercise. It was not made at that time in order that it might commence curtailing its discounts, and gradually lessening its business, if it should be rejected. The proof of this was clearly established by its subsequent conduct. After the President had put his veto to the bill for a recharter, did the bank commence the gradual reduction of business, with the view of closing its concerns? Assuredly not. By enlarging its accommodations from forty-five to seventy millions, it proved its determination to buy up popular favor for its candidate for the Presidency, that its life might, at the end of four years, be renewed for twenty more. This attempt to bribe the people to the election of a President favorable to its interest, had proved as great a failure as the effort to deter the President from vetoing the bill for a recharter. The bank had no means left, said Mr. G., through which a recharter could be obtained, except by operating upon their representatives through the people, so as to procure the favorable vote of two-thirds of both Houses of Congress. Could any one doubt but that it would use the means of obtaining such a result, if within its power? What was occasioning the universal cry of commercial embarrassment and distress? Mr. G. said that he had no doubt of the existence of that distress. He asked from whence had it come? The rights of the bank had not been affected by the removal of the public deposites. Its capital continued the same, with the same means of using it for the accommodation of the people. The same amount of capital remained in the country. The same number of banks were operating on the same capital. The staple productions of the country had been abundant, and had commanded a good price. The change of the place of the deposite of the public money from the Bank of the United States to the State banks had not lessened the capacity of all the banks together to extend to the people their accustomed accommodation. How, then, was the public distress to be accounted for? Those who were engaged in conducting the operations of the Government, and were opposed to the recharter of the bank, could have no object for exciting popular clamor against their own measures. It was the obvious interest of the State banks to extend to the people the utmost relief in their power.

If, said Mr. G., the positions which he had assumed were true, (and they seemed to him to be self-evident,) the distress could only have been brought about by the Bank of the United States. It might not be possible to trace out, with exactness, all the means which had been used by the bank for that purpose. The amount of the curtailment of its discounts might not alone have been sufficient. It was probable that it effected as much by its power over the issues of the State banks, as by diminishing its own accommodations. The situation of the State banks was such that they could not enlarge their business immediately, although possessed of the deposites, but with the concurrence of the United States Bank. The withholding of that concurrence, the curtailment of its issues from seventy to fifty-two millions, with the great and increasing effort which the friends of the bank had made to produce alarm and general distrust of credit, (unparalleled in the history of banking,) was, he believed, Mr. G. said, the true cause of most of the commercial embarrassment which had been felt in the country. Listen, said Mr. G., to the memorials which had been so numerously and constantly pressed upon the attention of Congress, describing the public distress, and praying for a recharter of the bank. It was the interest of the bank that such a state of things should exist, and continue to exist, until the popular feeling should be sufficiently strong to force Congress to recharter the bank. If the bank was so disposed, it could grant relief: to prove which, Mr. G. referred to the conduct of the first bank. Immediately after the vote in the House of Representatives for the indefinite postponement of the bill for a recharter, in January, 1811, the bank commenced curtailing its business. The State banks had necessarily to pursue the same course. Alarm, dismay, and loss of confidence in credit, was the consequence. The United States Bank enlarged its issues, restored confidence, and continued its usual accommodations, to the end of its charter. The charter expired before the next session of Congress. It was without the motive for continuing the alarm in the country. Why could not the present bank pursue the same course? asked Mr. G. It was allowed two years beyond its charter, that its business might be continued to the expiration of its charter, and settled up afterwards. Mr. G. said that he had no abuse to bestow upon the bank. Its directors were endeavoring to obtain for the stockholders the largest possible amount of profit. What course, Mr. G. asked, ought the Government to pursue, under such circumstances? Should the public deposites be restored to the bank? The statement of a single fact, he said, ought to be conclusive against that course. A large portion of the revenue of the United States was received in the notes of the State banks. If Congress should order the public money to be again placed in the United States Bank, the money deposited would consist principally of the notes of the State banks. The currency of the country was founded almost exclusively on credit. The State banks had no capacity to redeem their notes with specie. If the United States Bank had the disposition to withhold the issue of its own notes, and, by the restoration of the deposites, should obtain possession of a large amount of the notes of the State banks, it would, by the direct agency of the Government, be enabled not only to compel the State banks to stop the payment of specie, and to cease their accommodations to the people, but compel them to force their debtors to pay their debts, and thus obtain the control of the whole currency of the country, and the regulation of the value of the property of all the people of the United States. Would Congress give the bank that power, with the strong inducements which it had to use it improperly, by so operating upon the necessities of the people as to force a recharter? Mr. G. said he was utterly at a loss to understand how any member, who was opposed to the recharter of the bank, could, under such circumstances, vote for the restoration of the deposites.

Many members of the House were, however, of the opinion that the bank was constitutional, and that the public interest required that it should be rechartered. This brought him, Mr. G. said, to the examination of the great question, involving within it the whole controversy which now agitated the country. Ought the bank to be rechartered? Before that question could be discussed, a previous question had to be answered. Was Congress authorized, by the constitution, to charter a bank?

Mr. G. said that the power to create corporations was a prerogative which belonged alone to sovereign authority. It was generally admitted, he said, that the United States had no direct and original power to create corporations. It was not granted by the constitution. The power to incorporate a bank was claimed from the last clause of the eighth section of the first article of the constitution, which authorized Congress to pass all laws necessary and proper to carry into execution the granted powers; it being assumed that a bank was necessary and proper to execute some constitutional purpose. Mr. G. said that there were various objections to such a construction of the constitution. The power to charter banks being a prerogative of sovereignty, and not having been granted by the constitution to the United States, was, by the constitution, reserved to the States; that the clause of the constitution, under which the power was claimed for the United States, had only given the authority to pass laws to execute powers, not to assume a sovereign power that was not granted; that if it was not granted at the time of the formation of the constitution, it could not be acquired by the subsequent discovery of its convenience to the Government; that the sovereign powers of the United States and State Governments were separate and distinct; that the power to create banks did belong to the States, because, not having been granted to the United States, it was reserved to the States; and that the peace, harmony, and perpetuation of our complex Government depended upon each Government exercising only such powers as clearly belonged to it.

Mr. G. enforced his positions by stating, that the constitution, as it was originally framed by the convention of the States, and whilst it contained the clause unexplained upon which the advocates of the bank relied for the authority to charter a bank, would not have been ratified but for the express assurance on the part of its friends, that subsequent amendments would be made, by which the assumption of any powers of Government which were not granted would be prevented. Accordingly, in compliance with these assurances, an amendment of the constitution was adopted, by which it was provided that the powers not delegated to the United States by the constitution, nor prohibited by it to the States, were reserved to the States respectively, or to the people. From that time to the present, said Mr. G., the anti-federal or democratic party had relied upon that amendment as the rule for construing the constitution; whilst the federal party had as pertinaciously adhered to the original constitution, without regard to the qualification of its powers by the amendment.

The constitution, Mr. G said, had, in express terms, declared the extent of the power which was granted to Congress over the currency of the country. That power was limited to the coining of money, regulating the value of the coin, and of foreign coin, and of punishing those who should counterfeit the current coin. In a limited and specific grant of power, such as the constitution, to imply an important and well-known power, not included in the specification, was contrary to every just rule of construing such instruments. Another conclusive objection to the assumption by Congress of the power to incorporate a bank by implication, proceeded from the fact, that the direct effects of the operations of a bank were a thousand times more important than the execution of the purposes for which the Government said it was a necessary agent.

But, Mr. G. said, there was one view of the subject which appeared to him to extend over the whole ground, and to be decisive against the power of the United States to charter a bank. Whence, he asked, came the power of banking, of issuing notes or bills upon actual funds, or upon credit? It was the natural right of every citizen, unless restricted by law. Extended as banking by corporations was, the amount of notes and bills of exchange dependent for payment upon individual capital or credit, was probably greater, in this country, than the amount of bank notes. The power to pass laws for the regulation of the natural right of individuals, to issue notes and bills, belonged exclusively to the States. What individuals had the right to do, artificial beings could be constituted with authority to do. Credit was an important means of acquiring wealth. It gave more employment and activity to industry and intelligence than any other agent whatever, except capital itself. Like all other means of acquiring, diffusing, and transferring wealth, it was subject to be regulated by the laws of the State in which the citizen or corporate body using them resided. The power to create banks by a State was not the exercise of the power of emitting bills of credit. It was the creation of an artificial being by law, invested with authority to do what belonged of right to individuals to do, but which the State supposed could be done more advantageously, for the interest of the community, by corporate bodies. That right, the States had not granted to the United States. The United States could not, therefore, assume it, without an act of usurpation. The constitutional prohibition against the States issuing bills of credit, it was said, had taken from the States the authority to create banks; that what they could not do themselves, they could not do by others. The argument, so far as it had any application, was true; but could only apply to such banks as were authorized to issue bills of credit upon the faith of the Government, and depending for payment upon its funds The prohibitory clause alluded to most assuredly did not take from the States the right to regulate the employment of credit or capital by its citizens, or to create corporate institutions with the authority to issue notes and bills founded upon the capital or credit of those institutions. It had been also said, that, if the States had the power of creating banks, it was impossible for the United States to regulate the currency. And whence, he asked, did the United States get the right of regulating the currency? Certainly, said Mr. G., the constitution conferred upon it no such authority, except the power of regulating the coin.

Mr. G. said there was no fact, in relation to the state of the public mind, more discouraging to his own exertions in defending the institutions of the country, than the slight impression which violations of the constitution produced upon the feelings of the people. The same indifference was constantly exhibited by their representatives in the investigation of the principles of the Government. He said that all the arguments against the unconstitutionality of the United States Bank were answered usually by the display of the force of precedents, or the opinions of distinguished politicians. He observed, that one of the greatest securities provided by the people of the States, for the perpetual continuance of the constitution in its original form and spirit, was to be found in the oath required to be taken by every officer engaged in the public service to support the constitution. The obligation thus created was imperative upon each individual. It was the highest obligation which could arise out of the relation of citizen and Government, and could alone be discharged by each person's judgment and conscience, acting for itself in the performance of what were his own convictions. Mr. G. said, it was but trifling with the importance of the subject to justify the violation of the securities provided for the preservation of the people's liberty, by the example of others. All must examine the constitution for themselves, and obtain their own results. It was thus alone that the sacred charter of our rights could remain the same a thousand years hence, that it was when first formed and ratified.

Mr. G. remarked that, before he proceeded to discuss the last question which he had proposed for examination, viz: the inexpediency of rechartering the bank, he thought it proper to make a brief reply to what had been said of State Governments and State banks. The losses from broken State banks, and the depreciation of State bank paper, had been described in strong terms, for the purpose of proving the folly of the State Governments to be so great as to render them inadequate to exercise the power of chartering and governing banking institutions, and the unfitness of those institutions to supply a beneficial currency.

Mr. G. said that, in the legislation of newly-formed communities, like most of our States, there would always be great errors committed. It was, however, the peculiar genius of our State Governments to profit by experience. They were founded upon the capacity of the people to govern themselves. That capacity was often most strikingly exhibited in the recuperative energy with which the State Governments recovered from great mistakes. This very quality of our free representative Governments was never more clearly exhibited than in the history of banking. In the new States, whilst capital was always scarce, the demand for it was necessarily very active and urgent. Many banks had, under such circumstances, been created without capital, to supply the place of capital by bank credit. Such banks had, of course, failed to pay when specie was demanded. What was the situation of those States where the evil of broken banks had been most felt? Look, said Mr. G., at the rapidly-increasing wealth and rising importance of Kentucky, Ohio, and Tennessee. Mistakes in banking, and all other errors, would correct themselves without difficulty in Governments which were practically the agents of a free, active, and intelligent people. Such was not, he said, the operations of Governments whose power was not directly responsible to the people. In our General Government, he said, vast and complicated evils existed, which would not be tolerated for a moment in the State Governments. Abuses of power often strengthened the power to abuse.

Mr. G. then proceeded to consider the inexpediency of rechartering the bank. It had been said that whilst the currency furnished by the United States Bank was the best in the world, (better than gold and silver,) the State banks were wholly unable to redeem their notes in specie. He said that the statement was partly true, but that the inability of the State banks to redeem their notes was the consequence of the operations of the United States Bank. The receivability of the United States Bank bills in the payment of all Government dues, the possession of the public money, and the establishment of its branches in every part of the United States, had given such an extended and universal credit to the bills of the United States Bank as to drive specie from circulation. That effect was increased by the use which the United States Bank had made of the notes of the State banks. He knew it had been said that one of the great benefits of the United States Bank had been to control over-issues by the State banks, so as to make their bills convertible into specie. The reverse was true, both of the present and first bank. The disproportion between the paper of the State banks in circulation and the specie in their vaults was never so great as at present, and at the time of the expiration of the charter of the first bank. The expiration of the charter of the United States Bank would be the destruction of that extended credit by which the notes of the State banks had ceased to be convertible into specie, especially if accompanied by judicious legislation on the part of the General and State Governments. The want of confidence in the banks would be the people's security against their over-issuing.

But it had been asked, How was exchange to be regulated between different parts of the country? He replied, as it was then between New York and Liverpool. The productions which each section furnished the other was the principal medium through which mutual commerce would be carried on. The payment of balances would be made, he said, in the bills of commercial houses of established credit, in bills furnished by the State banks, or in gold coin. Mr. G. said that it was exceedingly important for keeping the rate of exchange uniform, and at a fair price, that Congress should regulate the value of the gold coin, by increasing its nominal value so as to retain it within the country, and so to direct the collection of the public revenue as to force the State banks to make their bills convertible into coin at the will of the holders.

Mr. G. said that he considered the project of making the currency of the country altogether a hard-money currency to be utterly visionary, and, if practicable, not to be desired. He said that, in a large portion of the United States, the accumulation of surplus capital was far from being sufficient to supply the constant demand which industry, enterprise, and skill made upon it. Individual and banking credit, therefore, formed an essential source of private profit and public wealth.

Mr. G. said that the House had been warned of the dangerous influence which had been given to the President over popular elections if the State banks were made the depository of the public money. He said that commercial men and bank directors were too much occupied ordinarily with their own peculiar and engrossing pursuits to devote themselves to elections. The directors of State banks were connected, he said, rather with local interests and the State Governments than with the affairs of the whole Union. They derived their charters from the State Governments, and would be dependent upon them for their renewal. With these safeguards there would not be any very great danger from the exercise of corrupt political influence by the directors of the State banks in support of the policy of any President. But, whether such an influence would be exercised or not, it was, he said, within the power (as it was assuredly the duty) of Congress to fix by law the banks of deposite, and to prescribe the terms upon which they should receive the public money. The reason why the public money shouldbe placed in the banks rather than in the Treasury, or in the hands of the collectors of the revenue, he had already endeavored to explain.

Mr. G. then proceeded to point out the dangerous consequences which must follow from the continuation of a national bank. Such an institution would, he said, necessarily have the power of rendering the Government, in some degree, subsidiary to it in time of war, and of changing, at its will, the price of all property by its command of the currency, and of speculating, through its directors, upon all the staple productions of the country by enlarging and curtailing its discounts. There were other objections to which he desired to call the special attention of the friends of constitutional liberty and the rights of the States. He said that the Government of the United States had, in practice, proved to be very different from what had been anticipated by those who formed it. The checks which it was supposed would prevent the extension of its powers beyond the limits prescribed by the constitution, had long since proved wholly insufficient for that purpose. It had gradually assumed the legislative direction over every right and interest of the people, until it had been declared, by proclamation by the Executive Department, and sustained by the Legislative, that the laws of the United States were the supreme law of the land, in violation of the express condition in the constitution that the laws of the United States, to be the supreme law of the land, should have been passed in pursuance of the constitution.

If, said Mr. G., there was so strong a tendency in the General Government to draw all power into its own hands, should that tendency be increased by adding to it, permanently, the influence of the bank? Money was power. Should that power remain with the people and the States, or be united to the General Government, to form additional means of controlling the popular will? Was each citizen, instead of knowing that he was master of his own money and property, to be made to feel that its value depended upon the will and promises of a bank! Was the independence, the spirit, and the power of the people to defend their rights from violation to be broken down by the constant sense of dependence upon the bank, itself the creature and agent of the Government? Were all the State institutions to be made subservient to the same power? Were the States to be deprived of the most effective means of defending their just authority from usurpation? He urged the friends of the rights of the States to resist every attempt to confirm to the United States its usurped power over the money of the people by the recharter of the bank. The effort, he said, must be made now or never. Unite the Government and the bank for twenty years longer, and the advocation of the rights of the States would become folly. Upon this question, Mr. G. said, was formed the first marked distinction between the federal and anti-federal parties—between the advocates for the individual freedom of the citizen and the advocates for controlling power in the Government—between those who considered government but as the agent of the people, and those who looked to it as the great dispenser of power and profit.

Mr. G. said that the opinions which he had then expressed were not those of yesterday; they were the settled convictions of his mind; they had been formed with his first examination into the structure of the Government, and his mature observation and experience had but added confirmation to the truth of his first judgment. It was with regret that he found many of those who professed the same general political opinions with himself separated from him upon the subject of the proper disposition of the public deposites, and the recharter of the Bank of the United States. He had neither the right nor the disposition to scrutinize into the reasons of their course. He had subjected his own course to the strictest examination that he could impose upon himself. He avowed his entire unconsciousness of the operation of the slightest influence upon himself in directing his vote, except his conviction that the public good forbade the restoration of the deposites to the Bank of the United States. He had never owned one dollar of bank stock either in the State or the United States Bank, or any other stock whatever. He had never borrowed a dollar of any bank: his rule was, not to be indebted at all. He had never committed an act of speculation: he held his personal independence of higher value than any consideration connected with the acquisition of property. He had never asked from the United States office for himself nor for any relation of his: he would never receive any office from the hands of any President. He had no connexion with General Jackson whatever: he was personally unknown to the President. He had, Mr. G. said, but a single object of ambition connected with the public service; he desired not only to discharge his duty faithfully to the people of his State, but that they should be able to appreciate the motives by which he endeavored to direct his conduct in guarding their rights and defending their interest. He discharged but the obligation he owed to those he represented, when he urged them not to be carried off from the maintenance of the rights of the States and the people by the contest for power among the ambitious aspirants for the first office of the country. He had endeavored to withdraw the veil which had been thrown between them and the truth in relation to the rights of the bank to the public deposites. It was not true that the bank was entitled to the possession of the money collected of the people for the use of the Government. The bank had neither bought the possession of the public deposites, nor could the Government so far betray the trust conferred upon it by the people of the States as to make such a sale. If the bank was not to be rechartered, the public deposites, if restored, could not remain with it. The bank could not accommodate the people by increasing its discounts by the possession of the deposites if its charter was to expire. The bank, he said, was now curtailing its business, either with the view of its approaching end, or for the purpose of distressing the people: if for the purpose of gradually closing its concerns, the deposites could be of no advantage to it, since its capital was amply sufficient for all the purposes of its business; if with the design of distressing the people, in order to procure a recharter, would Congress, he repeated, aid such an effort by placing the public money in its hands? Believing that the creation of the bank was an unauthorized exercise of power by Congress, and that its recharter would take from the people and the States the most efficient means of guarding against acts of oppression and usurpation, he should not only oppose the restoration of the public deposites to the Bank of the United States, but every other measure which had for its object the recharter of the bank.

Mr. G. became so exhausted from his feeble state of health, that he was compelled to take his seat. He was afterwards permitted by the House to lay upon the table the following resolutions, with which he had intended to conclude his remarks:

Resolved, That the right to control the possession of the public money is a trust delegated to the Government, of which it cannot divest itself; and, therefore, that Congress has no power to sell to the Bank of the United States, or other corporation, or to any individual, the right to possess the money of the United States.

Resolved, That the Congress of the United States did not, by the sixteenth section of the act to incorporate the subscribers of the Bank of the United States, which directs that the deposites of the money of the United States shall be placed in the Bank of the United States and its branches, unless the Secretary of the Treasury shall, at any time, otherwise order and direct, relinquish its right of controlling the deposites of the money of the United States, whenever the public interest should require its exercise.

Resolved, That the right of Congress to fix, by law, the place of deposite for the money of the United States, does not depend in any degree upon the sufficiency or insufficiency of the reasons assigned to Congress by the Secretary of the Treasury, at the commencement of its present session, for the removal of the money of the United States from the Bank of the United States.

Resolved, That the application to Congress for a recharter of the Bank of the United States, at the session immediately preceding the last presidential election, the rejection of that application by the deliberate action of the Government, the general embarrassment of all business which had been carried on by banking credit, the great interest which the Bank of the United States has to increase that embarrassment, and to occasion general distress throughout the country, the power which the United States Bank would possess of compelling most of the State banks to stop the payment of specie and all accommodation to the people, if the deposites of the money of the United States were restored to the Bank of the United States, conspire to render it the imperative duty of Congress to deposite the money of the United States in some other place than the Bank of the United States.

Resolved, That the United States possess no powers of Government, except such as have been delegated to it by the States through the constitution.

Resolved, That the power to grant charters of incorporation is an attribute of sovereignty, and belongs to the States or the people, it never having been delegated to the United States.

Resolved, That the authority granted to the United States by the last clause of the eighth section of the first article of the constitution, to pass all laws necessary and proper for carrying into execution the powers conferred upon them, does not justify the assumption of any sovereign power by the United States which belongs to the States or the people.

Resolved, That the creation of a national bank, or the rechartering of the present Bank of the United States, is not only an exercise of power not authorized by the constitution, but dangerous to the individual independence of the people, to the power of the States to resist the usurpation of their rights, and to the continuance of our present free institutions.

Resolved, That the money collected from the people for the use of the Government, ought to be placed in the State banks until it shall be drawn therefrom in consequence of appropriations made by law, instead of permitting it to remain the possession of the public officers; because, through the banks the money may be made to return immediately into circulation, thereby lessening the burdens of taxation, keeping the quantity of circulating medium equal, and adding to the activity and prosperity of the community.

Resolved, That the State banks to be made the depositories of the public money ought to be designated by law as soon as possible, and the conditions and restrictions prescribed upon which they shall receive the public money, and transfer it to such places as the Government may require.

When Mr. G. had concluded—

Mr. CLAY, of Alabama, obtained the floor, and being without certain documents he wanted, to enable him to proceed in his argument, moved an adjournment, which prevailed. And the House adjourned.

Saturday, March 22.

Mr. McKIM moved to suspend the rules of the House, in order to take up the bill to extend the Cumberland road from Vandalia to the Mississippi river.

Mr. MERCER moved as an amendment, to include in the motion, the bill for the Potomac bridge.

Mr. ASHLEY moved to include also the bill to extend the Cumberland road from the Mississippi to Jefferson in Missouri.

Mr. PARKER demanded the yeas and nays, which being taken, on the several motions, the first two were in succession lost; and the last was then withdrawn.

REMISSION OF DUTIES.

The bill to return the duties on certain pieces of sculpture (the capitals of the columns of the Philadelphia Exchange) being on its third reading,

Mr. FILLMORE opposed the bill; and

Mr. BINNEY explained the circumstances of the case, though, being slightly interested in it, he declined voting, or pressing the bill with any earnestness.

A debate arose, in which Messrs. BINNEY, HUNTINGTON of Connecticut, and EVERETT of Massachusetts, advocated, and Messrs. WILLIAMS, FILLMORE, PARKER, McKINLEY, and HARDIN opposed the passage of the bill.

[The bill was advocated on the ground that these capitals were models of sculpture of the most perfect kind, so perfect that, at Naples and Carara, casts had been taken to preserve their forms, for Italy; that the tariff law exempted all works of this kind from duty; that this was due to the encouragement of the fine arts in this country; that, although the building in which they were to be placed was owned by a private company, it was a company actuated by no desire or hope of gain, but who, from public motives, had combined to erect this building, though certain of some personal loss: in evidence of which it was stated that on the day for opening of the Exchange its stock stood at thirty per cent. below par. Precedents were cited where similar exemptions had been allowed.

The bill was opposed on the ground that these capitals were private, not public property: had not been imported as models for our artists, but ornaments to the Exchange; and that to admit them free of duty would be setting a bad precedent. Several cases were quoted in which similar applications had been rejected, and, in others, passed by very small majorities.]

The question on the passage of the bill being taken by yeas and nays, there were in its favor 45, against it 135 votes.

So the bill was rejected.

And then the House adjourned.

Monday, March 24.

VIRGINIA RESOLUTIONS.

The order of the morning was the consideration of the Virginia Resolutions on the removal of the deposites; but Mr. Pinckney, who had the floor, being absent, attempts were made by Mr. Gamble, of Georgia, and Mr. Adams, of Massachusetts, to obtain it; but Mr. Mason, of Virginia, having moved that the resolutions be laid on the table and printed, the motion prevailed, and the resolutions were accordingly laid on the table.

The CHAIR then resumed the call of the States for petitions and memorials, commencing with the State of New York.

Numerous memorials were thereupon presented, among which were the following:

CUMBERLAND COUNTY (Pa.) MEMORIAL.

Mr. MILLER presented the proceedings of a meeting of the citizens of Cumberland county, Pennsylvania, held at the Borough of Carlisle, on the 22d of February last.

Mr. M. stated that he had received these proceedings several days ago, perhaps weeks, but that this was the first opportunity that had been afforded to present them to the House. This meeting, said he, complain by their resolutions of a deranged state of the currency, and of pecuniary embarrassment, which they attribute to the removal of the deposites of the public moneys from the Bank of the United States, and recommend a restoration of them to the bank, and a recharter of that institution. It was not his purpose to call in question or to canvass the political character or motives of any portion of his constituents. He might be permitted to say, however, that, so far as he knew the individuals who composed the meeting, they were respectable. Of the number attending the meeting, he had not been informed, but he had no doubt it was respectable in point of number as well as character; and that they were entitled to respectful consideration. [The proceedings were laid on the table, and ordered to be printed.]

Mr. M. also presented the proceedings of a meeting of the citizens of Carlisle and vicinity, at which resolutions were adopted, approving of the removal of the deposites, and opposed to the recharter of the Bank of the United States. This meeting, he was informed, was numerously attended, and was respectable in point of character as well as number. [The proceedings were ordered to be printed, and laid on the table.]

He also presented the proceedings of a meeting of citizens of Buffalo township, in the county of Perry, Pennsylvania, disapproving of the removal of the deposites, and, in favor of rechartering of the bank. The citizens composing this meeting were also respectable, but they had introduced matters of a political character, not connected with legislation, which he thought had better have been omitted. But as they were sent to him, he thought it was his duty to present them. [The proceedings were laid on the table, and ordered to be printed.]

BERKS AND LANCASTER COUNTY (Pa.) MEMORIALS.

Mr. **HIESTER** said: I have been requested to present a memorial, signed by about 200 citizens of Berks county, Pennsylvania, who state that the general depression in the prices of produce, and the consequent pecuniary distress now pervading the country, is seriously felt by them. This they ascribe to the removal of the public deposites from the Bank of the United States. And, as a remedy for the prevailing embarrassment and pressure, they pray for their restoration. I have the pleasure of being personally acquainted with a number of these memorialists, as well as with many of those whose memorial was presented here a few weeks ago, by my colleague, from the same county. And I take this occasion to bear testimony to their general intelligence and high respectability. They are principally composed of the honest and unpretending yeomanry of that county, who always meet the object they desire to attain in an open, undisguised, and straight-forward manner. As an evidence that a great proportion of those memorialists have heretofore been the friends and supporters of the present Executive, I will barely state that they are about double in number to the whole opposition vote against him in the county, at the last two Presidential elections. Among the signatures there are a number in the German character; and, as a manifestation that the German part of them had every opportunity afforded them of understanding what they were signing, the memorial is now presented, as it was circulated, in the German as well as the English language, the one being a counterpart of the other.

The memorial was read, laid on the table, and ordered to be printed.

Mr. HIESTER further said: I have also been charged with the presentation of thirteen additional memorials, of like import, signed by about seven hundred and fifty of the farmers, mechanics, and other citizens of the county of Lancaster, Pennsylvania. I deem it proper to state that, amongst these signatures, I recognise the names of a number of those who have heretofore been among the most active, efficient, and constant friends of the present Chief Magistrate. They pray for the restoration of the public deposites to the United States Bank, and for the rechartering of that institution with proper amendments, if any be necessary, as, in their view, the only means of removing the present embarrassment of the country, and restoring its wonted prosperity. And, sir, I will barely add, that the pecuniary embarrassment of the country must be deeply and sensibly felt by all classes of people, to induce between three and four thousand citizens of that almost exclusively agricultural (and hitherto flourishing) county, to present before this House, in the manly and dignified tone of freemen, their grievances, and to solicit its intercession between Executive wrongs and the prosperity of the country. They are a class of citizens too intelligent and honest to be moved by the mere clamor of "pot-house politicians," or trivial causes, upon any occasion. And when they speak in such an emphatic manner, their prayers deserve, as I trust they will receive, the serious and respectful consideration of Congress.

The memorials were read, and ordered to be printed.

FRANKLIN COUNTY (Pa.) MEMORIAL.

Mr. **CHAMBERS** remarked, that he was requested to present to the House the proceedings of a public meeting of the citizens of Franklin county, Pennsylvania, held at Chambersburg on the 15th instant. Also, a memorial from the inhabitants of the township of Washington, in said county. Together with memorials from the inhabitants of other parts of the same county. They were all of the same tenor—on the subject of the public deposites, the Bank of the United States, and the derangement of trade and the currency.

A respectable committee had been appointed, to bring to this House these proceedings and memorials, and who are in attendance, that they may confer with the individual members of the House, and make known the nature and operation of the pressure in the interior of the country; and that they may also learn from their representatives, what relief is to be expected from Congress, by a suffering and alarmed community. From that committee, on whose accuracy and veracity every reliance can be placed, I learn that the memorials now before me are signed by upwards of one thousand eight hundred voters of the county of Franklin. Of these, it is estimated that one-half are farmers, who cultivate their lands by the labor of their own hands, and that of their families. Amongst the others, a large portion are engaged in the primary manufacture of iron, from the mines; and the remainder are millers, mechanics, and others, embracing all classes, conditions, and occupations. I have not given to the memorials the attention, or made the inquiry, to ascertain who or how many of the memorialists were for or against the administration, in time past or present. Did I know the fact, I would not consider it my duty to state it to the House, as this House represents all the people, and is bound to legislate alike for all, without discrimination. The memorialists represent that, but a few months since, their district of country was in a state of prosperity, having but a short time before recovered from embarrassment and sacrifices of property, that attended and followed a spirit of speculation and adventure, occasioned, in Pennsylvania, by the depreciated paper currency with which that State was flooded from 1811 to 1817. They further represent that they were in the enjoyment of a sound paper currency, equal in value to gold and silver, but for the purposes of trade and exchange more convenient. Industry was encouraged, and enterprise excited, which was exhibited in the erection of manufacturing establishments, dwellings, and other improvements. The Commonwealth of Pennsylvania, availing herself of the spirit of the times for internal improvement, projected and embarked, a few years since, in public works, on a most extensive scale, involving that State in a present debt of upwards of twenty millions of dollars. These works are unfinished and unproductive--requiring many more millions of dollars for their completion. It is also a matter of notoriety that, though this State, within the last year, went into the market for her loans, on the most advantageous terms, yet, within the last few months, though her State authorities advertised for part of a former loan, they were without a single offer at the time appointed, and though the advertisement has since been renewed, it is doubtful whether any offer is yet made that can be accepted. They further represent that, when they expected to realize some advantages from the public works, as well as individual improvements, they have been disappointed; their prospects have been blasted, and their hopes withered. They further allege that the pressure is felt in the derangement of the moneyed system of the country, and the interruptions of trade. They do not represent that they are reduced to a state of bankruptcy or pauperism. Nor do I conceive that this House requires any such standard of pressure and embarrassment as bankruptcy or pauperism, as the only one for the attention and redress of this House.

[The SPEAKER reminded Mr. C. that his remarks must be confined to the memorials, &c.]

Mr. C. proceeded to state that it was represented that the products of all branches of industry were reduced in price, and the measures of value were rendered so uncertain, that the buyer and seller knew not what, in the course of trade, to give or receive. The farmer was obliged to sell his grain at reduced prices of from twenty to thirty-three per cent., and it is an article that must go into the market at this season, without regard to the price or state of the market. The manufacturer is represented as embarrassed by the interruptions of his accustomed channels of trade; and being deprived of the facilities of having his drafts or acceptances cashed, by which he was enabled to raise, on his credit sales, the necessary money for the prompt payment of his laborers, he is obliged to limit and contract his business; though in doing so, he throws out of employment many an industrious man, or his wages are reduced, to the discomfort of himself and family. The miller, mechanic, and others, necessarily participate in this interruption and change of the course of business. This pressure and embarrassment is attributed to the act of the Executive in removing the public deposites from the Bank of the United States. It is not merely the removal of the deposites of which complaint is made, but the circumstances under which that removal was made, and the attitude of hostility exhibited and maintained by the Executive against the Bank of the United States. They further represent that the experience of forty years shows, conclusively, that a United States bank is indispensably necessary, as an agent, to the fiscal operations of the Government in the collection and transmission of its revenue and moneys; and as the instrument of maintaining, under the legislation and control of Congress, a sound currency, and a moderate rate of exchange. They further represent that the experiment of a State bank paper currency was tried after the expiration of the charter of the first Bank of the United States; the effect of which was to banish from circulation the metallic currency, flood the country with a depreciated bank paper, unsettle the values of all property, and occasion losses to the Government and individuals which have not been repaired to this day. From the further prosecution of this experiment by the Executive, by which many thousands will be ruined, they ask to be relieved by the interposition and legislation of Congress. They also ask that the public deposites shall be restored to the Bank of the United States. They further ask, that the Bank of the United States may be rechartered, with such modification and provisions as will provide for the wants and protect the interests of the community.

PHILADELPHIA MEMORIALS.

Mr. **BINNEY** presented various resolutions and petitions, praying the restoration of the deposites, from the building mechanics, coach-makers, cabinet-makers, gilders, painters, boot-makers, &c. of the city of Philadelphia; and a memorial also on the same subject from the young men of Philadelphia.

Mr. B. stated a number of facts, going to show the reality and the extent of the distress prevailing among the mechanics, as well as other classes of the community; the great and unprecedented decline and stagnation of their business, and the prospect of increased difficulties and sufferings with which they were threatened. As Mr. B. was going into a general eulogy of the character of the mechanics of the Union, he was interrupted by

The SPEAKER, who, expressing his entire coincidence in the sentiments Mr. B. had expressed, reminded him that the rule confined him strictly to the contents of the memorial.

The memorials, &c. were read, ordered to be printed, and laid on the table.

Mr. **WATMOUGH** presented several memorials from citizens of his district, praying the restoration of the deposites, and the recharter of the United States Bank; also the resolutions of a meeting held in that district condemning the measures of the present administration.

Mr. W. also presented the proceedings of a meeting of the third congressional district, in favor of a restoration of the deposites.

In presenting the above memorials, Mr. W. addressed the Chair as follows:

It becomes my duty, said Mr. W., to lay before the House the several memorials I hold in my hand. In performing this duty, I shall endeavor to keep closely within the limits of the rule so impartially enforced to-day, sir, and occupy as little of the time of the House as the nature of the subject, and its importance in reference to the opinions and privileges of the freemen whose interests I am most proud to represent, will allow.

In noticing the proceedings I am about to present, it becomes necessary to refer to the past action of my constituents on the absorbing questions which at present agitate the minds of all men, as that action has been brought to the notice of this House.

[Here the SPEAKER interfered, and reminded the honorable gentleman that any such reference would not be deemed in order.]

Mr. W. continued: The Speaker of the House will pardon me, and I shall endeavor not to trespass. On the 10th February last, I had the honor to present a series of resolutions, expressing the sense, as it was believed, of a majority of the inhabitants of the Northern Liberties, on the subject of the removal of the public deposites from the Bank of the United States.

These resolutions denounce the act of removal, in the first place, as a gross violation of the laws of Congress; in the second, as a violation of the constitution of the United States; thirdly, as an alarming and dangerous usurpation or abuse of power on the part of the Executive, alike criminal and derogatory to the rights of the people, and as being, not only without law, but against law; fourthly, as dangerous to the public interest as it is inconsistent with the constitution and the laws; and, lastly, as tending to compromit the liberties of the people, and the just rights of the States, by placing the whole influence of the State banks under the control of "the Government," with the amplest means of rewarding and punishing them, as may suit his own will and pleasure.

They then proceed to state the consequent existence of a wide-spread distress among all classes of society, to be imputed to this illegal and unconstitutional act; and a conviction that, unless a remedy be speedily applied, a much deeper and a much more wide-spread ruin must ensue; and they conclude with an earnest request to Congress to restore the same.

In the proceedings of that memorable meeting, the rights of the people are ably vindicated, the powers of the constitution clearly and logically defined, the rash intemperance of the Executive sternly rebuked, the duties of the Secretary of the Treasury fully laid down, and the report of his reasons for the removal demolished at a blow. The purest and most elevated principles of civil liberty are breathed throughout every line, and appear to have animated the whole mass of freemen who responded to them. I refer to them, Mr. Speaker, with emotions of heartfelt satisfaction, and should consider myself a recreant to my duty, to my country, to my God, did I not thus publicly pledge myself to sustain, even to the death, if necessary, every principle and every sentiment they contain. With the results of this meeting the people appeared satisfied, nor was any thing further thought necessary to be done.

On the 3d of March following, however, the member from Pennsylvania representing the first congressional district, [Mr. Sutherland,] presented to the House, with his usual flourish, a memorial purporting to be signed, as expressly stated by himself, by 4,000 voters of the district above named. The House will recollect I cautioned the member on that occasion to beware, and expressed my doubts as to the validity of that memorial. It was ordered to be printed and referred as usual, and, as soon as possible, I forwarded home a copy of it, made by the officer of the House, before it had left the clerk's room even to go to the public printers.

No sooner had the rumor of this memorial reached home, than the high-minded freemen of the district, the same intelligent and unbending republicans who had so lately signed and promulgated the memorable proceedings of the 30th of January, rose indignantly to repel the imputations attempted to be put upon them. The meeting of the 5th of March was accordingly called, and most numerously attended. The proceedings of that meeting I now hold in my hand, and, with the permission of the House, will briefly refer to.

They express, with an honest and patriotic fervor, their determination to maintain the constitution and the laws of the land. They indignantly denounce the Executive encroachments; they raise their warning voice against the reasons of the Secretary of the Treasury; and, in eight substantial reasons, they pronounce the removal of the deposites illegal, unconstitutional, and unjust; and, finally, they conclude with a solemn resolution, declaring the act of the Executive not only arbitrary, vindictive, and unjust, but likewise in direct opposition to all the usages and principles of the democratic party, of which they had always constituted, and ever meant to constitutute, an integral part. By a resolution of this meeting, a memorial was framed, and a large committee appointed to submit the same to the legal voters of the whole congressional district, for their signatures. The meeting had been called in the most public manner possible; its whole proceedings were carefully published in the daily prints, and the attention of the whole community was, by every means, aroused to it. The consequence of all which is, the memorial I now hold in my hand. This memorial, Mr. Speaker, is signed by 4,600 legal voters of the 3d congressional district of Pennsylvania—a large majority of the whole body of voters of the district, and only falling about 1,500 short of the whole number of votes given in 1832. It has been placed in my hands by a delegation appointed to convey it to Washington, by whom, as well as by the chairman of the meeting at home, I am instructed to say, that every possible means and precaution were taken to prevent misconceptions of its nature, and any error whatever in procuring the signatures; it was carefully explained to every signer, and the House will observe that the prudent precaution has been adopted of not abstracting the names from the separate memorials to which they were originally affixed.

Before I send this memorial to be read, I will ask the patience of the House to another document which I wish to accompany it. It is the statement, in the form of a memorial to both Houses of Congress, of a large and highly respectable committee of influential citizens appointed by the same meeting to take into consideration, examine, and analyze, the memorial purporting to be signed by 4,000 voters of the 3d district, and submitted as coming from the Northern Liberties, or "thereabout," by the member from the 1st district, [Mr. Sutherland.] I will not trouble the House long in reference to it, Mr. Speaker. It is a plain story and soon told. They inform you that, instead of the 4,000 names with which I was so clamorously threatened, the "fraudulent" memorial contains but 1,497, and that of these 467 are repetitions; and they sustain the general result to which they have been brought by a clear and simple analysis annexed.

Mr. Speaker, I have fulfilled the duty imposed upon me. I have endeavored to do it without deviating into invective, or trespassing a moment longer than was absolutely necessary upon the time of the House. I have now only to thank the House for the indulgence they have shown me, and to ask that the proceedings of the meeting and the memorials of the citizens and the committee be read and printed, with all the documents annexed, and laid upon the table.

All which was accordingly done.

Here Mr. SUTHERLAND rose, and having obtained the consent of the House, replied at some length, and endeavored to explain, &c.

Mr. S. having resumed his seat—

Mr. WATMOUGH rose, and the consent of the House being obtained, proceeded to thank the House for the indulgence and favor granted him. He should endeavor to show his sense of that indulgence by being as brief as possible. The member, sir, from Pennsylvania, who has just resumed his seat, [Mr. Sutherland,] has made his defence; he has done it in his own characteristic manner, and has left but little for his bitterest enemy to desire. What, sir, has been the course of the member? He has ventured upon a field of battle, through which his nerves, and what little political conscience he has left, cannot bear him. He has, therefore, attempted to kick up a dust, under cover of which he may be enabled to effect his own retreat. He has departed from the record immediately before the House; and, by a miserable evasion, attempted to carry the war out of his own territory; with what success, Mr. Speaker, let us examine. The member attempts to show that, in this matter, no blame attaches to himself, because, forsooth, a certain number of names, which are to be found on the memorial presented to this House by my highly distinguished and honorable colleague and friend near me, [Mr. Binney,] are likewise to be found appended to a memorial presented by myself, as coming from the inhabitants, residents of Byberry, Moreland, Dublin, Oxford, and the unincorporated Northern Liberties.

These are the townships composing the country part of the 3d district, and are inhabited by as virtuous, industrious, and intelligent a class of society as can be found any where in this country. I have no doubt, sir, that their names, as given in by me, may be found attached to the large memorial, signed by upwards of 10,000 of the freemen of the city and county of Philadelphia. Is this, however, the result of fraud, or of any design, on their parts, to deceive Congress, as the individual from Pennsylvania would seem to insinuate? The House must judge. The city and county of Philadelphia compose three congressional districts. The first is represented by the member now in my eye, who is now on his trial before that jury to whose decisions we must all submit; the second, composing the city proper, is represented on this floor by two estimable gentlemen near me—men, sir, who combine in their own persons, all that is admirable in virtue, intellect, and morals. The interests of the third are humbly, but honestly and ardently, sustained by myself. These districts are again severally subdivided. From the first moment of the promulgation of the policy of the administration, which is now prostrating and throwing all the great interests of the country into irretrievable confusion, the independent citizens of the city and county of Philadelphia, with that jealousy which ought ever to distinguish freemen, took the alarm, and raised their united voice against it. They spoke in mass, sir, and flew almost in one united body to that sacred right of petition which is guarantied to them as one of their dearest privileges, and which they are determined shall not be debased by political fraud or design. The large memorial came here on the 10th of February. On the 20th of the same month, a portion of the same men again met in their own immediate neighborhood, and passed a set of resolutions, than which nothing more admirable ever distinguished the brightest days of English or American liberty. To these resolutions they subscribed their names to the number of upwards of 350, and sent them to me on the 3d of March, to be laid before the House. Will any one pretend to assert that, because these gentlemen had signed a memorial, in common with upwards of 10,000 of their fellow-citizens, they had no right to meet again in their primary assemblies, and express themselves in a manner to place their opinions beyond the possibility of cavil or doubt? Certainly, sir, there can be found no one so bold. There is the whole head and front of their offending; and I now leave sir, to the member from Pennsylvania, all the merit which he can derive from such a defence.

One word more, sir, as to the member's "gallant soldier." It is somewhat amusing to listen to the changes which the member has rung on the phrase "gallant soldier." Sir, it has been his shield and buckler: he has held it up between himself and me with a care and attention sufficiently ridiculous. I understand the gentleman, sir: he is quite safe—he need not give himself so much anxiety. But allow me, in justice to an old comrade, who appears to have got into very bad hands of late, to say something too about the "gallant soldier." If I am correctly informed, sir, I once knew him. I believe he was once attached to the same regiment with which I myself served. When I knew him, sir—not, however, at the period the member has alluded to—he was a mild, amiable, and unoffending gentleman, always distinguished for the goodness of his heart, and as liable as any honest fellow I have ever known to be made the dupe of the deep, designing knave. Sir, it is in the existence of such characters that a certain class of men, the political cheats and deceivers of the day, base their own capital; possessed of no other resources, but such as are derived from fraud, they can only replenish their exhausted stock by preying anew upon the honest and unpretending dupes with which they well know every community abounds.

But one word more, sir, in reference to a phrase and a single word the member has thought proper to make use of. I allude, sir, to the phrase "mean enough" and the word "insinuate." The member has carefully told us, sir, that he meant them to allude to certain persons "out of doors." He might have spared himself this trouble. I should not have felt myself touched by them. I scarcely know the meaning of the phrase, and as to the term "insinuate," I do not think I ever descended to make one in my life. If the terms are intended for my fellow-citizens at home, I only desire they may be conveyed to them as the member intended. But, sir, my constituents meant to insinuate nothing. They have conceived that one of the dearest privileges of freemen has been basely assailed, and they have boldly said so; that the integrity and purity of their constitution have been polluted, and they have flown to the rescue; and I stand by them, sir, and assert, that better would it be, far better, that this vast dome, and these beautiful capitals and vast columns, should fall and bury us all in one general ruin, from which no time could extricate us, than that a single principle of a constitution so dear to freemen should be polluted or assailed.

Before I take my seat, sir, I must beg leave to remind the House that, when I first rose to-day, I made no charges, but confined myself strictly to the business I had in hand. In my reply to the member, I have only done what I have been driven to do by the tenor of his own defence.

There is nothing more left for me to do, sir, in this matter, than again to beg the House to accept my most grateful thanks for the favor they have shown me, and to move, again, that all the documents I have laid before them be printed and laid upon the table.

YORK (Pa.) RESOLUTIONS.

The SPEAKER of the House presented certain resolutions adopted at a meeting held in York, Pennsylvania, on the 4th March, approving the course of the administration in relation to the Bank of the United States.

Mr. BARNITZ moved the reading of the resolutions; and, being read—

Mr. B. observed that the York resolutions had already acquired some celebrity in another place, which it was not regular to remark upon here, but that the resolutions now presented by the Speaker were considered in their style unobjectionable. He was desirous, as he did not concur in the resolutions, to have offered to the House some observations in regard to them; but, under the rule which the Speaker had announced to-day, no debate or discussion of proceedings or memorials would be permitted on their presentation; and he would, therefore, when the subject came before the House for consideration, take an opportunity to submit his views as to the matters contained in these resolutions. He then moved the printing, and that they be laid upon the table; which was agreed to.

Mr. B. then presented two protests relating to the York resolutions; he stated that, under the rule as now adopted, he was precluded from offering any remarks as to these protests, but he would be allowed to state that they were signed by more than seventy citizens of York county, who alleged they were present at the meeting of the 4th March. Nearly the whole of these were personally known to Mr. B., and they were citizens of the first respectability and character in that county. They state that the resolutions did not express the sense of that meeting, but that a large majority were, in fact, opposed to their adoption, and that matters contained in them were unfounded. Deferring any further remarks to a future occasion, he then moved that the protests be read, printed, and laid upon the table; which was agreed to.

PATERSON (N. J.) MEMORIAL.

Mr. DICKERSON, of New Jersey, remarked that he had received a memorial, which he presented to the House, signed by more than seven hundred of the inhabitants of the town of Paterson and its vicinity, in the State of New

Jersey. That the memorialists admit that considerable pecuniary pressure and embarrassment exist, and ascribe it, in a great measure, to the vindictive course of the United States Bank, and the panic created by the hireling presses of that institution. They express an opinion that the existence of the bank is dangerous to the rights of the people, and repugnant to the principles of a republican Government. They protest against the restoration of the deposites and the recharter of the bank, and approve the plan suggested by the President and his friends, of gradually introducing into our country a specie currency; and urge upon the House the necessity of speedy action. He would not say, as was frequently said in the House on similar occasions, that this memorial is signed without reference to party. He believed that they were all of one party, and that an inspection of all the memorials upon the tables of members, would furnish a very accurate index (so far as they extend) of the political parties of the country. He further remarked, that he should do injustice to his constituents and to the House, if he attempted to impress a belief that the memorial expressed the views and sentiments of a majority of the wealthy and business part of the town of Paterson. That he should do violence to his own feelings if he did not state explicitly that he looked in vain over the list annexed to the memorial for the names of many of his own friends and neighbors, who differed from him in their political views generally, and particularly in their views upon the subject of the memorial. That their names would be found upon a memorial of a different character, to be presented to the House, and signed, as he was informed, by about four hundred and fifty of the inhabitants of the same town. Mr. D. remarked, that this memorial was also signed by his friends and neighbors; by more than seven hundred of those very men who admit that they suffer, and to whom the blessings of property and liberty are as dear as they can be to any others; by men who, at the same time that they suffer, have the sagacity to discover the cause of their sufferings, the boldness to declare that cause, and the firmness to bear up under those sufferings, and support the policy of the administration of their choice, because they believe that policy best calculated to promote the great and permanent interests of the republic. In other words, he stated that the memorial was signed by the democrats and independent working men of the town of Paterson and its vicinity.

Read, and laid on the table.

MESSRS. BLAIR AND PINCKNEY, OF SOUTH CAROLINA.

In the course of the afternoon—

Mr. JONES, of Georgia, addressed the House as follows: Mr. Speaker, I only desire to trouble the House for a few minutes. The unfortunate difficulty which occurred on this floor a few days past, between two gentlemen from South Carolina, has been settled, and I have been requested to make to the House the following statement:

"That General Blair, upon being informed by his friends that Mr. Pinckney, in his remarks on Thursday, disclaimed any desire to introduce the party politics of South Carolina, or any intention to hurt the feelings of any member of the Union party at home, or any of their friends here, and which was not then heard by General Blair, he (General Blair) has thought it alike due to himself and to Mr. Pinckney, that he should make an explanation to Mr. Pinckney of the contradiction which he made to him on the floor; that, in pursuance of this feeling and opinion, he has seen Mr. Pinckney, and mutual explanations have passed between those gentlemen, which have been entirely satisfactory to both parties; and their former friendly relations have been restored. And for the purpose of continuing those friendly feelings, and understanding from Mr. Pinckney that he had no intention to produce any controversy with General Blair, and also understanding that their colleagues are desirous that the local politics of Carolina should not be unnecessarily introduced on this floor, General Blair declines delivering a speech which he had prepared and designed to deliver in answer to Mr. Pinckney."

In addition, I have only to remark that, as the occurence took place in the House, it was the desire of those gentlemen that the House should know that it had been adjusted—that their feelings are entirely relieved, and the adjustment of the difficulty has been amicable, satisfactory, and honorable.

The House had not yet got through with calling the States for petitions; when, at 5 o'clock, not half the number necessary to form a quorum being present—

The House adjourned.

Tuesday, March 25.

Various petitions and memorials were presented this morning, chiefly of a private nature.

Mr. ASHLEY presented a memorial from certain merchants and citizens of the Western States, convened at Philadelphia, praying for the restoration of the deposites and the recharter of the bank. Mr. A. accompanied the presentation of this paper, with remarks on the character of the memorialists and their capacity to judge as to the distress at the West, and its true cause.

But a small portion of the morning hour now remaining,

Mr. BURGES, who had the floor on the subject of Mr. Mardis's resolution relating to the public deposites, waived his right, in order that the States might be called for memorials and petitions.

The House giving leave,

The CHAIR resumed the call of the States, commencing with Mississippi.

Mr. Cage's motion to lay on the table and print certain resolutions of citizens of that State, which he had yesterday presented, being before the House,

Mr. PLUMMER asked leave to address the House, in order to express his dissent to the doctrines of the resolutions.

Mr. CAGE withdrew his motion to lay them on the table.

Mr. PLUMMER then moved to commit the resolutions to the Committee of Ways and Means, with instructions to report adversely to the sentiments and prayer of the resolutions.

The resolutions not being in the House, (having, through mistake, been sent to the printer,) the motion of Mr. PLUMMER was laid over until the next petition day.

Sundry petitions having been presented,

The CHAIR laid before the House a letter from Lieutenant Levy, of the United States navy, presenting to the United States a colossal bronze statue of Mr. Jefferson.

Mr. PATTON said that, having the pleasure of a personal acquaintance with Lieutenant Levy, he had been requested to make the requisite motion in reference to this munificent and patriotic donation. On reference to precedents, he found that similar subjects had always gone to the Committee on the Library, and he made a motion to that effect in the present case.

The letter was thereupon referred to the Committee on the Library, and ordered to be printed.

PUBLIC DEPOSITES.

The House then passed to the order of the day, viz: the consideration of the report of the Committee of Ways and Means on Mr. Taney's letter; when

Mr. CLAY, of Alabama, rose and said:

Mr. Speaker: The subject under consideration is of such deep and pervading interest, that I am not satisfied to pass upon it by a silent vote. The magnitude of the question is almost without a parallel in the history of our country. The result of our deliberations upon it, is fraught with consequences the most important to ourselves, and to posterity. The true question, as I understand it, is nothing less than whether the country shall hereafter be governed by the Bank of the United States? Whether we shall surrender the Government of the constitution, established by the toil and peril and wisdom of our ancestors, and receive in its stead that of a moneyed corporation? It is, indeed, a question of liberty, or slavery! Not in the point of view maintained by gentlemen who have advocated the cause of the bank. There is no danger that the liberties of the people will ever be forcibly and violently seized upon by any Chief Magistrate of the United States. Should such an attempt ever be made, it will be met by one burst of universal indignation from Maine to Louisiana, that must inevitably overwhelm the individual who would make it, whatever may have been his former services or standing. Nor, sir, is there much danger to be apprehended from the more insidious modes of accomplishing the same object. The people of this country are too intelligent to be robbed of their liberties, even by the more peaceful, and, therefore, more dangerous, arts of intrigue, and legislative encroachments. A recurrence to the history of the only two administrations that have ever seriously threatened the constitutional safety of the citizens of this country, and the promptness with which the Chief Magistrate of each was ejected from his high office, through the medium of the ballot-box, will be sufficient to inspire confidence in our security against danger from that source. No, sir; we are in danger of a far more degrading slavery than can be reasonably apprehended from those who administer the Government—slavery to the most corrupt of all despotisms, a moneyed oligarchy.

If the present bank shall be rechartered, and shall continue to exist twenty years, ten years, or even six years longer, with all its accumulated strength, and power, and influence, can any man who has been an attentive observer of its operations for the last few years, or even for the last few months, doubt that it will govern the country? If it has such immense power now, as to be able, at pleasure, to excite discontent and murmurs from one end of the Union to the other—to spread dismay, distrust, and terror throughout the land—what will it not be able to accomplish hereafter? These considerations press upon my mind most seriously, and, in my opinion, claim the attention of every individual on this floor: nay, sir, the most deliberate examination of every citizen who may, in the remotest manner, be called upon to express his judgment.

If you wish proof of the arrogance of this institution, and its readiness to claim any and every description of power over the affairs and the destiny of this country, I need only refer you to its past history; to its intermeddling with our elections; to its attempt to corrupt and to control the press; to its interference with the 3 per cent. stocks, in direct opposition to the known views and express directions of the Government; to its unwarrantable attempt to control the pension fund, and to place a construction upon the law which governs it, to suit its own views and purposes, in opposition to those of the organs of the law and the constitution. A brief explanation in this place of the two last assumptions to which I have alluded, will go far to illustrate my proposition. In reference to the 3 per cent. stocks, the following is the account of the conduct of the bank, given by the minority of the Committee of Ways and Means, at the last session of Congress, which is uncontradicted by the majority:

"On the 24th of March, the acting Secretary of the Treasury informed the president of the bank that it was proposed to give notice of the purpose of the Government to redeem one-half of the 3 per cent. stocks (about six and one-half millions of dollars) on the first day of the succeeding July, remarking to him, if any objection occurred to him, 'either as to the amount or mode of payment,' to suggest it. The president immediately visited Washington, and urged the Government to postpone the intended payment for three months; and upon agreeing, on behalf of the bank, to pay the quarter's interest, procured the postponement until the first of the succeeding October. Having failed, as we have seen, to effect a postponement with the agents of foreign holders residing in this country, but, by representations made to the Government, having succeeded in obtaining a postponement until the first of October, the bank was temporarily relieved; but, as the period approached for the payment in October, it found it necessary to seek further relief. Between the 1st and 10th of July, the president and the exchange committee determined to open a negotiation in Europe for the postponement for one year of the payment of five millions of the 3 per cent. stocks held abroad; but they carefully concealed their intention from the Government; and there is strong reason to believe, indeed it is certain, that it was concealed also from the Government directors and the board itself."

Here, then, it is seen that the bank, as the fiscal agent of the Government, in the first place, requested and obtained a postponement of the time for the payment of this portion of the public debt three months beyond the period at first contemplated by the Secretary of the Treasury; and, subsequently, before the time agreed upon for that purpose had arrived, despatched a secret agent, not to pay, but (contrary to the express direction of the Secretary, and the understanding with the bank,) to postpone the payment twelve months longer than the time appointed. It further appears by the same report, that, "on the 22d of August, Gen. Cadwallader (the agent of the bank) closed an arrangement with the house of Baring, Brothers, & Co., of London, providing for the purchase or postponement of five millions of the United States 3 per cent. stocks for one year, from the first of October, 1832," the time which had been appointed for payment.

"The Barings proceeded, under this contract, to make purchases of stock on account of the bank, and for the bank, to the amount of $1,798,597 57, and procured the postponement of $2,376,481 45, amounting, in all, to $4,175,079 02, of which they apprized the president of the bank from time to time." This was not only an unwarrantable interference with the cherished policy of the Government for the speedy extinguishment of the public debt, and a violation of the express order of the Treasury Department, but a most palpable violation of the charter, which provides that the bank "shall not be at liberty to purchase any public debt whatever."

In regard to the funds placed in the custody of the bank for the purpose of paying pensions under the act of June 7th, 1832, the conduct of the bank was no less unjustifiable. The Secretary of War directed the transfer of the funds, books, and papers of the pension agency from the Bank of the United States to the president of the Girard Bank. The president of the bank says, in reply to the Secretary of War, "having ascertained that these directions (the order for the transfer) emanated from the highest authority claiming the power to give them, the board of directors have proceeded to consider how far they would be justified in conforming to them; and, after a very deliberate examination, they have instructed me to apprize you that they cannot, consistently with their duty under the act of Congress assigning the pension agency to the bank, make the transfer you have requested."

Mr. Biddle then goes into an argument to prove that the Secretary of War had placed an erroneous construction upon the laws regulating the payment of pensions, and sets up his own views, or those of the board, in opposition to those entertained and expressed by the Secretary. Amongst other reasons assigned for refusing to comply with the order of the Department expressly charged by law with the duty of causing pensions under this act to be paid, is one no less contemptuous and insulting to the Secretary and the Government than it is utterly absurd —"that if the bank makes the transfer pursuant to the order, its accounts may be disallowed by the accounting officers." The language of the act of 7th June, 1833, is, that the pensions authorized by it shall be paid "at such places and times as the Secretary of the Treasury may direct." A joint resolution subsequently passed, transferring this duty amongst others to the Secretary of War, instead of the Secretary of the Treasury. It would be difficult to conceive what motive could have induced Congress to authorize payments of pensions to be made "at such places" as the Secretary might "direct," and at the same time intend that payment should be made alone at the bank of the United States, or its branches. If it had been intended that payments should be made only at the bank, or its branches, there is manifest absurdity in authorizing payment "at such places" as he might "direct," without limitation.

But, sir, it is not my purpose to argue the legal question which may be supposed to exist. It is immaterial whether the construction insisted upon be right or wrong. It is the principle to which I wish to direct your attention; the assumption of power by the bank to exercise a superintending control over one of the Executive Departments, as to the construction of a law with the execution of which that Department is specially charged. The constitution declares that the President, the chief executive officer, "shall take care that the laws be faithfully executed," and gives him officers at the heads of the several Departments, by whom to perform this duty; but the directors of the bank step in, and declare that the constitutional organ is about to perform the duty improperly, and that they will see the law "faithfully executed." Is this assumption of power to be tolerated? Shall we suffer a mere corporation to dictate to the Government, or any one of its Departments, the manner in which a law shall be construed and executed? If it can suspend the order, or arrest the operations of the Government under this law, may it not, on the same principle, interpose to prevent the execution of any other law for the disbursement of money which may be in its custody?

Some years ago we were engaged in a war, which was extremely unpopular in one portion of the country; so much so that it was considered unbecoming a moral and religious people to rejoice at our victories over the enemy. We may be engaged in another war, and the directors of this bank, if continued, and intrusted with the public money, might very possibly belong to this misnamed moral and religious party. On the principle assumed, that it is their province to "take care that the laws be faithfully executed," might they not refuse to comply with the order of the proper executive officer to advance money for the subsistence of our army, on the pretext that the law did not give him authority to issue such order or draft, and that they must await the action of Congress, as "the common and only judge between them, when they differ in opinion as to their respective powers," lest their accounts might be disallowed by the accounting officers? Much has been said, by the friends of the bank, about usurpation, and the assumption of unwarrantable power by the Chief Magistrate of the Union. Are they prepared to sanction the more dangerous and alarming assumptions of the bank to supervise and control the operations of those who administer the Government? What more is necessary to place the Government of the country in the hands of the bank, than to suffer its board of directors to exercise the power of supervising the acts of our executive officers, and overruling their constructions of law?

Sir, notwithstanding the apparent doubts expressed by some as to the fact, and as to the candor of those who maintain it, the question of restoring the Government deposites does involve the question whether the bank shall be rechartered. The questions are identical, in substance and effect. It is impossible to separate them. If the same cause must necessarily produce not only the effect intended, but, also, as certainly another effect, are we not bound to consider both effects, in deliberating upon the cause? If the same act must inevitably lead to two certain results, is it wrong to consider of both results, and to identify them, in determining whether we will do the act? Does any man believe—does any one assert—that if the deposites are restored, the charter will not be renewed? However it may be argued that the one is not a necessary consequence of the other, I am reluctant to believe that any one will take the responsibility of saying that one will not follow the other. Although it has been attempted, again and again, to separate these questions, I understand the friends of the bank, in and out of Congress, to maintain that the restoration of the deposites will not, of itself, relieve the country from the evils and embarrassments which are said now to exist. However it may be disclaimed, it is obvious that the purpose really intended is the ultimate recharter of the bank. The gentleman from Pennsylvania, [Mr. Binney,] whose residence, independent of his great zeal, would seem to make him the more immediate representative of the bank than any other member, after such a disclaimer as I have alluded to, says: "If, indeed, the bank is not to be continued, nor another to be supplied, nor a control devised to prevent the State banks from shooting out of their orbits, and bringing on confusion and ruin, then I confess that I see no benefit in putting off the evil for two years longer." Here it is distinctly avowed that, if the bank is not to be rechartered, no benefit can result from the mere restoration; for he had just before said, "return them, and the mists will clear off from the horizon, and the face of nature smile as it did before." The minority of the committee also tell you, in so many words, that "they cannot regard the mere return as affording the promise of a radical cure." They tell you, "if the present bank is not to be rechartered, something to regulate the currency must be provided in its place. The plan of the Secretary gives over the regulation to State banks, which will themselves be promoters of the disorder. The country requires something that will regulate the State banks. Until this is effectually provided, the minority have no expectation that distrust and apprehension will disappear, however they may be diminished." In addition to these clear indications, do not the larger portion of the memorials and resolves which have been presented in favor of the bank, point distinctly to a recharter? And has not such a proposition been made by the introduction of a bill for the purpose in the other branch of Congress, by one of the leading friends of this institution? Sir, let gentlemen no longer say that the questions of restoration and recharter are different and separate questions. Those who insist the deposites must be restored, substantially urge the recharter of the bank. The same means which can accomplish the one will accomplish the other. What are those means? They are the power of the bank to produce distress; the power of the bank to excite alarm and distrust, through a corrupt and hireling press; the powerful and eloquent pictures and representations of impending wo and ruin which emanate from its friends here and elsewhere. Will the bank have less power to coerce a recharter two years hence than now? If it can make the mere removal from its vaults of about 8,000,000 dollars the pretext for convulsing the country from one extremity to the other, what will it be able to do when not only the Government deposites, but its whole capital, is to be necessarily withdrawn? Will not the pressure be incalculably greater? Restore the deposites, and the amount which must be withdrawn from circulation by the bank, in the course of two years, will probably be eighty millions, instead of the sum which has been removed by the Secretary—that is, a sum ten times as large; consequently, if the removal be cause of such pressure now, and of such derangement of the currency, both will be proportionably greater then. As a measure of precaution, then, the removal was discreet and wise. The more gradual the change to be wrought, the more safe to the community, and the less severe will the shock be to those engaged in commercial pursuits. If we do not restore the deposites, all prudent men will prepare to meet the change, and the difficulties which must attend the expiring struggles of this moneyed monster. It must be admitted on all hands that this institution is indeed powerful—the community has been made to feel that it is so—and we are here continually reminded of the fact. Sir, this immense power is incompatible with the safety of our institutions—it is dangerous to the liberty of the people of this country. It is, perhaps, fortunate that it fell into the hands that now wield it, before the expiration of its charter; for they have demonstrated its dangerous character and tendency. If there were no other objection to the recharter of the bank, the power which we now see it is capable of exerting ought to deter the people from giving their sanction to such a measure.

Sir, the powerful influence of this institution over men and communities has brought together and made to harmonize all the elements of opposition to the present administration. We find sustaining the cause of the bank those who believe a protecting tariff constitutional, and those who believe it unconstitutional; those who believe a system of internal improvements by the General Government constitutional, and those who believe it unconstitutional; and, most astonishing of all, those who think a Bank of the United States constitutional, and those who believe it unconstitutional! Those who were heretofore ultras of the two great parties which divided the country, as widely separated as the poles, the consolidationist, who advocates all powers for the General Government necessary for "the general welfare," and the professed democrat, who believes in State rights and State remedies, now unite in sustaining the bank and denouncing the administration. The ultra State-rights men, who a little while back denounced the nationals as robbers and plunderers, for reaping the rich harvest afforded by the tariff, because that tariff was unconstitutional, are now, with few exceptions, fighting shoulder to shoulder in defence of a moneyed corporation which most of them believe, or profess to believe, equally unconstitutional. But a little more than twelve months ago, these ultra State-rights men, better known by the name of nullifiers, were ready to resist, by every means—"peaceably if they could, forcibly if they must"—yes, sir, they were ready to go even "to the death," to resist and defeat the execution of one unconstitutional law. Now they are ready to go just as far, if we are to judge from the tone of this debate, and from newspapers in the service of the bank, to execute another unconstitutional law!

The gentleman from South Carolina, [Mr. Pinckney,] who addressed us the other day, said, and repeated with great earnestness, Either the deposites must be restored, or a revolution is at hand! He told us, too, that a less aggravated usurpation than that of the President, in causing the removal of the deposites, had produced the three days' revolution in Paris! Take, in connexion with these and similar remarks from other quarters, the corresponding temper and spirit of most of the leading papers, which condemn the conduct of the Executive, and support the claims of the bank. The Richmond Whig holds the following language:

"Let Congress adjourn without restoring the equilibrium of the constitution—let distress multiply and increase, as it must and will in that event—and in six months the clangor of arms and the voice of battle will resound in the land. When the same blow reduces a great, a free, and a brave people, to theoretical, soon to become practical, slavery, and deprives them in multitudes of the means of subsistence, reason cannot demand of them passive acquiescence, or humanity remonstrate at their seeking redress by any means. If Andrew Jackson persevere in his experiments, this year will witness the revolution of this Union into its original elements—we believe it most firmly."

The Commercial Herald, published in Philadelphia, has the following, among other remarks of like character:

"We say in the face of the world, and with a solemn reliance on the God of the free, that this people are not excusable for remaining an hour longer quiet under the present state of constitutional degradation, and of national and individual ruin. Let the crisis be met!"

The editor of the Compiler, published at Richmond, Virginia, introduces a letter from a correspondent of this place, with the following assurance of the writer's claim to credibility:

"The following letter from a gentleman in Washington deserves the most serious attention. The breaking up of the cabinet, and the exasperated condition of public feeling, mark a fearful crisis in our affairs.

"This letter, and the one from New York, are from sources that entitle them to the confidence of every man.

"'*Correspondence of the Compiler.*

"'Washington, *February* 16, 1834.

"'It is my sincere belief, sir, that we shall in a short time come to violence. My friends in the Northern cities tell me that, in their opinion, pistols will be flashed and dirks drawn in their streets before the expiration of another month. It is well for the personal safety of the individuals composing the actual Government, that they are in a small city, which is dependent on the Government. In no commercial or independent city would they be safe for a moment. I see no relief from any quarter—none present, none in prospect, none in expectancy. There must be a bloody revolution. For one, though a cool and considerate man, I confess I am ready to whet my knife.'"

And is it true, sir, that the friends of the United States Bank, and the enemies of the administration, are willing to hazard, and even ready to invite, all the horrors of civil strife, sooner than submit to the transfer of the public money from its custody to that of other institutions? Can those who believe the bank charter unconstitutional participate in such desperate means to carry its provisions into effect?

How can such apparent inconsistency be reconciled? Can the people of the United States be convinced that it is equally proper to jeopard the existence of the Union, both for the defeat and the execution of an unconstitutional law? If they can, they are better prepared to abandon the constitution, established and transmitted to them by their fathers, than I have imagined. Sir, they cannot be convinced that inconsistency is consistency; they cannot be satisfied that violence and desperation are equally justifiable or excusable in a bad cause and in a good one; they cannot be persuaded that it is proper in one year to threaten and hazard revolution against an unconstitutional law, and the next year to go to the same extreme in support of another unconstitutional law.

Some gentlemen seem to think, or at least labor to convince others, that there is a sort of magic in the nature of the law creating the Bank of the United States, which distinguishes it from other laws obnoxious to the objection of unconstitutionality, because it is a compact between the Government and the stockholders. They may wish to profit by the known regard of the people of this country for the public faith, and its scrupulous observance. But I was more especially astonished that the gentleman from Georgia [Mr. Clayton] should attempt any such distinction. Treaties between the United States and the Indian tribes are contracts, as much as a bank charter; but did not the gentleman from Georgia, and the authorities of his State, maintain that an unconstitutional treaty or contract with the Indians was void, and of no force? Did not the gentleman from Georgia, on a certain occasion, when a memorial from New York was presented, asking the protection of the Indians within the limits of that State, according to the terms of treaties with the Cherokees, even go so far as to say, before these treaties (which he said were void as regarded the sovereign rights of that State) should be executed, that Georgia would become a "howling wilderness?" The principle is the same; no distinction can be shown.

Sir, it is said the removal of the deposites from the Bank of the United States, has placed the purse and the sword in the same hand, which constitutes the most intolerable of all despotisms. Is this the fact? Does any man believe they are now more united than they were before the removal? Are not the same agents and the same forms now as necessary to draw money from the Treasury as before the removal? Has the President any more power to raise revenue, or to appropriate money now, than while the public money was in the Bank of the United States? No, sir. It would have been lawless for the Executive to have drawn and applied the public treasure before its transfer, without the authority of Congress. It is equally so now. Gentlemen argue this branch of the subject as if the bank, while it was the depository of the public money, exercised some superintending control over the agents of the United States, in drawing it forth. But, sir, when a draft or warrant was presented to the Bank of the United States, did its officers ever pause, and inquire of the Treasurer or the payee, Under what law are you about to draw this money? By what law has it been appropriated? Or did the officers of the bank ever demand any other authority for the payment than the Treasurer's warrant, before the order to transfer the funds for the payment of pensions, which I have before alluded to? If they did not, and were not authorized to do so, what constituted the greater security of the public funds, while in the custody of the United States Bank, than now, when they are in that of the State banks? But, sir, I am spending time unnecessarily in the discussion of this point. The assertion (it does dot deserve the name of argument) that the removal of the deposites has united the purse and the sword in the hands of the Executive, is merely *ad captandum*. It is predicated on the presumed ignorance of the people, and their known jealousy of unwarrantable power. But it cannot succeed. My colleague (Mr. Mardis) has well said they are too intelligent to be misled by such absurd and unfounded representations. The people are too intelligent not to know that the Treasury is wherever the money is placed by the constituted authorities—whether it be in a Bank of the United States or a State bank. They know, too, that it cannot be drawn forth and applied to any object whatever, except pursuant to law; and that it will require the same reckless disregard of legislative injunction, either to draw it forth improperly or misapply it, whether it be placed in one depository or the other.

The question of power has been raised in a two-fold aspect: First, in regard to the power exercised by the President in the removal of the late Secretary of the Treasury, (Mr. Duane;) and, secondly, the power of the present Secretary of that Department to remove the deposites from the Bank of the United States. To sustain the bank, and to put down the Chief Magistrate, he has been assailed by every epithet which is calculated to render him odious to a free people. The charges of usurpation, tyranny, and despotism, have been again and again reiterated against him. He has been compared to the most reckless and bloody tyrants in ancient or modern times; and the blackest pages of history have been resorted to, to find parallels illustrative of his character. We have heard these denunciations with all the variations. We have heard them in the loudest vociferations of the gentleman from South Carolina, [Mr. McDuffie,] who opened the debate at the commencement of the session; we have heard them occasionally intermingled with the classic recitations of the gentleman from Georgia, [Mr. Wilde,] who stabs and smiles, and smiles and stabs again; we have heard them more recently in the inflammatory harrangue of the gentleman from South Carolina, [Mr. Pinckney,] who last addressed us; and we have even heard them in the vindictive and discordant mutterings of the gentleman from Massachusetts, [Mr. J. Q. Adams,] who has had the delicacy to revile the man who has been the instrument, in the hands of the people, of thrusting him from the most exalted station in the world—to which, however, he was never elevated by their voice.

For what have these denunciations been uttered against the President? I answer, for doing his duty, fearlessly and conscientiously, according to the constitution, as it was understood at its adoption, as it was cotemporaneously expounded, and has been practised upon for more than forty years. He has thought proper to exercise a superintending control over the Executive Departments, for which he is responsible to the people, and, in the discharge of conscious duty, to dismiss from office his Secretary of the Treasury, for failing to perform his duty. This, sir, is the "head and front of his offending." I do not intend to fatigue the House by travelling over the legislative history of the country in relation to this question, which has been so ably discussed by other gentlemen who have gone before me, but I cannot forbear to call the attention of gentlemen again to the resolution adopted by the House of Representatives at the first session of Congress held under the constitution, in the year 1789, which may be regarded as the basis of our legislation on this subject. That resolution is in the following words:

"*Resolved*, That it is the opinion of this committee, (the Committee of the Whole on the state of the Union,) that there ought to be established the following Executive Departments, to wit: a Department of Foreign Affairs, at the head of which shall be an officer to be called Secretary to the United States for the Department of Foreign Affairs, removable by the President; a Treasury Department, at the head of which shall be an officer to be called Secretary to the United States for the Treasury Department, removable by the President; a Department of War, at the head of which shall be an officer to be called Secretary to the United States for the Department of War, removable by the President."

The committee charged with the duty of reporting bills to cary into effect the objects contemplated by this resolution, in each bill, distinctly recognised the power of the President to remove from office each of those Secretaries. The question, as regarded this power of removal, was then raised and discussed by enlightened men, some of whom had participated in framing the constitution, and it was then settled by the passage of the several bills, expressly recognising the power. It was, on that occasion, maintained by Mr. Madison, and other distinguished patriots, that the power of removing, as well as appointing those executive officers, properly belonged to the Chief Magistrate, under the constitution, which provides that "the Executive power shall be vested in a President of the United States of America." In the course of the debate, Mr. Madison said: "The President is required to take care that the laws be faithfully executed. If the duty to see the laws faithfully executed be required at the hands of the Executive Magistrate, it would seem that it was generally intended he should have that species of power which is necessary to accomplish that end. Now, if the officer, when once appointed, is not to depend upon the President for his official existence, but upon a distinct body, (for where there are two negatives required, either can prevent removal,) I confess I do not see how the President is to take care that the laws be faithfully executed."

Mr. Madison remarks again:

"Now, if the heads of the Executive Departments are subject to removal by the President alone, we have in him security for the good behaviour of the officers. If he does not conform to the judgment of the President, in doing the executive duties of his office, he can be displaced."

He remarks also: "I think it absolutely necessary that the President should have the power of removal from office," &c.; and adds: "Of the constitutionality of the declaration, I have no manner of doubt." These opinions of Mr. Madison were fully concurred in, and supported by Mr. Ames, Mr. Sedgwick, and other distinguished gentlemen.

The three several bills establishing the three several departments contemplated by the resolution, each contained a clause recognising the power of the President to remove the Secretary from office. The question of striking out that clause appears only to have been seriously raised on the bill, which was first passed, to establish the Department of Foreign Affairs, now called the State Department. The motion to strike out failed, and the bill recognising the power of removal passed the House by a vote of 29 ayes, 22 nays. Of the members of the House of Representatives in the first Congress, who had been members of the convention which framed the constitution, I believe but one (Roger Sherman, of Connecticut,) voted against the passage of the bill, while all the others present voted for it; among the number, were James Madison, of Virginia, George Clymer and Thomas Fitzsimmons, of Pennsylvania, and Daniel Carroll, of Maryland. Besides, there were in the affirmative, on its passage, Fisher Ames, Nicholas Gilman, Daniel Huger, Richard Bland Lee, Theodore Sedgwick, and Jonathan Trumbull—all distinguished patriots in the purest days of the republic. The bills to establish the Treasury and Navy Departments passed a few days afterwards, each with a similar provision, recognising the power of removal (it would seem) by general acquiescence; for the question was not taken by yeas and nays upon the passage of either of those bills.

It appears by the history of these several measures, that no distinction between the Treasury Department and either of the others, as to the President's power of removal, was then made. They were all considered Executive Departments, and the power as applicable to one as the other.

Sir, I have had the curiosity to look through the Executive Journal, to ascertain whether the power of removing the Secretary of the Treasury had been exercised by any of the predecessors of our present Chief Magistrate. I have found a precedent, with which I will trouble the House, as it has not been before noticed in the debate. During the administration of Mr. Madison, and up to the year 1814, Mr. Gallatin was at the head of that Department. I find on the 2d day of June, 1813, during Mr. Gallatin's absence in Europe, whither he had been sent by the President, the following resolution was adopted by the Senate:

"*Resolved*, That the President of the United States be requested to inform the Senate whether Albert Gallatin, commissioned as one of the envoys to treat of peace and commerce with Great Britain, and of commerce with Russia, retains the office of Secretary of the Department of the Treasury; and, in case of his so retaining the same, to inform the Senate under what authority, and by whom, the powers and duties of the head of the Treasury Department are discharged, during the absence of Albert Gallatin from the United States."

On the 7th of June, 1813, the following message was received by the Senate from the President, in reply to the call for information made by that resolution:

"*To the Senate of the United States:*

"In compliance with their resolution of the 3d (2d) instant, the Senate are informed that the office of Secretary of the Treasury is not vacated, and that, in the absence of Albert Gallatin, commissioned as one of the envoys to treat with Great Britain and Russia, the duties of that office are discharged by William Jones, Secretary of the Navy, authorized therefor, according to the provisions of the act of Congress entitled 'An act making alterations in the Treasury Department,' passed May 8th, 1792.

"JAMES MADISON."

"Washington, *June* 3, 1813."

"It appears that Mr. Gallatin continued to be Secretary of the Treasury till February 8, 1814, when Mr. Madison sent to the Senate a message of that date, in the following words, so far as relates to the office of Secretary of the Treasury:

"*To the Senate of the United States:*

"In consideration of the protracted absence of Albert Gallatin, Secretary of the Treasury, and the prospect of conveniently associating his services in the contemplated negotiations for a treaty of peace and a treaty of commerce with Great Britain, I nominate George W. Campbell, of Tennessee, to be Secretary of the Treasury of the United States."

Now, sir, what are the facts of this case? Mr. Gallatin had been sent abroad by Mr. Madison, then President of the United States, but had not resigned his office of Secretary of the Treasury, nor was it vacated in any other manner, as appears by the message to the Senate of June 3, 1813, to which I have called the attention of the House. It is a fair inference that Mr. Gallatin continued absent with the approbation of the President, as the contrary does not appear, till the 8th of February, 1814, when, without his resignation, and without the imputation of any fault whatever, Mr. Madison dispaced him, and nominated another individual to the same office. Then, here is a case of naked removal from the office of Secretary of the Treasury; for it is not intimated, in the message nominating his successor, that he had resigned, or that the office had become vacant by any other means. Was there any complaint, in this instance, that the President had committed an act of usurpation, or had exercised a power not granted by the constitution? On the contrary, the message making the removal and nomination of a successor was promptly taken up and considered; and on the following day, on the question, "Will the Senate advise and consent to the appointment of George W. Campbell?" it was unanimously determined in the affirmative. Thus, the Senate gave their sanction, unanimously, to the power exercised by the President, which is now brought in question. If General Jackson is a tyrant, or usurper, for removing Mr. Duane from office, on what principle can Mr. Madison be acquitted of tyranny and usurpation?

It will be recollected, too, that, in 1831, General Jackson removed Mr. Ingham from the office of Secretary of the Treasury. No more complaint was then made on account of the removal of Mr. Ingham, than of the removal of the other gentlemen who were dismissed at the same time; and the question of the President's constitutional power to do so was not seriously made, if made at all. It has been left for the Bank of the United States, in the new office it has assumed, of superintending the Executive, and seeing that the laws are faithfully executed, to make the discovery of the President's want of power, that has never been denied to any of his predecessors. If this removal had suited the interests of the bank; if, for example, Mr. Duane had been opposed to the interest and power of the bank, and the man appointed had been friendly to both, does any man believe that the charge of usurpation, tyranny, or despotism, would have been made by those who now make it? Sir, the bank is jealous of power—when it is not used by itself, or in its favor.

The power to appoint and remove from office necessarily implies a superintending control over the official conduct of the individual appointed. If this power did not exist, accompanied by this superintending control, in what situation would the Executive be placed, and how could he be made responsible? Would he not often have a divided cabinet, the Secretary of one Executive Department construing and executing a law in one way, and the Secretary of another in a different mode?

Mr. Duane has been much extolled for his high sense of moral principle, his wisdom, and his patriotism. He has been held up as a martyr to principle in the cause of his country! How stands the case? Mr. Duane goes into the cabinet as one of the Executive arms and confidential advisers. It would seem to be implied, under such circumstances, that a man should withdraw whenever he found his opinions, on important questions or principles, (to be acted upon by *him* more especially,) did not correspond with those of the Chief Magistrate. Such, indeed, seems to have been the opinion of Mr. Duane for some time after he went into the cabinet; for, in a letter addressed by him to the President, dated July 22, 1833, he makes the following remarks:

"But if, after receiving the information and hearing the discussions, I shall not consider it my duty, as the responsible agent of the law, to carry into effect the decision that you may make, I will, from my respect for you, and for myself, promptly afford you an opportunity to select a successor whose views may accord with your own on the important subject in contemplation."

Again, in the conclusion of the same letter, he reiterates this pledge.

"All that I can promise, therefore, consistently with the respect due to you, as well as myself, is, that when the moment for decision, after inquiry and discussion, shall arrive, I will concur with you, or retire."

But, sir, when it became necessary to act, Mr. Duane's opinion of what respect for the President and himself, demanded, entirely changed; and we find him, in another letter to the President, dated September 21, 1833, written upon the same subject, holding language, and expressing a determination, directly contradictory of his implied obligation, and his reiterated promises. In the letter last alluded to, he says—

"Allow me, then, very respectfully to state, as declared at our interview, that, under the most serious convictions of my duty, I refuse to aid, assist, or in any way participate in the proposed change of the public depository—that I refuse to relinquish a post conferred upon me by the law," &c. That is, he refused to act in accordance with the views of the President, and violated his repeated promises, in that event, to retire, and give an opportunity for the appointment of a successor. Nor did he retire till the President, in a note of the 23d September, reminds him of his promise in July, his disregard of the pledge then given--and adds, "I feel myself constrained to notify you that your services as Secretary of the Treasury are no longer required." Such, sir, is the model of moral purity and uprightness, of which you have heard gentlemen speak. It is in behalf of such a man that public sympathy is sought to be enlisted. Upon the facts presented, I leave his claims to that character to the compunctions of his own conscience and the judgment of all honorable men.

The power of the Secretary of the Treasury to remove the deposites has been so fully discussed by others, that I pass over that part of the subject with very few remarks. It is agreed, on all hands, that before the incorporation of the present Bank of the United States, he had power to designate the depositories of the public money, either in State or local banks, or in the hands of individual agents, and to transfer it from one to another, in his discretion. This power had been exercised by all his predecessors, from Mr. Hamilton, the first Secretary of the Treasury, down to the passage of the present bank charter. The only part of the charter relied upon to show his want of power, is the 16th section, which is in the following words:

"That the deposites of the public money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall, AT ANY TIME, otherwise order and direct; in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order or direction."

Now, sir, so far from restraining the power of the Secretary over the deposites, it is expressly recognised; and the only power to remove them, or change the depository, is reserved to him. Congress has said, in the charter, that the deposites of the money of the United States shall be made in the Bank of the United States, or its branches, "unless the Secretary of the Treasury (not Congress) shall, at any time, otherwise order and direct;" but when he does so "order and direct," he is bound to lay his reasons for such order and direction before Congress. What reasons shall be sufficient to justify the order is not even indicated in the only section of the charter which relates directly to the subject; leaving them in the broad, but sound discretion of the Secretary. After the deposites are removed, however, no one denies that Congress has full power to direct their future disposition; to restore them to the Bank of the United States, or to designate any other depository. Suppose, before the incorporation of the present bank, a law had been passed requiring the Secretary of the Treasury to give his reasons to Congress whenever he removed or changed the deposites from any local bank, in which they had been once placed; would this have abridged his power of removal? Certainly not. The power to remove or change the deposites would have remained the same; it would only have been superadding the obligation to give such reasons as prompted to its exercise.

It is not a little singular, that as often as this power has been exercised before, no serious question has been raised as to its existence. Mr. Crawford, who came into office almost simultaneously with the commencement of operations under the charter, repeatedly exerted it; not merely to meet the convenience of the General Government, but to save the State banks; to enable them to resume and continue specie payments; to prevent a pressure on the community; and to regulate the currency. But, since the bank has assumed the power "to take care that the laws be faithfully executed," it is asserted that the right to remove depends solely on the safety of the public money; that so long as it is safe—that is, in no danger of loss or destruction—the Secretary has no power to remove it. Is it not strange that this construction should be contended for in the face of the 14th section of the charter? That section declares "that the bills and notes of said corporation, originally made payable, or which shall have become payable, on demand, shall be receivable in all payments to the United States, unless otherwise directed by act of Congress."

Is it not apparent, from this section, that if the mere safety of the public funds had been in view, the power to refuse the bills or notes of the bank in payments to the United States, would also have been given? How would the safety of the treasure of the United States have been guarded, by removing that portion in the bank, when the public agents would be compelled to receive its bills or notes "in all payments," at whatever discount they might happen to be, till "otherwise directed by act of Congress?"

The position was assumed early in the session by the gentleman from Pennsylvania, (Mr. Binney,) and has since been supported by other gentlemen, that we are limited in our deliberation and action, on this subject, to the reasons laid before us by the Secretary of the Treasury. Whilst I believe those reasons altogether sufficient to justify the removal, I deny that we are confined to them alone. This view is too narrow and technical; and gentlemen who have maintained it, seemed to have mistaken the forum in which we are. This is not an appellate, judicial tribunal, in which we are limited to the record and to the errors assigned. The House of Representatives is emphatically the grand inquest of the nation; and if the Secretary had not assigned a single sufficient reason, if they exist, we should not be justified to our constituents in restoring the deposites to the United States Bank. Suppose that, before the removal, the fiscal agency of the bank had been faithful, so far as the Secretary had evidence, but we now had proof of its unfaithfulness; or suppose the deposites were then safe, so far as there was any indication, but we are now convinced they are unsafe, ought we not to refuse to commit the custody of the public money again to an unfaithful agent, or an unsafe depository? I think but one answer can be given to this question, by any member of the House who regards his obligation to his constituents.

But, sir, I maintain, if the safety of the public money alone were a sufficient consideration, we have abundant evidence to sustain the Secretary in its removal. The bank has been corrupt and unfaithful in its fiscal agency; it had committed numerous violations of its charter; it had misapplied and squandered the public treasure for the most unworthy and unwarrantable purposes; consequently the public money was unsafe. Enough to sustain these charges was proved, in my opinion, by the committee of investigation in 1832; but if their report left any doubt, the developments since have made the evidence full and conclusive.

It will be recollected that the investigation alluded to was moved by the gentleman from Georgia, [Mr. Clayton,] a few weeks after he first took his seat in this House. Such was his zeal, then, if I recollect correctly, that he thought proper to make some apology for having delayed to make his motion so long. After a most laborious examination, the gentleman, as chairman of the committee, made a voluminous report, with a very brief abstract of which, I propose to trouble the House.

The report commences with violations of the charter of the bank. Usury is the first charge: and to support it, the committee adduce, among other things, the admission of the president, that it is the usual custom of the bank to charge the rate of interest, and the rate of exchange, on domestic bills, and if the two sums united should exceed six per cent., it is not considered usury by the bank, although the charter expressly limits it to "the rate of six per cent. per annum for or upon its loans or discounts."

A second violation of the charter, shown by the committee, consisted in issuing drafts or orders at the branches, not "signed by the president and countersigned by the principal cashier," as required by the charter. These drafts or orders were so fashioned as to bear the similitude of bank bills, or notes. When the committee reported, there had been issued ten million seven hundred and eighty-one thousand six hundred and thirty-five dollars of this illegal description of paper, of which seven million four hundred and ten thousand and ninety dollars were still in circulation.

A third violation of the charter mentioned in the report of the committee, was that of "selling coin, and particularly American coin." They mention "the fact, that the General Government had, on one occasion, to pay the bank two per cent. on ten thousand Spanish dollars, which it wanted for the benefit of the navy in South America." The committee very properly remarked: "The constitution gives to Congress the right to regulate its own and foreign coin; when, therefore, the latter has a value prefixed to it by law, and is suffered to be used with that regulated value, in like manner with our own coin, it would seem not to have lost the name and character of coin, and is made, by the force of law, what it would be if carried through the mint, and subjected to the condition of our own coin; and, therefore, to deal in it as a commodity, is calculated to disturb its legal value, and render at least that portion of the metallic currency uncertain and fluctuating." Yet the great object in the creation of the Bank of the United States, was to regulate the currency, and equalize exchange.

I will pass over the fourth charge, of the bank's "selling stock obtained from Government under special acts of Congress," in violation of restrictions imposed by the charter, by merely mentioning the fact.

The fifth violation named by the committee, consists in "making donations for roads, canals, and other objects, the amount of which was four thousand six hundred and twenty dollars." They add: "Two of the largest of these items, amounting to three thousand dollars, are for turnpike roads, made, too, after the General Government had declined to make appropriations for similar objects." It is well remarked by the committee that they had "looked in vain for any authority in the charter to give away the money of the stockholders," of whom the Government is one, to the amount of one-fifth of the capital of the bank. If the bank is authorized to make donations for objects of this description, not only out of the money of private stockholders, but of the Government, and that, too, after the constituted authorities have refused to do so, on constitutional grounds, for what other object may they not give money? Did the directors of the bank intend, in this mode, to show those interested how much better their administration of the Government would be than that of President Jackson?

The last violation of the charter charged by the committee, is "the building houses to rent, or sell, and erecting other structures in aid of that object." The specifications under this charge are the construction of "two canal basins at Cincinnati," and the erection of six ware-houses on the margin of one of them; besides the erection of several other houses by the agent in the same place, the particulars of which were not then fully ascertained. The charter says, "The lands, tenements, and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transacting of its business," &c., or such as may be mortgaged to secure debts, taken in satisfaction of debts previously contracted, or purchased at sales upon judgments which shall have been obtained for such debts. It was obviously never intended that the bank should, on land taken, or bought in satisfaction of debts, construct basins, and erect buildings, which would increase the original value twenty, fifty, or a hundred fold, which would not "be requisite for its immediate accommodation."

Under the head of "mismanagement of the bank," as the committee thought proper, very modestly, to call it, there are some facts disclosed which are too important to be omitted. The first I shall notice, are those of certain loans to the editors of the Courier and Enquirer, a newspaper then and still published in the city of New York, which was extensively circulated, and was, no doubt, supposed to have much influence on public sentiment. It appears that, in March, 1831, application was made to Mr. Biddle in favor of Messrs. Noah and Webb, by one Silas E. Burrows, for a loan of fifteen thousand dollars. With the approbation of a committee, the president of the bank granted the loan, payable in five annual instalments, and retained the notes till the close of the year, when, for the first time, they were entered on the books. In August following, Messrs. Webb and Noah again borrowed twenty thousand dollars, on their own note, without any other security, payable in six months; and it was the largest loan on that day. In December following, the same individuals again borrowed, from the exchange committee, fifteen thousand dollars, "without any additional security or recommendation." The report also discloses that, "at this time there was a considerable pressure in the money market, and many notes of the citizens of Philadelphia were rejected. It was one among the largest loans on that day. These loans, together with the one made to Burrows, amounted to the sum of fifty-two thousand nine hundred and seventy-five dollars, which consisted of notes drawn and endorsed by the editors only."

Here it will be proper to notice some incidental facts, set forth in the report. It seems that for a period of near sixteen months before the first loan to these editors, through Burrows, the Courier and Enquirer "was warmly opposed" to the bank, that on or about the 8th April, 1831, (a few days after the first loan,) this paper changed its course in favor of the bank; and, I may add, it has ever since supported the bank. Again, the resolution for the examination of the affairs of the bank, which led to this report, was introduced into the House on the 17th of February, 1832: the discussion was continued, and on the 2d of March following, the same Mr. Burrows "obtained from the exchange committee, discounts to the amount of thirty-two thousand four hundred and forty-six dollars, being the largest sum loaned on that day, and while many of the notes of the citizens of Philadelphia were rejected." On the same day, Mr. Burrows paid off the notes of Webb and Noah, first discounted, amounting to seventeen thousand nine hundred and seventy-five dollars, payable in 1832, -'33, -'34, -'35, and -'36. On the 14th of March, Burrows obtained another discount from the bank of fourteen thousand one hundred and fifty dollars; and on the 15th of the same month, the note of Webb and Noah for fifteen thousand dollars, loaned them in December previously, and not due till June subsequently, was paid off by two drafts, obtained by Webb at the United States Branch Bank at New York. It will be recollected that the resolution for the appointment of this examining committee was adopted by the House of Representatives on the 14th of March, 1831, and that it was well understood, sometime previously, that the resolution would be adopted. It seems the committee were anxious to obtain the testimony of Burrows, and for that purpose a *subpœna* was sent to New York, where Burrows resides, and to Washington city, but he was not to be found in either of those places. Understanding that Burrows was expected at Philadelphia, the chairman directed the marshal to search for him, but he reported "that he had ascertained that the witness had arrived in that place on Thursday' the 5th instant, (April, while the committee was engaged in the examination,) but he was not able to serve the process, because he could not be found." Now, sir, I have only time to add to this part of the report of the committee, that this same "Courier and Enquirer," and another paper since established by Mr. Noah, called the "Evening Star," are two amongst many of the pure vehicles of information, through which the people are daily enlightened about the utility and purity of the bank, and the usurpation, tyranny, and despotism of General Jackson.

Sir, it would consume too much time to notice all the developments of this committee of examination. I will limit my remarks to two other points. It seems the committee called for the accounts of the bank, under the head of expenditures for printing, but had not received them when they made their report. They give, however, a sort of abstract from a statement furnished to the Senate in March, 1832, showing that "from the period of the establishment of the bank, after the year 1817, up to the year 1829, the sum paid for printing, in any one year, had not exceeded eight hundred and sixty-seven dollars and nineteen cents; and, in some years, had been reduced as low as one hundred and twenty-four dollars, and one hundred and sixty-five dollars and fifty cents. But in 1830, (the committee say,) the amount is swelled to the sum of six thousand seven hundred and sixty-two dollars and fifty-four cents; and in 1831, to nine thousand one hundred and eighty-seven thousand dollars and ninety-four cents." Now, sir, here was a most palpable fraud; a *suppressio veri*, practised on the Senate, and on the committee. Instead of about sixteen thousand dollars, expended for printing and stationary in 1830, and '31, as their statement to the Senate indicated (it seems they furnished no statement to the committee) those expenditures, for the same period, and including the last half of 1829, had then actually amounted to upwards of sixty thousand dollars, as appears by the memorial of the much-abused, but upright and intelligent Government directors. And it now appears that those expenditures, up to the close of 1832, during the three and a half years preceding, amounted to ninety-nine thousand seven hundred and twenty-nine dollars and eight cents—say in round numbers, one hundred thousand dollars! Of this sum, one-fifth—that is, twenty thousand dollars—was the money of the people, expended to abuse the Chief Magistrate of their choice, to delude and deceive them, and to corrupt and poison the channels through which they look for information. Why, sir, there is much noise made by the opposition about the influence of Government patronage in the employment of a few papers throughout the Union, even to publish the laws, at fixed rates. If it be corrupting for the Government, pursuant to law, to pay a limited number of printers in the different States a few hundred dollars each, for publishing this most indispensable of all intelligence, what must be the effect of the thousands and tens of thousands paid by the bank without law, for publishing volumes of tirades to prove that this institution is worthy of all confidence, and that the man who has devoted a long life to his country's service, is totally unworthy? Can the people safely rely for information on a press which is thus subsidized?

But to return to the report of the committee of investigation. They seem to have been at a loss to discover to what circumstances the extraordinary increase of expenditure for printing and stationary, of which they had information, was ascribable; but we now understand, as far as the board of directors will suffer us to know. We know that, in the President's first message, in December, 1829, he gave strong intimations against the recharter of the bank; we know he repeated them in 1830; and in

1831; and we know that the Presidential election was to take place in 1832. We now know, even from the partial glimmering we have on the subject, that the articles, printed and paid for by the bank, consisted of political speeches, reviews, newspaper essays, and editorial articles abusive of the President, and depreciating his claims to public confidence, on the one hand; and lauding the bank and its friends, and extolling its great public utility, on the other. In a word, sir, those expenditures were intended to defeat the re-election of our present Chief Magistrate, who was unfriendly to the bank, and opposed to its recharter, and to elect his competitor in his stead, who was exactly the contrary.

The only additional disclosure of the committee, with which I shall detain the House, relates to the mode of electing the directors of the bank. From this, it appears that the whole number of proxies is 4,533. Of these, "the president (Mr. Biddle) holds, exclusively, 1,436, and, as a trustee in conjunction with others, 1,684—making, together, 3,120 proxies." The committee very properly add, that this gives the president of the bank "decidedly a preponderating control in the election of directors—a power which was never contemplated by the charter." A single reflection on this part of the report, and I will proceed to other points of consideration. Here we find that one man has "a preponderating control in the election of directors" of an institution with a capital of $35,000,000! It is but too apparent that he elects a board, who, if not implicitly obedient to his will, at least have such implicit confidence in "his wisdom and integrity," as to give him every power that he may desire. He appoints all the committees, and is, *ex officio*, a member of each. The committee of exchange, consisting of three members, besides himself, grants discounts and accommodations at discretion; witness the accommodation of $15,000, payable in five annual instalments to Burrows, for Webb and Noah. And this practice of granting discounts and accommodations, through the agency of a mere committee, is in open violation of the charter of the bank, which expressly declares that "not less than seven directors shall constitute a board for the transaction of business," &c.

But this is not all. To this single man—the president of the bank, elected by a board of directors, in whose election he has "a preponderating control"—is committed the entire capital of the bank, including that portion owned by the Government. Under certain resolutions of the board of directors, the president has expended the enormous amount already stated for printing. The last of those resolutions, adopted on the 11th March, 1831, authorized him "to cause to be prepared and circulated such documents and papers as may communicate to the people information in regard to the nature and operations of the bank." Here is no limitation whatever upon his discretion, as to the quantity, quality, or description of "documents and papers" to be prepared and circulated; and none as to the amount to be expended. "So far as regarded the money expended by the president," the Government directors say they "could discover no entries or vouchers in regard to it, except that it was expended on his orders, under the resolutions referred to." Referring to those resolutions, those directors submitted a resolution, for the adoption of the board, requiring the cashier to furnish, "at as early a day as possible, a full and particular statement of all these expenditures, designating the sums of money paid to each person, the quantity and names of the documents printed by him, and his charges for the distribution and postage of the same," &c; also, "that he ascertain whether expenditures of the same character have been made at any of the offices," &c.; and "that the said resolutions be rescinded, and no further expenditures made under the same." So far from adopting this resolution of the Government directors, making the reasonable request that the accounts of those expenditures for printing should be exhibited, and that the resolutions authorizing them should be rescinded, the board not only promptly rejected it, but proposed and adopted the following as a substitute:

"*Resolved*, That the board have confidence in the wisdom and integrity of the president (of the bank,) and in the propriety of the resolutions of 30th November, 1830, and 11th March, 1831, and entertain a full conviction of the necessity of a renewed attention to the object of those resolutions, and that the president be authorized and requested to continue his exertions for the promotion of that object."

From this resolution, in connexion with that of the 11th March, 1831, it is manifest that the board of directors not only surrender the entire funds of the bank to the unrestrained control and discretion of the president, but they stimulate and encourage him to continue these expenditures; and have so much confidence in his "wisdom and integrity," that they will not require him to render an account of the manner in which he has made them! Can it be said that the public money is safe in an institution which is in the hands of one man, who is thus rendered irresponsible? Is there any officer of this Government, from the Chief Magistrate down to the lowest disbursing agent, who would be permitted to expend the public money, in his discretion, and afterwards be excused from rendering an account of the manner in which he had done so? No, sir; not one. Yet, notwithstanding all that has been said by the friends of the bank, about concentrating power in the hands of one man, and of the public treasure being in the hands of the President of the United States, I have not heard from one of them a word of complaint, that the funds of the bank, and the power to control and expend them at discretion, were in the hands of Mr. Biddle. According to the views of these gentlemen, the public money is in great danger, from the power of the President of the United States, merely because the depositories are changed, though the laws making specific appropriations, and imposing the most rigid accountability, still exist in full force; but, it would seem, from their silence, there is no danger in its being placed at the sole, unrestricted, and irresponsible disposal of the president of the bank.

Now, sir, is it not astounding that the gentleman from Georgia, [Mr. Clayton,] who moved the investigation into the affairs of this institution in 1832, and made the report upon which I have remarked, setting forth six distinct violations of the charter—then proved, besides the mismanagement and abuses in regard to loans to newspaper editors; the increase of expenses for printing and stationary; the "preponderating control" of the president in the election of directors, with the accumulated evidence of charter violations and abuses now before him, should not only cease to oppose but even defend and eulogize the bank? The gentleman now avails himself of this first fair opportunity (as he calls it) to make satisfaction for wrongs which he thinks he has done the bank; speaks with regret of "insinuations," which were unworthy of him, and the cause they were designed to support; and seeks forgiveness with the most penitential humility. Sir, would the gentleman now have us believe that all the facts submitted to the House, not only by himself, but with the sanction of the majority of the committee, and most of them proved by the confession of the officers of the bank, or other unquestionable testimony, were mere insinuations? The gentleman says that, in his country, when an honest solicitor finds a prosecution which he has instituted unjust, and supported by subornation, he enters a *nolle prosequi*. But, sir, what would a court say to a solicitor who had preferred his bill of indictment and adduced conclusive evidence of the culprit's guilt, and then proposed to enter a *nolle prosequi?* In such a case, I do not think an upright judge would be very apt to suffer public justice to be defeated by the discharge of the prisoner.

Sir, there is another point of view, in which the conduct of the bank has been most reprehensible, and has shown that it is unworthy of the public confidence. I allude to its fluctuating policy, in regard to loans and curtailments; sometimes expanding its business and extending accommodations most inordinately, and suddenly calling in its debts, without regard to the interest of its customers, and at periods the most unpropitious to the community. From an official statement, I find its curtailments at the Western and Southwestern branches alone, between the 2d of August last and the 3d of the present month, on bills discounted on personal security, amount to $3,415,357 96. Of this sum, nearly one million of dollars has been the amount of the reduction at the branch in the city of New Orleans alone—the great mart of nearly all the trade of the valley of the Mississippi. The reduction has taken place, too, at that period of the year which is, of all others, the most unfavorable to the interests of that portion of the Union—at the time of the transportation and sale of the productions of the past year. It appears, also, that these curtailments have fallen far short of what was intended by the directors of the mother bank, at Philadelphia, if we may credit the information that has reached us through the public journals, and which remains uncontradicted, so far as I have seen or heard. I take an article from the St. Louis (Missouri) Republican of February 10—a paper which, as it avows, is friendly to the bank. It is in the following words:

"Bank of the United States.—We have been, and still are, the fast friends of this institution. But, when we see it adopting a course fraught with distress and ruin to our community, we shall not hesitate to condemn it. The recent order from the parent bank, requiring a further curtailment of discounts for the next fifty days at a rate not much less than thirty per cent. is unprecedented in the annals of this bank; and must, if persevered in by the local directory, be the cause of serious inconvenience and sacrifice of property. In less than a year the branch here has curtailed its discounts almost one-half—from nearly $800,000 to $450,000; and at the present rate of curtailment, the entire debt will be cancelled in less than fifteen months more. We have looked in vain for a reason for this injurious curtailment."

The same policy seems to have been pursued in the orders given the directors of the branch at Louisville, Kentucky; but it seems those directors had the laudable firmness, and the public spirit, to refuse obedience. The article which follows, taken from the Public Advertiser of that place, will show the rate at which the curtailment was ordered:

"*February* 8.

"The Recent Order.—The determination of the directors of the Branch Bank of this city, to disobey the recent order of the parent bank, has been very generally approved. Even the friends of the bank approve it, because they can perceive no necessity for a measure so harsh and oppressive. It is known that 'the five Western branches' have been curtailing since February, 1831; that the debtors to those branches have contributed more than a fair proportion of the sum required to enable the institution to surmount the difficulties it had to encounter, in consequence of its previous extravagant issues—and, for this reason, if no other could be assigned, the directors of the Louisville branch owed it to their fellow-citizens to refuse to obey the order to diminish the discounts of the branch $226,000 in the present month."

With such facts before us, suffer me to ask if this is an institution upon which any community can safely rely? A board of directors at Philadelphia, in whose election one individual possesses "a preponderating control," appoints the directors of the branches; and this same board, at Philadelphia, or, perchance, the committee on offices, without any accurate knowledge of the interests, necessities, business, or feelings of the customers of the branches, and without any of that sympathy which always exists among individuals of the same community, issues a peremptory order to the directors of a branch, a thousand or more miles distant, to call in the debts which may be due to it, at a rate that must inevitably produce great commercial embarrassment to all, and perhaps irretrievable ruin to many. Sir, such an institution cannot be safe even to the interest of the people at large, much less to those who rely upon it for facilities. What can be more injurious to the interest of the agriculturist, the planter, or the farmer, than, at the very season of the year that he is carrying the products of his year's labor to market, to call in, from those who would be the purchasers, loans of millions of dollars? Must it not necessarily produce almost ruinous depressions of prices! It follows, clearly to my mind, that the pecuniary prosperity of every community would be much more safe in the power of local banks, or State institutions, whose boards of directors are independent of all foreign influence, who are members of the same society, participating in the same feelings and interests, and who are operated upon by a common sympathy in all respects.

Again, sir, it is to the interest of the people of every State that its banking business should be done by their own institutions. The stock of the Bank of the United States is owned principally, almost exclusively, by capitalists in a few of the large commercial cities, and in Europe. When a branch is sent into a State holding no stock, the profits arising from the business are withdrawn from the people of the State, never to return to them. This view of the subject is more especially applicable to the State which I have the honor to represent in part. In Alabama we have a bank whose entire stock is owned by the State, all the nett profits of which go into our treasury. This bank and its branches now do the greater portion of our business, and will, no doubt, ultimately do the whole. I have no means of knowing, accurately, the amount of banking capital which may be required to afford necessary facilities to the people of the State; but I will suppose that, if not now, there will shortly be, required capital to the amount of $8,000,000. Taking this as the basis of calculation, the discounts on that sum, at the rate of six per centum, would amount to $480,000 per annum. Let the Bank of the United States, or any similar institution, do the business of the State, and we lose this amount annually; on the contrary, let it be done by our own State banks, and this sum will go annually into our treasury, to exempt our citizens from taxation; and will eventually create an ample fund for all the purposes of internal improvement, for the support of common schools, and for every other public object desirable to a free and enlightened people.

The State institutions can also furnish a medium of exchange between remote parts of the country. The experiment has already been made to some extent, and, I think, sufficiently to prove the fact. In the Southwest we have seen a private banking association, without any act of incorporation, (I allude to Yeatman, Wood, & Co. of Nashville,) who, by making a portion of their bills payable in Philadelphia, and depositing the funds to redeem them there, have furnished, for years past, a large amount of paper, uniformly at par with that of the United States Bank in that part of Tennessee and Alabama with which I am acquainted, and I believe all the Southwest. The Union Bank of Tennessee has acted on the same principle, and has been equally successful. It has furnished, to some extent, a medium of exchange of equal value from New Orleans to New York. Sir, this can be done by other State institutions, and no doubt will be done. We are not dependent on a Bank of the United States; and God forbid we ever should find ourselves in a situation so humiliating. But, if such an institution were indispensable, ought the present bank, with all its unjustifiable assumptions and malpractices, to be rechartered and perpetuated? I answer, no. Even in that contingency, which I cannot believe will exist, I would not continue power in the same hands that have abused it. If we must have a Bank of the United States, let a new one be organized, which will not already have proved itself unworthy of trust and confidence.

Sir, I have, perhaps, already occupied the time of the House too long, and will close my remarks. I think it has been established, if we vote to restore the deposites, we, in effect, vote to recharter the bank, and to perpetuate its existence; if we do either, we acquit the bank of all the charges admitted or proved against it. We shall, in effect, give the sanction of our approbation to all its violations of the charter, and to all its abuses and corruptions. We shall ratify and approve its unwarrantable assumptions of the powers properly belonging to the constitutional organs and departments of the Government. In a word, we shall surrender the Government of the constitution, prostrate ourselves at the feet of a bank directory, and submit to the degrading and corrupting power and dictation of a moneyed corporation. May the power that guided and protected our fathers in their revolutionary conflict, guard and preserve us from this worse than colonial bondage.

When Mr. C. had concluded—

On motion of Mr. SCHLEY, of Georgia, the House adjourned.

Wednesday, March 26.

PUBLIC DEPOSITES.

The consideration of Mr. Mardis's resolution on the deposites, being the unfinished business of the morning hour,

Mr. BURGES once more took the floor in opposition to the resolution, and concluded his remarks. The whole of which are given in full as follows:

The following is the resolution offered by Mr. Mardis:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of reporting a bill requiring the Secretary of the Treasury to deposite the public moneys of the United States in the State banks; and, also, as to the expediency of defining by law all contracts hereafter to be made with the Secretary for the safe-keeping, management, and disbursement of the same.

Mr. BURGES sent up to the Speaker an amendment, requiring all after the word "resolved" to be stricken out, and that amendment to be inserted, by which the sufficiency of the Secretary's reasons, for his order and direction to remove the public money, would be brought before the House, and made the only question for discussion. The Speaker suggested that, by some alterations, this amendment might be made in order; and

Mr. BURGES proceeded as follows:

Mr. Speaker: The amendment just offered by me, I will put in the form suggested by the Chair, to bring it within the strictest requirements of order. In that form, it will present to the House what has, from the first opening of this debate, seemed to me the sole question for decision in both Houses of Congress: Are the reasons laid before us by the Secretary of the Treasury sufficient to justify the order and direction given by him to remove the money of the United States from the bank and its branches? If they are not, and the House of Representatives vote that they are not, then, because Congress do not sustain the Secretary of the Treasury, in his order and direction of removal, he must leave the money where the law has ordered it to be deposited. Unless both Houses decide that the reasons are sufficient, the Secretary has failed to lay before Congress such reasons as, in their opinion, justify him in making the order and direction of removal. Congress is the court to which the Secretary appeals for a confirmation of his order and direction of removal; if this court be equally divided, no judgment can be given, confirming the order and direction of the Secretary; and, therefore, that order and direction are not confirmed, but, of necessity, reversed; and the Secretary is bound to reserve them, by giving orders and directions to the collectors of the revenue, and the Treasurer of the United States, to deposite the public money in the United States Bank and its branches.

Before making any further allusion to the reasons of the Secretary, it may be proper to give some reply to the argument of the gentleman from Alabama, [Mr. Mardis,] on the resolution presented by him. He has, indeed, done the best justice which could have been done to the case. Not the chamois, in his own native Alps, could spring from rock to rock with more agility; nor could the young panther leap from one tree to another, in our own deep forests, with more of muscular than he has displayed of intellectual elasticity, in moving from point to point of this great argument.

Notwithstanding this, he does not seem to be aware of how much he admits, by the very words of his resolution. He would induce Congress to enact laws by which the doings of the Secretary of the Treasury may be confirmed. Those doings are either legal or illegal. If legal, they require no law to confirm them; for no law can render them more than legal, more than lawful. If they are illegal, the gentleman does not intend, I must believe, to require of Congress the enactment of such laws as may shield public officers themselves from punishment, when the whole country is suffering from the effects of their own violations of the laws.

This gentleman, in the course of his argument, urges the House to confer on the State banks the power of making a paper currency equal to that of the United States Bank. He tells us that he would do this, because the United States Bank is unconstitutional. The power to make paper currency, is one of the powers of the United States Bank, and is one without which it could not be a bank. If the constitution forbids Congress to confer on a United States Bank the power to make bills of credit, or paper currency, by what legerdemain, can Congress confer that power on State banks?

I do not remember any thing more, in the gentleman's argument, which may require my attention. His war with the United States Bank is, in my opinion, no part of the question; and his determination to die in the last ditch, is a death in metaphor, a ditch in song; and I have no belief that the gentleman from Alabama [Mr. Mardis] intends to support the Secretary's reasons, by any ditch or death less figurative.

I shall, therefore, leave the bank, its constitutionality, and the renewal of its charter, to the next Congress. Our inquiry is concerning the national money; the causes, real or ostensible, for which it had been taken from the use of the people; and the effects which have followed, and which will follow, this removal. It is my purpose to lay before the House some of the many reasons which have convinced me that the great object of this removal is the extension of Executive power, and the gratification of those men, in our country, who are devoted to the exercise of power and patronage. Before this can be well done, it is needful to give some short history of the progress of Executive power, and of the devotion to it in our country; and also of the progress of that moneyed interest and power in our country, after which the Executive is now so greedily grasping.

The condition of our country, with no hope for any change for the better, is indeed distressing. Sir, it is not the magnitude, but the duration of our calamities which renders them intolerable. Almost any evil may be inconsiderable, if we have assurance that it cannot be lasting, or will be followed by enduring good. The present condition of our country is indeed grievous; but what, what sir, is this condition, when compared with that weight of oppression, which public measures now seem preparing to lay on the American people? If blight in the air, or the withering breath of disease on the earth, were consuming life in our land, and we were prostrated under His hand, who in the midst of judgments always remembers mercy, we should indeed be suffering, but not as we now are, from the bitter assurance that all our present calamities are but the beginning of sorrows.

It has appeared, for some years past, that a settled purpose has been formed by the Executive to render useless, if not utterly to abolish, every other department of power in our Government. Each one of them has in turn been assailed by either calumny or violence. Who has forgotten the time when a member of this House was waylaid and shot at, almost instantly after he stept out over the threshold of the Capitol? What man in this Hall can now question the reasons of the Secretary, and not by the Executive press here, and by all affiliated papers elsewhere, be denounced as the bribed advocate of the bank? When has the Senate disagreed with the President, and not felt the blast of the same polluted breath? Nay, sir, in what case has the Supreme Court given a decision, in any important question, where the Chief Magistrate held a different opinion, when that court has escaped from that rebuke, which has so frequently fallen upon this House, and upon the Senate?

This disposition of the Executive to draw around and arrogate to himself all the powers of the Government is at this time favored by opinions less doubtful, and feelings more devoted, than could ever, until now, have been found, in our country, to favor a like disposition, if a like disposition ever existed in any other President of the United States.

It is well known that a love of liberty in some men, and a devotedness to power in others, have marked almost every era in the history of our English race, both in Europe and in America. That history has given to each of those great classes of men a distinguishing political name; and we may find, on the record of past centuries, that the men devoted to liberty are denominated whigs—the men devoted to power are denominated tories.

The tories of our Revolution were devoted to the power of the British Crown, believed in the right divine of kings, and contended, not only that the English monarch could do no wrong, but that, whatever he might do, we, his colonial subjects, had no right to complain.

The whigs held to a different political creed, and believed that the power of the Crown depended on the laws of the realm; that its origin was the will of the nation; and that the great object of all its exercise was the public benefit, both in the mother country and in the colonies.

The tories held to the opinion that no man ought to be admitted to any office of honor or emolument, unless he were himself a tory, a believer in the divine origin and the unlimited nature of kingly power.

It was otherwise holden by the whigs; merit was their passport to appointment; and even until the commencement of the revolutionary war they held in high respect all Crown officers who did not abuse their trust.

After this Government was organized in the United States, although all devotion to the British Crown had been utterly destroyed and swallowed up in the Revolution, yet, when it appeared that power and patronage belonged to the President of the United States, some men were found disposed to devote themselves to that power. It was not because that power was constitutional, and bestowed for benignant purposes; nor because the great patriot and father of his country had been elected to the exercise of it, but purely because it was power, and they loved to admire and praise its glorious and overwhelming attributes.

These men were the ultras of those times, not purely federal, for that was, as Washington was, purely republican; but more than federal, and, in their own estimation, transcendently federal. In England, such men would have been the devotees of power, even "in the Stuarts' reign." These ultras, a deluded few then, in Washington's time, held to the doctrine that none but partisans of their own political creed were entitled to hold any office under the Government, although neither he nor his immediate successor held to any such doctrine; and that principle remained, in their times, a metaphysico-political theory. The great body of the people were then whigs of the purest principles; men warmed with that love of liberty by which they had achieved the Revolution; and they had established the United States Government to preserve that liberty, and secure the benefits of that Revolution. The ultras of those times found no sympathy with such a people, and their Government, devoted to the same elevated principles, gave no encouragement to the feelings and sentiments of those men, nor were ever influenced, in any public measure, by their devotedness and submission to political power.

When the federal administration was succeeded by what was called the democratic, that administration soon had its ultras, and those ultras became the tories of democracy. For many of those men, who had contended for the overthrow of power because it was federal, were then ready to devote themselves to the same power, if it were but surrounded and consecrated by the names and forms, the mere ritual of democracy. Democratic ultras carried into practice what had been a theory only among their federal predecessors. They were alike the devotees of power because it was power; but while the one believed in the right to exclude from appointment, the other exercised the right, and did exclude from appointment to office all those who were not of their own political creed. Although the principles of the Revolution were still active in the great mass of the people, yet the devotees of power and the aspirants of office had mingled with that mass very much of their own leaven of political subserviency.

The ultras of these two great parties, the federal and democratic ultras, united, coalesced, amalgamated, and became, and now are, the controlling elements of that portion of our fellow-citizens who at this time hold the power of the National Government, and direct all the movements of administration.

Where, sir, and in what country, can we find any collection of men so entirely devoted, both in feelings and sentiments, to the two great English tory principles—submission to power because it is power, and exclusion from office of all those who dare to question the political creed or the political administration of that power?

I repeat the assertion, that arrogance of power was never in this country, until now, so recklessly sustained by political submission and subserviency. Alas for our country! Had the prophetic ken of the patriarch reached to our times, he might have seen in us a yoke-fellow, a follower under the carrier's saddle, for his own degenerate Issachar. Are we not veritably the patient animal, couching down between two burdens, the power that now is and the power that is to be, and both laid in the panniers and placed upon us at once?

Men, in any country, may distinguish themselves by whatever political names they may choose, and those names may cover, but can never change or conceal, their principles or their feelings. Let them be written on the catalogue of men, and called over in the ear of the people, as federalists, or republicans, or democrats, they will, when history shall record the national transactions of those times, be set down on that record, in one or the other of those two columns, where every human eye can see written over them, on the one side whigs, on the other side tories. We, we, sir, and all our countrymen, if our names ever find a place in those annals, shall be so recorded. If we are the devotees of power because it is power, and look to the public plunder, distributed by that power to none but its own servile followers, as the reward of our political devotion, our names will be placed there under the names of those men who were devoted to the power of the second James, in the great struggle for liberty at the revolution of England in 1688; and under the names of those men who were, in our country, devoted to the power of the third George, in the equally glorious struggle of these then United colonies, in their revolution of 1775; and all mankind will read, over their heads and our heads, at the top of the column, our political character in one word; and that will be a word which no frequency of use, no connexion with distinguished names, can now or hereafter ever make less odious to the eye or the ear of the free and patriotic in our land, than it ever has been to all men who love liberty and abhor despotism.

Sir, do we not seem to belie our illustrious Saxon origin? Has not every drop of that glorious blood exuded from our veins, and the blood of slaves become our vital current? We are conquered, as our Anglo-Saxon ancestors were conquered by the crafty and heartless Norman; and blessed are the men, if there be any such men, who have not the chain already fixed to the leg, or the collar buckled and locked around the neck.

Tories, by their abject submission to power, tempt and encourage rash, reckless, and arrogant men to become tyrants; and they again plunder the people, and thereby raise up, feed, and sustain other generations of tories. This progress of submission and plunder proceeds, until, in countries where in cannot otherwise be done, revolution arises; and, like a storm, sweeps away together the tyrant and his minions.

In elective Governments, blessed be God, revolution is not needful; for the people, although they may be deceived for one or two, or perhaps three, terms of Executive power; yet will they at last learn the truth; arouse to their great interests, at the cry of their great injuries, and consign those who have been violating their liberties, and plundering their substance, to long-merited and perpetual infamy.

Sir, the people of this country know, quite as well as this Government ought to know, that men, associated in communities, as we are, grant to their public officers a part only of their own inherent power.

In this country, constitutions, whether State on national, are not charters of popular liberty. That high attribute comes not from man; it is the gift of the Creator himself.

Constitutions mark out the amount of power bestowed by the people; and all not bestowed is reserved; and all thus granted, is granted, not for the benefit of the grantees, but that, thereby, all reserved powers may the more securely be exercised and enjoyed by the grantors, the people themselves.

Among other powers reserved by them, and all of a value above all price, are two; and both of these are intimately connected with the great question now under debate, now agitating this Congress, and this whole country.

One of these is, the power reserved by the people to choose for themselves, either mediately or immediately, all their public officers; and freely, and publicly, and fearlessly to examine, both by the press and by the living voice, all their merits before, and all their conduct after, election.

The other of these powers connected with this question, is that power born with any living man, and always reserved to him under all constitutional forms of Government—the inherent power to use his own labor, and his own means of acquisition, independent of all political influence, and solely for his own individual emolument.

This power of every man to work for himself, is the great foundation of all property; and every invasion of it, by any political influence, is, so far, a war made on individual freedom.

The free exercise of this power has secured and preserved, in every part of our country, the surplus of what is annually produced by the labor, over and above what is annually consumed by the wants, of the people. This surplus, originally small, was at first, by its several owners, laid up separately in little hordes of the precious metals. Afterwards, at the call of enterprise, these, then quite inconsiderable treasures, were loaned out, at interest, to industrious individuals. Finally, becoming sufficient for that purpose, they were, many of them, united and formed into banks of discount; and thereby more conveniently accommodated that labor, which had abundance of strengh and skill, but was in want of more capital.

In this progress of acquisition, the people have exercised their great inherent and reserved power to work for themselves; under this exercise they have preserved, collected, laid up, and secured the capital of their now great moneyed interest; and have vested not less than $150,000,000 of that capital in their various moneyed institutions, established by laws for that purpose enacted in all parts of the United States.

Although the exercise of these reserved powers of the people, in the free election and free censure of all their public officers, and in the free use of their own labor and their own skill in the accumulation and in the management of their own stocks, and banks, and moneys, may have become offensive to those very officers; yet nothing short of the perfect preservation of these great inherent and reserved powers, untouched by any political influence, can preserve inviolate the freedom of the people.

How odious that sturdy disposition of self-management, claimed by the people, may at this time be to that subserviency of our days, which prostrates so many of those public officers at the foot of Executive power, can be ascertained by the complaints of a certain Mr. Gilpin and his associates, laid some weeks ago on your table, in the Secretary's reasons, and in their own memorial. They were bank directors, appointed by the President and Senate; and, as they seem to have thought, for some purpose more lofty and statesmanlike than merely to manage the money of the United States, vested in the stocks of the national bank; and because the directors chosen by the people received them merely as bank directors, and not as great statesmen, and could not become subservient to the political purposes of their appointment, they have laid their wailings before this House and before the nation.

In these their wailings, put in the form of a memorial, and placed on your table, they denounce the people's directors of the bank, as men made proud by that control of the purse, which had been committed to them by their appointment; they denounce the bank as a money monopoly; the whole stockholders, national and individual, as an aristocracy of wealth; and the whole institution, capital, direction, and ownership together, is set out by those good men as a great establishment, dangerous to the liberties of the people.

Concerning themselves, these Executive directors speak in very respectful terms. They assure us that veritably they are true patriots, and they prove this, in a very lawyerlike manner, by the best evidence which the nature of the case would admit—their own testimony. They moreover assure us, that they are truly, and in good faith, the representatives of the people in the national bank. Representatives of the people, indeed! and appointed by the President! How long is it since the representatives of the people were appointed for them by the Executive? Has it already come to this, that such men, blown into existence by Presidential breath, dare to call themselves the respresentatives of the people? It is fortunate for the people that these very individuals should have been the first instance of such a commodity manufactured for their use; for the slightest examination of the sample will satisfy the nation that the American people will consume no more of the article.

Sir, if there be any aristocracy of wealth in our country it is a genuine, a native growth: it has been produced by the labor, enterprise, and persevering economy of the people themselves. Who, that has lived so long as I have lived, has not seen the progress of wealth in almost every department of acquisition? I can recollect a ship-boy, whose whole patrimonial wealth was a warm, an anxious parental blessing. What vocation can be more toilsome, what more perilous? Sleep, which in other callings seals the weary eye of labor on something like a bed of repose, weighs his eyelids down, and steeps his senses in forgetfulness, with no better pillow, it may be, than the head of the "high and giddy mast, when the wind takes the ruffian billows by the tops, curling their heads, and hanging them, with deafening clamor, in the slippery shrouds." Yet he, by perpetual toil, continued enterprise, and untiring economy, comes at last to be a wealthy and extensive ship-owner.

The vocation of the schoolmaster is a life of toil, humble acquisition, and honest obscurity. His capital is altogether of the mind: there he is rich, in science, integrity, and habits of persevering labor and economy. How many of these men in our country, after toiling years in this employment, gather up the earnings and savings of those years, and, turning their attention to commerce, become, by the practice of the same process of integrity, labor, and economy, rich and eminent merchants?

Sir, I have seen the young mechanic, at the age of twenty-one, standing on the threshold of his father's humble dwelling. He was just about to step out into the world and begin life for himself; with no other earthly wealth than his own summer frock, trousers, and straw hat. His whole capital was his hands, and his skill in the use of them. Nothwithstanding all these discouragements, this same man, by perpetual toil and perpetual economy, become a wealthy and extensive manufacturer.

The plough-boy belongs to another class of humble and toilsome employments; and who, that has ever shared in the toils or the sports of that vocation, can look back upon it, from any point in after life, without feelings of complacency and regret? The plough-boy drives his team afield when the first sunbeams of morning are spreading over the earth; when the world is bursting into life, and song, and action; and, buoyant with youth, and health, and hope, he, "as he turns over the furrowed land," joins the rude notes of his own voice to the jocund sounds of the merry morning. This laborious lad, by years of continual toil and continual economy, does at last become the owner of fields, and he is himself rich in farms and plantations.

All the acquisitions of these laborious and successful individuals are denounded by the agrarian veto-makers of our times, as aristocracies of wealth, dangerous to liberty, and not to be protected by the laws.

Sir, let me tell you, this has been, and this will be, the career of acquisition in our country; and, although the idle and evil-minded politicians of our times may hope to enrich themselves by exciting a war of plunder between those who are just starting in the race, and those who have already arrived at the goal; yet will they, these political miscreants, I trust, fail in their vile and abominable purpose, and finally reap for their harvest the abundant execrations of the people.

Sir, by the exercise of this, their reserved power to work each individual for his own emolument, the people have made acquisitions of wealth in every part of our country. Aided by these, they have established their banks; banks in cities and towns; banks in villages and rural neighborhoods; State banks and Banks of the United States; and, finally, to gather up the fragments, that nothing may be lost, they have established savings banks.

Of all these, the stockholders are, some of them, rich men; some middling-interest men; and some, just beginning the race of acquisition, are quite poor men. Nay, sir, the widow has placed here her mite, her whole living; and it was safe. It *was* safe. Will it, can it, or any of all these moneyed institutions of the people long be safe, in this Executive war waged in the land against all which the people hold dear and precious in our country?

Has not power itself, from its highest places, denounced, and have not the tens of thousands of its hireling minions joined in the denunciation against all these institutions of the people? Are not the people excited to outrage against them, as establishments "to make the rich richer, and the poor poorer?" Has not the Executive message been calculated, and why not intended to urge labor to a war against capital; toil against employment; hunger against bread?

How far this Catilinean conspiracy has been carried, who but the miscreants concerned in the plot can now disclose to the nation? Have they already parcelled out our cities and villages, and appointed some Lentulus to superintend their conflagration; some Cethegus and Gabinius to take care of the massacre of Senators, citizens, husbands, brothers; and put in requisition their own trusty Catilines, to plunder their wealth, and dishonor their wives and daughters?

Sir, let the miscreants of our times and of our country remember the Marats, the Dantons, the Robespierres of other times and other countries. These demagogues have already scattered the embers of civil war in the land; but let them beware how they blow the coals into a blaze; for the abused and outraged American people will—unless these incendiaries make their escape by the light of their own torches—the outraged people will extinguish the flaming ruins of their country, as the people of France did, by the immolation of those traitors who had lighted up the conflagration.

Sir, among the great moneyed institutions of our country, the people have established the United States Bank, not more for individual than national purposes. In the first place, Congress, endowed with power by the constitution to levy money from the people to pay their public debt, provide for their common defence, and promote their general welfare, had need of a fiscal agent to collect, keep, and disburse such money. This bank has so perfectly performed all these offices of such an agent, that Congress has levied and disbursed by its agency, nearly $500,000,000 in the public service, without the cost or the loss of a single dollar to the nation.

In the next place it was known, when this bank was established, that this money must, in the common course of the public service, lie some time in the public coffers, after it was paid in, and before it was paid out. This money, while thus lying idle, might be, if it were loaned out to the people, of great utility to them in their various labors and employments. For the privilege of loaning this money for the accommodation of the people, the bank advanced to the United States in the form of a bonus, what will be found to amount to nearly four per cent. on so much of this money as otherwise would have been lying idle in the coffers of the Treasury. Under this contract between the bank and the nation, this money was loaned to the people, until th President ordered the whole of it removed from the

Treasury; and thereby deprived the bank of the power to reimburse itself for the interest advanced on this money to the United States, or to accommodate the people by the loan of it.

In the third place, this institution was established to aid Congress in supporting the coin and currency of the country. By the constitution, power was given to Congress to coin money, to regulate the value thereof, and of such foreign coin as might be admitted to be used as money in the United States. Banks had been established in the several States; a bank had been chartered by the continental Congress; and bank notes were in use as a currency, when the constitution of the United States was adopted, and the present Government organized under it. The power to coin money, and to regulate its value, was therefore given to Congress, not to exclude bank notes from circulation as a currency, but to enable Congress to regulate their value, when used as money, by bringing them to, and keeping them at, a par with that metallic money, which they might coin, and the value of which they could regulate.

To keep this paper currency at a par with coined metallic money, it was necessary that Congress should establish a bank, giving it the power to issue notes, and put them in circulation as a currency; and at the same time compelling it to pay those notes to whomsoever might be the holder of them, whenever such holder might choose to have them paid in gold or silver. Unless Congress established such a bank, it could not compel any bank to pay its bills in gold or silver; and unless such banks were so compelled to pay their bills, they could not be kept at a par with gold and silver; and unless such bills were kept at a par with gold and silver, the currency of the country could not be preserved at one level of uniform value throughout the United States. In that event, imposts on imported commodities, and excise on domestic products, which are by the constitution to be equal in all parts of the United States, would by this unequal value of the currency, be alike unequal in every two different parts of the whole country.

Some of the States had already established banks, and others would claim, and all would exercise the right to establish them. The currency of the country was, and would continue to be paper, based or not based on metallic coined money. The country had then adopted, and were in the practice of the opinion since published by Ricardo: "Experience, however, shows that neither a State nor a bank ever have had the unrestricted power of issuing paper money, without abusing that power; in all States, therefore, the issue of paper money ought to be under some check and control; and none seems so proper for that purpose as that of subjecting the issuers of paper money to the obligations of paying their notes either in gold coin or bullion.

"A currency is in its most perfect state when it consists wholly of paper money, but of paper money an equal value with the gold which it professes to represent. The use of paper instead of gold, substitutes the cheapest in place of the most expensive medium, and enables the country, without loss to any individual, to exchange all the gold which it before used for this purpose, for raw materials, utensils, and food, by the use of which both its wealth and its enjoyments are increased."

Congress, therefore, had but one alternative; either to establish a bank, and thereby to regulate the paper currency of the country, and keep it all at one level, by keeping it all at a par with gold and silver; or by enacting a loan to compel the people to pay all taxes, duties, imposts, and excises, in coined metallic money. Had such a law been enacted, it would never have been carried into operation; because it would virtually have prohibited the States from establishing banks, and compelled the nation to use no other money but silver and gold. Such a law would have operated as a repeal of the constitution, and a total subversion of the Government. Congress was therefore compelled to establish a bank; and every Congress, which, by its laws, would preserve the constitution, will, when this bank ceases, as was done after the cessation of the first bank, be compelled to establish another.

Congress, under its power to coin money, and regulate its value, enacted that the money unit of the United States should be a dollar, containing 371 14-16 grains of pure, or 416 grains of standard silver. This dollar was to be equal in value to the current Spanish-milled dollar, and was divided, first into halves and quarters, and second, into dimes and half dimes. The value of pure gold, weight for weight, was established at fifteen times that of pure silver. The established gold coins were eagles of the value of ten silver dollars, and containing each 247 4-8 grains of pure, or 270 grains of standard gold. These were divided into half and quarter eagles.

Congress having established these coins, and regulated their value, did on the 2d March, 1791, established a Bank of the United States for twenty years. This bank expired on the 3d March, 1811. From that time until April 10, 1816, the paper currency issued by State banks alone was unregulated by any law of the United States, and became so deranged, that no banks out of New England redeemed their notes, by paying gold or silver, either coined or uncoined, in exchange for them. The notes of all such banks were thereby, and by their over-issues, depreciated in value from five to twenty-five per centum on their nominal amount. Congress could neither regulate the value of this paper currency, so as to keep it at par with gold and silver, nor compel the payment of the revenue in coined metallic money; nor issue Treasury notes, receivable for the revenue, and by any law prevent their depreciation; and, when issued, such notes did depreciate like the notes of those State banks, which were the greater part of the currency of the country.

On the 10th April, 1816, the present United States Bank was chartered, for the term of twenty years; and, by one of the provisions of that charter, the bank was compelled to pay its notes, according to their tenor, in gold or silver, whenever the holders of them demanded of the bank such payment. To insure this payment, the bank was made liable to pay 12 per centum interest on all notes on which payment had been demanded by the holder and refused by the bank.

This provision discloses the great currency purposes of establishing this bank. These were so to regulate the paper part of the currency, as to preserve its level in value with the gold and silver part of it, and thereby reduce the whole of the currency to one uniform level of value throughout our whole country. Nor was this all. For, as gold and silver coined money was to be the standard of value, and as those metals were of the same or nearly the same value throughout the commercial world, our paper currency, kept at a level of value with gold and silver in our own country, would be at a level of value with the money of all parts of the commercial world. This was, indeed, a part of the great implied contract made between the bank and the United States. How faithfully that institution has fulfilled this part of its undertaking is fully known, not only in all parts of our own country, but also in Europe and Asia, where their bills have been, to some extent, circulated at a value equal to that of gold and silver.

When a Bank of the United is established for the purpose of regulating the currency of the whole country, and when that currency consists of the notes put into circulation by State banks, over which Congress can have no control, it becomes a question of importance what amount of capital may be sufficient for such a bank. When such a bank is not under the control of the Executive branch of the Government, no matter how great that capital may be, but because it may come to be the case that it may be under that control the capital should be as limited in amount as will leave it with the ability to issue so much of the paper currency of the country, as will enable this Bank of the United States so to control the issues of the State banks, that none of the notes of such banks shall, at any time, be of a value less than their nominal amount in gold or silver. Nothing but experience can determine what that amount should be; but it cannot be erroneous to state, that it must vary in amount as other banking capital varies in amount. The whole banking capital of the United States is about four and one-half times as large as the capital of the present Bank of the United States; and it is quite probable that the capital of the first United States Bank was greater in proportion to the whole banking capital of the country at that time.

It should not be forgotten that, when the currency of a country is increased in amount, when there is no increase of commodities in that country to be exchanged by its uses, that currency will be depreciated in value in direct proportion to that increase. This can never be the case, for any length of time, in a country where the currency is metallic; for gold and silver, being articles of merchandise, will be bought up and exported so soon as they, by their extraordinary plenty, are so much diminished in value as to sell for so much more in another country as to pay the cost of exportation, with a small profit. This keeps the metallic money of all countries in the commercial world at, or nearly at, a level of value.

When the money of a country—as in England and the United States, and to some extent in France—consists partly of metallic money, and partly of bank notes, if the paper currency be increased, while the metallic currency remains unchanged in amount, the paper will be depreciated in value, but the metallic money will remain of the same value as it was before any such increase was made. It is not practicable, from any theory, to ascertain to what amount this increase and its corresponding depreciation may extend; and yet these notes which make this currency continue to be paid by the banks which issue them, in gold and silver, at the option of the holder of them. To some amount it may doubtless be the case, and perhaps until these bank notes may be three, six, or nine per centum below the par value of silver dollars, for which they may be exchanged on demand at the bank where they were issued.

The Bank of the United States was established not only to keep its own notes and those of all other banks at all times convertible into gold and silver, at the option of the holders of them, but also to prevent such an increase in the amount of the paper part of the currency of our country as would depreciate its value below the value of the metallic money coined by Congress. The Bank of England has lately been rechartered for this, among other purposes; and it should be a great object among the statesmen and financiers of the whole commercial world to keep and preserve the currency of all countries, mutually dealing together, at one great level of value.

Gold and silver is the currency, or the basis of the currency, in all civilized countries. These metals have never varied very much in the cost of preparing and bringing them to market. Some improvements in modern times have, in some degree, lessened the labor of their production; but the great cause of their diminished market value has been the increase of their quantity. This great increase originated from the discovery of the new world, and the numerous and very fertile mines found in Mexico and South America.

It is said, by men of great research in the history of the precious metals, that, at the close of the fifteenth century, just after Columbus discovered these continents, the metallic money of Europe amounted to £34,000,000 sterling. In 1600, that money had increased to £130,000,00; in 1700, it was £297,000,000; and, just after the close of the next century, in 1809, the metallic currency of Europe was £380,000,000. By this it appears that the metallic currency of Europe had, in little more than three hundred years, increased more than eleven-fold. Had the population and exchangeable commodities of that quarter of the world remained the same during that period of time, the value of this currency must have depreciated more than eleven-fold in amount. This, however, is far from being the fact. In 1500, the people of England and Wales were about 3,000,000; but, in 1809, they were more than 15,000,000. In other parts of Europe population had increased, if not in so great, yet in something like that proportion. If exchangeable commodities had remained of the same amount as they were in 1500, still this five-fold increase of population would have required five times the quantity of currency to have made their various exchanges of those commodoties. The case is far otherwise. The mines and the lands of Europe have become vastly more productive, but, above all, the mechanic and manufacturing arts and the commerce of those countries have, together with the products of the earth and seas, multiplied their exchangeable commodities more than one hundred-fold. So that, in place of a currency too abundant, it would have been, with this increase of population and of exchangeable commodities, less abundant in 1809, when it was £380,000,000, than it was in 1500, when it was no more than £34,000,000: it would, I say, have been less abundant, had it not been for the fact that those commodities had been produced in a condition of the arts so improved, and by the aid of so much labor-saving machinery, that their cost was perhaps twenty times less than the cost of the like commodities would have been, could they by any possibility have been produced in 1500.

Indeed so great have been the improvements made by the workingmen of Europe and of our own country, in the productive powers of human labor, that men who worked at day labor to support themselves and their families might—and blessed be God for the comforts of their condition—they might, before this withering blight of presidential power fell upon the workingman's prosperity—yes, sir, they might, and their wives and children with them—they might, by their own hands, and unaided by those Executive hirelings of office who now prey on their labors—they might be better fed, and clothed, and sheltered, than the nobility of England were in the times of the red and white rose—of York and Lancaster! Yes, sir, their food is better and more abundant, though not placed on their tables by a train of servants; their clothing of finer materials and superior fabric, if not in colors so gaudy; and their houses, though humbler in dimensions than the castles of those powerful barons, yet have much more of comfort and convenience. All this has been achieved by that mechanical skill and science which has succeeded in so uniting the great and powerful agents of nature with human labor, as to render that labor so many hundred-fold more productive, that every workingman in our country could, before his prosperity was sacrificed on the altar of presidential power, have, use, and enjoy more of the real and absolute comforts of life than some princes could purchase before these great improvements were effected by those workingmen of this and the last century.

The rich mines of Potosi were discovered in 1545, and were soon wrought with such industry and success that the metallic wealth of Europe was increased nearly four-fold before the close of that century. Although the value of gold and silver, during that period, received a depreciation nearly in the same ratio, yet the operation of those causes which produced an increasing demand for those metals was so powerful, and progressed so continually, that, before 1650, that depreciation had reached its lowest point; and, since that time, up to 1809, under a constant increase of the metallic currency of Europe, it has not perceptibly changed in its value.

From 1809 up to 1830 there was, from various causes, a decrease in the metallic currency of Europe of about £66,000,000 sterling; so that, at this last date, the metallic money of that great quarter of the world did not exceed £314,000,000. This might have been expected to produce a corresponding appreciation (if I may use this term in this way) of this metallic currency. This effect does not, however, seem to have been produced; and perhaps the continuation of that currency at its former value may be owing to a diminished demand for gold and silver, produced by using paper in place of those metals for so much of the currency in several of the most commercial countries of Europe.

Sir, permit me here to make one remark, on a fact collateral to this part of the subject, but of immense importance to the commercial world. From the diminished quantity of the precious metals brought to market during the last twenty-five years, it seems probable that the mines of the world now discovered—and there are no more new worlds to discover—will not ever furnish these metals in any greater abundance than they have furnished them during that period. It may be that new mines will be discovered; it may be that the earth is continually maturing this precious wealth in her bosom; but it should be remembered that the increase of population, and of exchangeable commodities, continually progressing in all parts of our world, will continually increase a demand for currency, either paper or metallic. Unless, therefore, there shall be a corresponding increase of gold and silver, the time must come when those metals will be too inconsiderable in quantity to furnish even a basis for a paper circulating currency of the great commercial world. Nor must we forget that the use of metallic money does continually, by abrasion, wear out and consume the pieces of which it is formed. It has been found, by experience, that coined gold and silver, in the pieces ordinarily used for commercial purposes, will, by use in banking only, be worn out in a term of four hundred and twenty years. If used as currency, and subjected to all the abrasion effected by transportation in such a country as the United States, it is probable that, in one-third of that time, any given quantity of gold and silver currency would be entirely worn out and consumed.

It might then be prudent for the wise men of our times, the great statesmen and financiers of our present Treasury Department, who talk of the uses of gold and silver as if they were as plenty and as durable as are the stones in our fields; it might be prudent for them, before they destroy our present system of currency, to examine the feasibility and count the cost of replacing that by a currency of coined gold and silver; and not to forget the condition of the world and of posterity, if other nations, moved by the illustrious example of their wisdom, should adopt their system of finance and currency.

Sir, it has been stated that our great purpose of establishing a United States Bank was to preserve the currency of our country at one great level of value, and to keep that value at a par with gold and silver; and to do this for the purpose of keeping that currency at a level with the currency of other nations throughout the great commercial world. Gold and silver are the great standard of value among all civilized nations. It has been seen that these metals have not perceptibly varied in commercial value during a period of nearly two hundred years. It is probable that, by extending the use of paper currency, based on gold and silver, any increased demand for these metals may be prevented, and their value, as it has been for nearly two centuries passed, be preserved unvaried for many centuries yet to come. The commercial qualities of these metals, and the ease with which they are transported from one country to another among all commercial nations, will always keep them equal, or nearly equal, in value, among all such nations. They can never for any length of time, differ in value, in any two countries, more than the cost of transporting them from one to the other. Like water, they continually tend to a level, and generally are at a level of value in all commercial countries. With this standard of value, gold and silver, as the basis of the paper circulation, in any country, the financiers of that country, who may have the direction of the controlling bank of issues in the same, can so regulate those issues as not only to keep the paper at all times convertible into metallic money, at the option of the holders of it, but also to keep it at par with that metallic money. In England, 2,700 grains of standard gold is equal in value to £20 16*s.* 8*d.* sterling. It is also equal to five pounds nine ounces standard silver, and that is equal to one hundred dollars. If a director of the Bank of England wishes to ascertain whether the paper currency of that country is at a par with gold, which is there the only standard of value, he goes into the bullion market, and inquires how many pounds sterling, Bank of England currency, he must pay for 2,700 grains of standard gold. If he be told that he must pay £20 16*s.* 8*d.*, he knows that the notes of the Bank of England are at a par with gold. If told that he must give £21 16*s.* 8*d.*, he is satisfied that too much paper is in circulation, because he finds it depreciated in value; and knowing that this depreciation cannot be the effect of a want of credit in the issuing bank, because all these circulating notes may, at the option of the holders, be exchanged for gold at the counter of that bank, he knows that it is the abundance of those notes which has effected their depreciation. To remedy this evil, the bank sends into the market a sufficient quantity of stocks, sells them for its own notes, takes those notes into the bank, and cancels them. This process goes on until the quantity of those notes is so reduced as to raise their value to a par with gold. On the contrary, if it be found that 2,700 grains of standard gold may be had for £19 16*s.* 8*d.* in the Bank of England notes, it is at once known that those notes are not sufficiently abundant, because their value is appreciated, and raised above that of gold. To remedy this evil, the bank sends into market a quantity of its own notes, and, by exchanging them for stocks, puts those notes in circulation. This process is also continued until the paper currency becomes sufficiently abundant to reduce its value to a par with gold. By this easy and simple process alone, the Bank of England succeeds in regulating the paper currency of that country, nor ever has occasion, for that purpose, either to increase or to diminish its discounts, or to intermeddle with the business of its customers.

When the United States Bank was established, for the great purpose, among others, of regulating the currency, the brokers of the country were too powerful for that Congress, and, by monopolizing the whole immense trade in stocks, excluded the bank from all power to deal in them; and, by providing that the bank should deal in nothing but bullion and bills of exchange, compelled that institution, when it was needful, to increase or diminish the amount of paper in circulation, to resort to an increase or diminution of its discounts; and for that purpose, at times to disturb and interrupt the business and money arrangements of its customers.

It is seen that £20 16*s.* 8*d.* sterling is equal to 2,700 grains of standard gold in England. This weight of gold is also equal to ten eagles of the United States, and those eagles equal to 5lbs. 9oz. of standard silver; and that, too, is equal to $100. When it is known to the president and directors of the United States Bank, that £20 16*s.* 8*d.* of the Bank of England notes are worth, in that country, 2,700 grains of gold, or 5lbs. 9oz. of silver; and when it is also known that the value of gold and silver is equal in the two countries, and they would ascertain whether the notes of the United States Bank are at par with those of the Bank of England; they examine them in the market by silver, the standard of value in the United States. If they find $100 of those notes will purchase, in the bullion market, 5lbs. 9oz. of silver, and no more, they know that the $100 in their bank notes is exactly worth £20 16*s.* 8*d.* Bank of England notes, and therefore that the paper currency of the two countries is at a par, and on the same level of value.

If, otherwise, it is found that 5lbs. 9oz. of silver will cost $105 in the United States Bank notes, it is at once ascertained that these notes are below the par of silver, and therefore below the level of the paper currency of England. The bank has in that case no means of diminishing the paper currency of the country, but by a diminution of its own discounts, and by inducing, so far as it may be in its power, the State banks also to reduce their circulation by the same process.

There may be a condition of the country when this cannot be effected without a great pressure, and much distress upon the trade and business of the country. It sometimes happens, in all counties where there is much labor, enterprise, and industry, with a considerably abundant capital, that there will be a production more abundant than the wants of the people may require, both for export and consumption. As the products of the year are coming into the market, it will soon be perceived that there will be from ten to twenty-five per cent. more than enough of cotton, tobacco, rice, sugar, meats, bread stuffs, and fabrics of all kinds, both domestic and imported. To produce and bring all this abundant production to market, will have called out into circulation a corresponding large amount of currency. The mere rumor of this abundance will, before it reaches the market, begin to lower price, diminish exchanges, and check the circulation of money: for men who intend to purchase will hold their money, and wait for a greater reduction of price; and men who intend to sell will hold their various commodities, in the hope that prices will soon advance and become much better. Money will appear to be scarce, because buying and selling are at a stand, and money, though it may be very abundant, yet has it, in a great measure, ceased to circulate. Every evil of a scarcity of currency will be suffered, when, at the same time, the country, in respect to foreign nations, may be liable to suffer from the evil of too great a quantity of paper issued from the banks. This evil is one which additional discounts cannot relieve, and the danger is such as every increase of paper currency may augment. For if, in such a condition of the country, it should be found, as undoubtedly it would be found, that, while every thing else, together with bank notes, has been increased, there has been no increase of metallic money; that money will remain of the same value, while all other commodities, and the paper currency with them, have, by their increased abundance, diminished in a corresponding degree in value; in such a case, if you go into the market, and find that 5lbs. 9oz. of silver will cost 105, 107, or, as it may be, $109, what remedy have you for this evil, except by a curtailment of discount by the Bank of the United States and its branches, and a corresponding curtailment of their discounts, made by the State banks! This, by compelling sales and sacrifices, may be ruinous to thousands, and bring upon the country, in the midst of almost Egyptian plenty, something like a general bankruptcy.

On the other hand, the danger is equally urgent from foreign nations: for it should not be forgotten that gold and silver, coined or uncoined, are merchandise, and will be exported from country to country, whenever it can be done with a profit. The moment our paper currency falls below the par of metallic money, it will be known in England and other trading countries. So soon as this depreciation reaches two or three per centum, our gold and silver will begin to be drawn out of the vaults of our banks, and exported to other countries. This will be done, not because these metals are worth more there than they are here, but because our paper currency is worth less. It will be known that our United States Bank must pay its notes, at its counter, in gold or silver, on demand. Those notes are depreciated five per cent. Two thousand seven hundred grains of standard gold, in London, will buy a draft for $105, payable at Philadelphia, in notes of the United States Bank. This draft will take out of the United States Bank not 2,700 grains of gold, or 10 eagles only, but 2,835 grains of standard gold, or 10½ eagles. Repeat the process with a million, and the profit will be $50,000. Every new draft increases the evil; nor can you build any financial dyke to stop this current of your metallic money flowing out of your country, until you diminish the quantity of your paper currency, and bring it up in value to a par with the metallic, and with the paper currency of other countries. Had the Bank of the United States been permitted to buy and sell stocks, this might be done without any diminution of discounts; and, by a process so imperceptible to the ordinary trade and business of the country, that the whole evil would be removed, and the operation never be injuriously felt by one individual in the nation.

Sir, permit me here to make one remark. In a country were the money system, like that in ours, is paper with a metallic basis, if there be one controlling bank, compellable, by the Congress of the United States, to redeem its notes with gold or silver on demand, that bank can never sustain a paper circulation so abundant that its notes can be more below the par of gold and silver than such a per cent. as it will cost to export gold and silver to any foreign country. The moment it goes over that, exportation will begin, and continue until the paper currency shall be reduced in quantity, and brought up in value to a par, or nearly to a par, with metallic money. The constant fear of this will limit the issues of a United States Bank; and compel that bank, if in its power, to put a limit on the issues of all State banks. Without such a bank, no such limit can be set or sustained; and, therefore, without such a bank, Congress has no power to regulate the currency, so as to keep it at a par with silver and gold, and at a level in our own country; or at a level with the currency of other countries in the great commercial world.

The fourth and last purpose in the establishment of this Bank of the United States was, to give it such powers, as a private institution, as might, in their faithful and diligent exercise, render the capital, to the owners of it, profitable in a degree equal, and no more than equal, to that of other institutions of the same kind. Although excluded from dealing in stocks, when all other banks might deal in them, and engaged, by contract, to collect, keep, and disburse the public revenue, without pecuniary compensation, yet was it believed that the use of the public money, after deducting the amount of bonus paid in the beginning to the United States, might reimburse that expense, and remunerate the institution for the labor and expenditure necessarily done and incurred in the discharge of its fiscal and financial duties to the nation. It must have been the great purpose of Congress, in this institution, to unite the sharp-sighted and untiring diligence and skill of private interest, with the laborious, patient, and enlightened fidelity, required in such an extensive and important national agency; so that the people could in nowise suffer from a want of industry, talent, or faithfulness, in the management of this institution, without bringing a much greater and more ruinous accumulation of injuries upon the interests of those who have vested their property in its funds. With what success this great purpose has been achieved, in the direction of those individual and national concerns committed to this institution, has, in the very face of presidential power and influence, been decided; not only by the representatives of this nation, but by many people of this nation, and many people of other nations, who had embarked their property in this great enterprise. No bank on earth was ever conducted with more skill and fidelity, or more to the satisfaction of all persons interested in its funds; none ever more successfully managed the exchanges of a great and widely-extended nation; and none ever before furnished a paper currency equally sound and uniform; for, when measured by gold and silver, the great standard of value throughout the commercial world, the notes of this bank have circulated, not only in this country, but in Europe, and among commercial men in the distant nations of Asia; and have there been exchanged at a par, and in place of the most pure coined metallic money of the eastern or western world.

Notwithstanding all these facts; notwithstanding this institution was established by the people, and was intended by them to be, has been, and would now be, to them the great regulating and enriching establishment among all their moneyed institutions, had not a usurpation of power, more gigantic and more destructive than any other now wielded by any other earthly despotisms, placed itself between this institution and the prosperity of the people. Yet those profligate instruments of this unrelenting despotism, the executive directors, appointed for such vile and mischievous purposes, have denounced the president and directors of that institution as a collection of men made haughty, proud, and overbearing, by that control of the purse which has been committed to them by their appointment.

Why, sir, when these presidential directors arrived at Philadelphia, and entered into the bank; when they looked around the counters, and beheld the masses of metallic wealth, regarded by them, long used to such labors, as the mere tools of the trade carried on in this their great workshop; when they called to mind, if they possessed any such thing, that they were the especial directors of seven millions of those glittering glories which lay shining before their eyes; when, animated by such a thought, they mentally exclaimed, like honest Caliban, influenced by the consoling beverage of Truncalo, "All this island is mine;" and when they, so totally unused to such sights and sounds, felt throughout their inward and outward man, in "entrails, heart and head, liver and reins," the overwhelming inebriation of all within them, and all around them, is it wonderful that they concluded that the people's directors, who, as they believed, had, for a much longer time, been swallowing these enlivening influences, were really as much intoxicated as they were themselves?

Is this wonderful? Are there not diseases which pervert even the very organ of vision? I remember to have been told the story of a very staid and sober personage, who had rarely seen, much less ever tasted and swallowed, that inebriating beverage which makes brutes of so many men. It was the evil fortune of this man, on a certain time, to be present on some public "doings," where this potable mischief was presented, in all its alluring forms. He tasted, by accident, what some one had left unswallowed, at the bottom of a glass; and, delighted with the taste, exclaimed to the keeper of the table, "I profess, Mr. ———, you know how to make a very pretty liquor." "Will you have a glass, sir?" was the reply. He laid down his four-pence half-penny, and, placing the tumbler of sling to his mouth, drained the treacherous glass to the last drop. The moment he, unused as he was to such excitement, began to reel, every man on the green seemed to him to be staggering. He immediately took up the opinion, which he never relinquished until his last hour, and he solemnly averred, after he was carted home at night, that he did not, on that day, see a sober man in all creation.

Is it then wonderful that these executive directors, intoxicated as they were at the sight of so much metallic money, should believe the president and directors appointed by the people, who had, for some time before been swallowing, so to speak, with all their eyes, this enchanting vision of shining metals, were so much intoxicated, by the draught, as they were themselves? Narrow-minded men always attribute to others the little vices and meannesses which fill up their own limited capacities. This president and those directors of the people, if proud at all, as honestly they might be proud of a trust so important, earned by their talents, their skill, diligence, and fidelity, were regarded by the executive directors, because they could find no such qualities in their own minds, as proud of that control of money, which had given such an elevation of feeling to their own light and unfurnished heads.

With no better reason, the executive counsellors have put it in the mouths of these presidential directors, to denounce this institution as a great money monopoly. What is a monopoly? Is it not some establishment, by law, which gives to one set of men a power of making profit by a business from which all others are excluded? A scheme which enables them to exclude from their trade that competition which brings all business to nearly the same level of profit? Has this institution a monopoly of banking? Is it not one among nearly five hundred other banks? Do not all these carry on the banking business under the continual operation of a universal competition? Can any one of these, more than any other, realize a monopoly profit?

Has this bank a monopoly of banking capital! Of private capital it has $28,000,000. All other banks have a capital of $124,000,000. Here is no monopoly of capital.

In furnishing the currency of the country, this institution usually furnishes about 20,000,000, while the various State banks supply about 70,000,000. Here, then, is no monopoly given to the United States Bank to make the national currency.

It may not be practicable to compare these banks, in relation to their discounts, because those of the State banks are unknown; but we can look at them more accurately, in respect to their profits, the great test of all monopolies. No matter how exclusive any business may be in its operations, if it have no power of making profits exclusively great. Should any State, or the United States, give to a company of projectors, with a capital of 35,000,000, the exclusive right of collecting, preserving, and vending summer heat, with a view to profit, who would complain of this as a monopoly? No man in his senses; because no man in his senses would ever believe that any profit could ever be made by buying and bottling up sunbeams in July and August, when that commodity was plenty and cheap, and preserving them until January and February, when they were scarce, and of course very dear. It is exclusive profit, and profit alone, which renders even a monopoly oppressive and odious. What is the profit of State banks? Not less than seven per cent. in all; and in some it is not less than twelve. No man pretends that the Bank of the United States will realize above six per cent., and few believe that it will reach even that amount on its capital.

Here, then, is an institution of the people, denounced by the Executive as a money monopoly—one bank among five hundred others; a bank with less than one-fourth of the whole banking capital, furnishing less than one-fourth part of the circulating bank currency; and, after all, realizing, under all its pretended monopoly powers, more than one full seventh part less profits than all other banks realize.

To what a mean and miserable condition are those wretched echoes of executive denunciation reduced, when, in the face of all the facts, and in defiance of their own common sense, and I had almost said honesty, they suffer themselves te be compelled, by the exactions of a relentless task-master, day after day, and hour after hour, to cry out, "monopoly! monopoly!" when he and they, and all men know, that this institution is no more a monopoly than any other one of all the five hundred other banks in the country: no more a monopoly, sir, than ploughing fields, or sailing ships, or spinning yarn, or cutting down trees in the forest.

As if this tergiversation were not enough, these Executive directors have been instructed to denounce the whole stockholders of this institution as a great aristocracy of wealth, dangerous to the liberties of the people. Yes, these men, twenty or thirty thousand of them, owning $28,000,000, and the whole people owning $7,000,000, in this institution, are a great wealthy aristocracy. This mass of their wealth, like a great mass of manure, is, from the effluvia of its influence, dangerous to the health of liberty; and, therefore, this mass should be levelled, and spread out, to enrich less fertile parts of the land. Why, sir, truly our Chief Magistrate is "beginning to be a husbandman;" for he is the first to strike his fork into this over-abundant pile of manure, and refresh his own selected and favorite spots, heretofore rather barren, with ten or fifteen millions of it.

Pray, sir, what is it which renders the owners of thirty-five millions, in a United States Bank, and twenty-four branches, a wealthy aristocracy, dangerous to liberty; when the owners of $124,000,000, in State banks, are all plain democrats, and in no way perilous to that high attribute of the people? Aristocracy of wealth! Dangerous to the liberty of the people! The cant phrases these, of this aggregation of demagogues, who, with the Executive at their head, are laboring to aid him in placing his collar on the neck of one branch of Congress, and his foot on the other; and with this control of the Legislature, he will secure to himself the treasure of the nation; reduce the power of this great moneyed aristocracy, and thereby preserve the liberty of the people from the deleterious influence of their own moneyed institutions, by taking out of their hands the dangerous power of regulating their own affairs of business in such a manner as they may think most conducive to their own interest.

Sir, let me say to you, and through you to the profligate minions of power, the drudging slaves of the palace, and to the haughty and imperious lord of that palace at their head, that this wealth of the people is their own. It was earned by their toil, preserved by their economy, and will be secured by their vigilance and valor. One of the eldest curses of God is on him who removes his neighbor's landmark; and next to him in execrable delinquency, is he who, without warrant of law, turns back the key, or breaks the lock, and thrusts his hand into his neighbor's coffers. Do not pretend to gull the working-men of America—and who does not work here, unless it be he who is fed by Executive patronage?—by telling them that their own wealth, managed by their own agents, will, unless it be preserved by Executive usurpation, subvert and destroy their liberty.

Sir, these moneyed institutions, with the Bank of the United States at the head of them, regulating all the issues of bank notes, and keeping the paper currency of the country at a par with gold and silver, and with the currency of other countries, were established by the people, in aid of their own reserved power, and right to work for themselves, and for their own individual emolument. These moneyed institutions put in motion, and render productive, the whole labor of the people, by land and by sea.

Do you hear the sound of the axe, see the forests fall around, and the clearing extended over new regions? It is the money of these institutions which gave the first blow. Is the plough in motion on a thousand fields, and carrying culture to the very hill-tops of your country? This money of the people sharpens the share, and feeds and invigorates the team. Do the sounds of your spindles and looms make music with the sound of your waterfalls, and are your fabrics sent into all parts of our country, and to foreign nations: the treasure gathered and laid up by the people in these their moneyed establishments, was the great agent, moving all this machinery. Are the saw and the hammer heard over the whole country, building workshops, warehouses, mansions, temples, villages, and cities: what but this store of wealth, collected and laid up by the labor and economy of the people in the banking establishments of our country, has called into activity the skill and the strength of mechanical labor, and thereby ornamented, as if by enchantment, the whole face of our country? What sea is left unvexed by the oars or the keels of your fisheries or commerce? Sir, not a line is drawn; not a harpoon thrown; not an oar-blade glitters in the sun; nor a sail whitens above the wave, without that invigorating current of vitality—the money of our country, which, feeding and sustaining every department of labor, puts it all into animated and productive motion; and which, for that great purpose, has, in former years, by so much toil, care, and economy, been earned, saved, and secured in your banking system --that great vital organ, propelling and circulating this life-blood of human industry, throughout every member and limb of the whole vast and gigantic body of your national labor.

Yes, sir, you did see or hear, by land or by sea, the movements of the axe, the saw, the hammer, the spindle, the loom, the oar, the sail; and all put into motion, and productive efficiency, by this great system established by the people. You did see all these, in a most healthy, and active, and prosperous condition, until the ruthless hand of unlicensed power struck at the very heart of that athletic and vigorous system, and drew out that blood of life, which has left the arm of labor too feeble to be lifted up, and the whole body tottering, falling, and ready to perish.

Sir, in what nation on earth was ever such a ruthless conflict? It is a war of the Executive, at the head of his army of office-holding minions and parasites, against the people, in their most vital and sacred interests—those money interests by which the people sustain and conduct those very labors which furnish the revenues of the nation and support the Government. This revenue was once small, two or three millions at most. It has since, in some years, risen as high as thirty-six millions. We are told it will be, this year, thirty-two millions.

From this revenue, drawn from the labors of the people, this Executive and his host of officers receive their salaries. They are literally fed, clothed, and sheltered, by the labors of that very people whom they are thus fighting to destroy. What an unnatural war! "It is as if this mouth should tear this hand for lifting food to it."

The revenue of the nation is drawn from the labors of the people. By the constitution, the people have given to Congress the power to lay and collect taxes, duties, imposts, and excises, for the purpose of paying the public debt, providing for the common defence, and promoting the general welfare of the United States. The revenue raised by these provisions has been levied by laws enacted by Congress; it has, until last October, been kept by laws enacted by Congress; and it has been expended, in the public service, under laws enacted by Congress, appropriating that revenue, according to the provisions of the constitution, to the great national purposes for which it was paid into the public coffers by the people. This revenue, so paid into their Treasury by the people, constitutes, and is, the money power of the nation—the great source of vitality and efficient action in all parts of the great commonwealth of our country.

Sir, there has been, during the last four or five years, a great effort, a continued labor and struggle, made by the Chief Magistrate of the United States, to bring into his own control this money power of the nation, and thereby to unite, in his own hands, this overwhelming power, with the political power vested in him by the constitution. Permit me, sir, in examining the question under debate, to consider the legal and constitutional provisions made to prevent the union of these two powers in the hands of one man; the efforts made by the Executive to abolish these provisions; the ultimate political purposes of these Executive efforts; and, last of all, the condition of our country if those political purposes should be established. From these several points of view may be made all the observations and remarks needful for me to make on the Secretary's reasons, on the resolution before us, or on the amendment of it sent up to the Chair by me.

By the wisdom of those men who framed our constitution and established the present form of Government, these two powers were separated. For they well knew that, if the political power and the money power of our country should ever be grasped and wielded by one and the same man, the constitution, and the laws, and the liberties of the people, would be swallowed up and lost in his power; and, whether the administration of that man might be mild and merciful, or, as it is now, outrageous and cruel, it must and it would be a despotism.

To establish and secure this separation, the constitution, at the third section of the fourth article, vested in Congress the money power by the following words: "Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory and other property belonging to the United States." These words comprehend all the property owned by the people of the United States, as a nation or community. The treasure, the public money, the money power, if it be property, and if it belong to the United States, the power not only "to make all needful rules and regulations"—that is, to enact laws, all needful laws, concerning that treasure, but also the power "to dispose of it," is vested in Congress. This power, then, comprehends not only the legislative power over this treasure given by the words "to make all needful rules and regulations," but also somewhat more than that legislative power; and whatever is intended by the words "to dispose of" that treasure, is vested in Congress. Now, sir, what is, in common or legal language, meant or intended by the words "to dispose of," when applied to lands and tenements, goods and chattels? You make, to your agent, a deed of attorney, by which you empower him "to dispose of" all your property in France or England. Is he not your trustee? and do you not empower him to terminate and take up all your relations of ownership, to any thing in which you may have property, in France or England? Will there be any thing remaining to be done, concerning that property, which will render it necessary for you to constitute another agent, before all your property in those countries can be, for a suitable consideration, changed from your ownership to that of some other person, and the proceeds brought over and paid over into your hands?

If a man make his last will and testament, and thereby empowers his executors "to dispose of" all his lands and other property, for the purposes set forth in that last will and testament, will any thing be left for any other person to do in this matter, after the executors shall so have "disposed of" such lands and other property?

If a power to dispose of your property in France or England vests in your agent the power to do all which you could, in that respect, do with such property; and a power, given to executors by the testator, to dispose of his lands and other property, vests in such executors the power to do all with those lands and other property which the testator himself could have done, while in full life, for the same purposes; then a power vested by the people in Congress "to dispose of" their treasure, their public money, does vest in Congress all the power to do with that treasure whatever the people themselves, if it were practicable for them to act, could do with it, for the purposes for which that power was so vested in Congress. The power "to dispose of" property, therefore, means the power to do with it all which can, under all existing relations of that property to all concerned in it, be done with or concerning it.

This power "to dispose of," to do all with property, when vested in one person, does necessarily exclude all other persons from any power to do any thing with or concerning such property. If, therefore, Congress have all the power "to dispose of" the treasure of the nation, no other department of the Government can have any power "to dispose of" that treasure. If this power be, as it most certainly is, given to Congress expressly, by so many words, in the constitution, then it is most absurd to say that the same power "to dispose of" this treasure, this money power of the people, can, by any implication whatever, be given to the President.

If, by the power "to dispose of" this treasure be intended the power to do concerning it all things whatever which can be done with it from the time when it goes out of the pockets of the people and begins to be the treasure of the nation, until it ceases to be public treasure, and is disbursed, and paid away to all those persons either employed in the public service or entitled to receive it as public creditors, according to the purposes for which it was first levied and collected; and if, by the constitution, this whole power be vested in Congress; then, all persons employed in the collection, in the keeping, or in the disbursing and paying out this treasure, are, and must be, the agents of Congress; and constituted and appointed, no matter by whom, to aid and assist them "to dispose of" this treasure; and are and must be accountable to them, and to them alone, for the diligence and fidelity wherewith they do and perform this service.

According to this principle, and to the provisions of the constitution, that law was enacted by which the Treasury Department was established. For that purpose this Department was, by the law establishing it, made independent of the Executive branch of the Government. This law was approved on the 2d day of September, 1789. It was the twelfth enactment made by that illustrious Congress which organized, and put into operation, our present form of Government. It was enacted upon the highest and most deliberate consideration; and was one of the seventy-four laws, the formation and establishment of which employed the most distinguished men of this nation, during that laborious and protracted session from the 4th day of March until the 29th of September, 1789, a duration of almost seven months. "*Tantæ molis erat Romanam condere gentem.*"

These men, many of them, had been members of the convention, and well knew the limits and boundaries, fixed by the constitution, to every department of that Government which they had assisted to frame, and were then setting up, and putting into operation. Washington was then President; and there was not a man in the United States who, from his high confidence in that illustrious father of his country, would not rather have extended beyond, than contracted within the boundaries of the constitution, that Executive power which had been intrusted to his administration. This law was approved by Washington, who had been president of the convention, and who well knew the limits of power in each department of it, given by the constitution; how anxiously the framers of that constitution had adjusted these powers, so as to form a great equilibrium; and how ruinous to the successful movement of the whole might be any law which might destroy, or even disturb, that great balance of those powers.

He approved this law, by which, according to the provisions of the constitution giving to Congress the power "to dispose of" the public treasure, that department, where this treasure should be collected, kept, and disbursed, was made independent of the Executive power. Independent, not for the commencement of the official existence of its officers; for that existence those officers must, by the constitution, receive from the President and Senate: not for the termination of the official existence; for that termination they, by the enactment of law, received from the President; but independent in all their accountability, and entirely independent of the Executive, the President of the United States.

This law has had but one reading. It has ever, from September 2, 1789, up to September 18, 1833, a duration of more than forty-four years, been read and understood, in one and the same language, meaning, and interpretation, during all that time; by every President of the United States, by every Congress of the United States, by every officer of the Treasury Department. By the unanimous voice of every public functionary, from the day of its enactment, up to that disastrous 18th of September, this law has been pronounced to have established the Treasury Department, independent of the power of the President, in all the action, and all the accountability of its officers.

By the provisions of this law—and who will say these provisions are unconstitutional?—the Secretary of the Treasury, the Auditors of the Treasury, the Comptrollers of the Treasury, the Register, and the Treasurer himself, all the officers of this Department, are not accountable to the President. Can this Department be, in any of its actions, dependent on the President; and yet not one of its officers be, in any one item of all his official life, accountable to him? No matter who appoints, no matter who can remove; accountability is the test of dependance. This demonstrates whose man any man is; whose agent any agent must be. He is the agent, the dependant of him to whom he is accountable, for all the acts of his agency.

Take the Secretary of the Treasury and the Treasurer, the two great officers of that Department; the one the collector, the other the keeper of the public money; and to whom are they accountable? Why, sir, every man who has read this law can at once tell you. They are accountable to the Senate and House of Representatives, to Congress; "touching all things committed to them, or which shall appertain to their offices."

If they are not accountable to the President, and never did, nor were ever called upon, or could be called upon, to account to him, who shall supervise and direct these officers? Who shall take cognizance of their doings? Who shall compare those doings with the laws under which they act, and thereby determine on their legality and correctness? Those, most assuredly, to whom they are accountable; not he who has no right to demand, receive, examine, or even so much as to see one item of all their accounts.

Accordingly, sir, you find that these officers, and others of that Department, do account, at the beginning of each session, to each House of Congress; and their reports, the histories of their official transactions, done in aid of Congress "to dispose of" the public treasure, are referred to committees in both those Houses. If all be correct, all passes in silence; but should errors be detected, would not those errors be reported to each House by those committees? and could not and would not those Houses call those officers before their bar to account for those errors, and to answer for any delinquency?

Now, sir, what of all this was ever done by the President? Who, until since this new era in our Government, ever pretended that the President had, by the constitution, power to do any one of all those things which may be, and some of which continually are, done by Congress, in respect to these high Treasury officers?

For what high and important national purpose was this money power, by this provision of the constitution, vested in Congress? Why does this law, with all its enactments, so anxiously made, secure the Treasury Department from all dependance on the Executive, and render it accountable to Congress alone? Sir, all this was done to separate and to preserve, in a continual state of separation, the pecuniary power and the political power granted by the constitution. In one word, to preserve the liberties of the people from that despotism in which they must be ingulfed and swallowed up by a union of both these powers in the hands of one man.

Let those men, who, notwithstanding this express grant of the money power to Congress, do contend, and have so often told us, that this power is given by the constitution to the President, let them, with me, now examine that constitution, and mark the words in it, which either expressly, or by any implication, direct or remote, give that, or any thing like that power to the President. I pray of every honest man in this House—I mean every man in this House—not to regard this as a dry and uninteresting inquiry. It is vital to our liberty; and as we shall settle this question of Executive power, the American people are free, and under the dominion of laws; or slaves, and controlled by an absolute despotism. What has there been, what is there now, or ever will there be found, in the whole annals of our country, so important to all the interests of all the people as this great question? If the people cannot achieve the repossession of this power, and restore it to their representatives, from whom it has been usurped by the Executive, then farewell, a long farewell, to all their greatness, all their freedom, all their glory.

What, then, are the powers of the President, as marked out and delineated by the constitution? and can the power to dispose of the national treasure be found among those powers? You will find, sir, a manifest difference in the words used by the constitution, in the grant of power to Congress, and those used in the grant made to the President. It is declared in that great charter, that "All legislative power granted by this constitution shall be vested in a Congress, to consist of a Senate and House of Representatives." This was done, undoubtedly, because all legislative power could be, and ever since that time has been, exercised by that Congress. In the grant of power to the President, the constitution says, "The executive power shall be vested in a President." *The*, not *all the*, executive power is, therefore, vested in him. Why not all, if it were intended that all the executive power should be vested in that magistrate alone? It is enough that it was not done; but it was not done, for a very sufficient reason. The executive power, but not all the executive power, was vested in a President alone, because a President alone could not, by any possibility, do all the duties which such a grant would require him to perform. A Congress might do all the legislative service of the people; a President could not do all their executive services; and, therefore, all their legislative powers were vested in Congress; and for the same reason, the, but not all the, executive powers were vested in a President.

A somewhat more intimate examination will disclose to us what executive powers were intended to be vested in a President, and what also was intended by "the executive power." The constitution, after using this declaratory phrase, does, to cut off all implication which might be drawn from words so general, go on to name and describe every power which it grants to the President. Look at them all, sir, and see if you can find the power "to dispose of" the treasure of the people among them all.

First of all, he, the President, shall be commander-in-chief of the army. Can he, under this power, levy money from the people to pay, clothe, or subsist this army? or, if such money be already collected, can he appropriate and disburse it for those purposes? It is not pretended. In the next place, "he shall be the commander-in-chief of the navy." Is he, by this grant of power, authorized to fill the public coffers from the pockets of the people; or, if already filled, to empty them for the purpose of building, equipping, or sailing a navy? Not in the least; nor have his most prostrate devotees yet claimed for him any such constitutional power. In the third place, whenever Congress shall, by law, call out the militia to repel invasion, suppress insurrection, or execute the laws, he, the President, shall have such militia under his command. This grant gives him no power to collect or to disburse money to pay that militia, for any service so rendered, no matter how valuable or important to the country the same may have been. In all these cases, it is admitted on all hands that Congress alone can raise, or appropriate, or pay any money for all or any of these purposes. He has, in the fourth place, "power to reprieve or pardon, except in cases of impeachment." No one contends that, if, by this power, he can release a pecuniary penalty, he can, by the same power, put his hand into the treasure of the nation, and draw out thence money to bestow a bounty on any one condemned for delinquency. In the fifth place, the President can, "by and with the advice and consent of two-thirds of the Senate, make treaties." Is there a man in this House, so devoted to presidential power, as to deny, that the Executive must come to this House for an appropriation to carry such treaties into effect? In the sixth place, "he may nominate, and by and with the advice and consent of the Senate, appoint ambassadors, other public ministers, and consuls." Can he pay them? Must they not come here for the graduation of their salaries, outfits, contingents, and for appropriations to pay them? Seventhly, "he may, by and with the advice and consent of the Senate, appoint judges of the Supreme Court, and all other civil officers." Where is the man who pretends that the President alone can pay them, or denies that Congress, and Congress alone, can fix the salaries of these officers, or raise, appropriate, and disburse the money for the payment of them? In the eighth place, "he may appoint all such inferior officers, as, by law, Congress authorize him to appoint; but neither by law, nor by the constitution, can he touch a cent to pay them for those services; and they must look to the holders of the money power, to Congress, for compensation. Ninthly, "he may fill vacancies happening in the recess of the Senate, by granting commissions which shall expire at the close of the next session." This power carries with it no money power; and these officers, with all others, must look to Congress, into whose hands the people have intrusted their money, for the payment of their salaries. No mention is here made of the veto power, because that is not among executive powers; nor is it a power to do and perform any thing, but simply a power to prevent the doing and performing of any thing. The power also of the President to take counsel from the high state officers, touching his own course, or to have their opinions concerning their own official duties, is here omitted, because it is reserved for separate consideration. In all these executive powers no mention of, no allusion to, no implication concerning any the least grant of the power "to dispose of the public treasure of the nation," can in any form of words be found; there is no pretence to say, nor has any person said, or will any one be found to say, that any such power is given to the President, under any words of the constitution, hitherto examined.

It is readily seen that some of these powers essentially differ from others, and they may be divided into such as are continual, and such as are occasional; the occasional have no efficient existence, but for the specific purposes for which they are granted. When that purpose has been effected, these powers are again quiescent, or dormant, and can give no aid in the performance of any other executive act. Such is the power to reprieve or pardon. This power is occasional, a *pro hâc vice* power, and can have no efficient existence, but when a case for reprieve or pardon comes into existence. Of the same character is the treaty-making power; it is, for all other purposes, as if it never existed until a treaty may be required to be made. The power to nominate or appoint foreign ministers, judges of the Supreme Court, or other civil officers, is of the same occasional kind; so is the power to appoint inferior officers, or to fill vacancies happening in the recess of the Senate: these powers are all occasional; have no existence when not called up by the occurrence of the events on which they are to act; and do not, and cannot, increase the executive power, in any respect, for any other purpose. For example, under the power to reprieve and pardon, what else, what thing, can the President do other than reprieve and pardon? If nobody transgress, if nobody be condemned, then this power, not having any occasion to act, will have no active existence; and will be as if it never had been. From all these occasional powers, the President can, therefore, derive no general power, nor does any one of them help any other of them, by any collocation or extension of those powers.

Far otherwise is it with the other class of powers—those which are continual, and endure in the hands of the President from the commencement to the close of his executive term of service. These powers are three: first, the power to command the army; second, the power to command the navy; and third, the power to command the militia, when called into active service, for any of those purposes for which Congress is constitutionally empowered so to call out the militia. These are the enduring constitutional powers of the President, and do, in truth, make him what he is, the Chief Magistrate, the Executive. They constitute the *potentia reipublicæ* the *posse communitatis;* the power of the sword; "the executive power," the potentiality of the notion by which the President is made what, wanting this, he could not be—the Executive. He may not have any of all the other powers vested in him by the constitution; and still, if he have the power of the sword, he will be the Executive; but without this power of the sword, if he have all the other powers, he is not the Executive, because he has not that power which, by the constitution is called, and in the nature of things, is "the executive power."

The executive power, the power of the sword, is all the power, continually abiding with the President, to enable him to discharge any duties, other than those discharged by him under the specific powers already enumerated. Has he any other services to perform? He has. Let us see what they are. He shall, from time to time, give to the Congress information of the state of the Union; and recommend to their consideration such measures as he shall judge necessary and expedient. This duty, like many of his powers, is occassional; not of every-day obligation and performance; but is, by custom, in ordinary times confined to the opening of each session of Congress. When done, it is done and finished for the political year. By a second duty, he may, on extraordinary occasions, convene one or both Houses of Congress. He will then, under special obligations of his high duties, communicate to Congress, or to either House, as the case may be, the extraordinary occasion which has induced this call. If the two Houses, called together on such extraordinary occasions, disagree as to the time to which they shall adjourn, for the purpose of finishing this extraordinary business, the President may, on such disagreement, at such extraordinary session, adjourn them to such time as he shall think proper. This duty is not of ordinary, or every-day occurrence; but is, in every part of it, confined to such extraordinary occasions as may require an extraordinary call of Congress. When once done, it is done for years. It is long since, and I pray God it may be a long time yet to come, before the condition of our country shall encounter any such extraordinary course of events, as may require extraordinary sessions of Congress or either House of Congress; and, by any possibility, call the Executive to the painful duty of adjourning either of those Houses to a time disagreeable to their wishes.

In the third place, it shall be the duty of the President to receive or accredit ambassadors and other public ministers. This, too, is an occasional duty, to be performed when, and only when, such foreign ministers may, by foreign Powers, be sent to this Government. It calls for the exercise of no continual diligence or power. In the fourth place, the President shall commission all the officers of the United States. This is no continuous, but an occasional duty; and requires the exercise of none but occasional powers and diligence. One duty more makes up the whole Presidential catalogue of duties. He shall "take care that the laws be faithfully executed." This is not in its nature occasional, but it may practically become so. It is a duty in its character of continuousness, and requirements of service, exactly corresponding with the continual powers of the President. All his powers, except that of the sword; his power to command the army, the navy, the militia, are occasional; and all his duties, except it be to take care that the laws be faithfully executed, are also occasional. His duty requiring him to give information, or recommend measures to Congress; to call extra sessions, or to adjourn them; to receive foreign ministers, or to commission United States officers, call on him, when these occasions call on him, for the performance of those duties; but at no other times, and by no other occurrences. In like manner, his reprieving and pardoning power, his treaty-making power, his nominating and appointing power, can be called into efficient existence by no events, but those occasional events on which alone they can be exercised and exhausted. These occasional powers, like his occasional duties, give him no power to do any other acts; as they place no obligation upon him to perform any other duties. His occasional duties and occasional powers have no necessary connexion with his continual duty and continual powers; nor can his occasional powers aid him in the discharge of his continual duty, any more than his occasional duties could be performed by his continual powers. His continual powers are those of commander-in-chief; and his continual duty is "to take care that the laws be faithfully executed." All his other duties and powers are occasional. These powers, and this duty, are of every-day and continual existence in potentiality and obligation. If it be inquired how shall this duty be performed, there can be but one answer. The obligation of every human duty is measured by the powers conferred on man to perform that duty. When men measure out duties to one of their fellow-men, and confer powers on him to perform those duties, they do expect, and they can expect of him that performance, and that only, which he may do by the exercise of the powers which they have conferred on him for that purpose. Every power, other than that of comander-in-chief, was conferred on him, and must be exercised by him for other purposes than thereby "to take care that the laws be faithfully executed." For the discharge of this duty, this care, he has, therefore, no other power than this high potency of the republic, the executive power, the office of commander-in-chief of the whole united force of the nation. By the exercise of this power, he is to discharge this duty. Does this high power give him any constitutional control of the national money? Has it not been demonstrated by this analysis of presidential power, that, though he can command, yet he cannot pay, clothe, or subsist either the army, navy, or militia under his command? Nay, sir, this commanding power is wisely limited by the constitution; for Congress alone can raise and support armies; provide and maintain a navy; call forth the militia; or make rules for the government of the land and naval forces; and appropriate money for their pay, support, and maintenance. The power of the President is the command of the army, the navy, the militia; but the laws, regulating those forces, and appropriating or disbursing money for their pay, clothing and subsistence, can be enacted by no other power than Congress.

Does it appear by any express grant, or by any implication of the constitution hitherto examined, that the money power of the nation is, together with his high powers, given to this Captain General of the United States? No one will pretend that any of his occasional powers has any connexion with this money power; and, if conferred, by conferring the power of the sword, it must be because "laws are silent among arms," and he who has the military power can compel from all other powers a submission to his will. This, indeed, is the new theory; under this the Executive is now administering the finances of the nation—a theory, not of the constitution, but of no constitution; for, where force begins, there laws and the constitution end. Having followed the presidential powers up to this boundary, and found among them no constitutional control of the public money, I will follow him and his powers no farther in this direction; for who can tell what powers he may now have over the national treasure, or over the national liberty, when he has advanced into that region of utter and unconstitutional despotism, where the great landmarks of law, and justice, and national good faith, are not only disregarded, but entirely unknown?

Notwithstanding this, we are told by the Secretary of the Treasury, and his advocates in this House and elsewhere, that the whole power over the public money to be deposited in the United States Bank and its branches is by the charter given to him, and through him to the President, the great Executive head of the nation. Can this be so? If the constitution do not give to the President the money power, can Congress bestow this power upon him? Can Congress amend the constitution, and, without any sanction, or even the knowledge of the people, make a new distribution of power? If this money power be given, as it is expressly given to Congress, not only to legislate concerning, but also "to dispose of it," can Congress transfer to the President either the power to legislate upon, or "to dispose of," this treasure of the people? Not a man in this nation holds to any such doctrine. Congress, if it could do this, might also transfer any other of its constitutional powers to the President. The day might come, under the growth and progress of political subserviency, when a Congress of tories, devoted to the claims of the Executive, might confer on him the taxing power, the army-raising power, the war-making power, the appropriating power; and nothing would be left to do but to create offices and salaries, and to appoint these devotees of Executive power to fill these offices, and the nation would be, as France was under Napoleon, furnished with a constitutional despotism. However anxious the tories of our times may be to exercise this power, they must now wait until the people shall have bestowed it upon them, before they enact any law vesting any power in the Executive department of the Government, not vested there by the constitution. This bank charter, therefore, if it grant the money power to the Executive, is, so far as it makes that grant, utterly nugatory and void.

The Secretary and his advocates have labored, by another implication, to place this power in the hands of the Executive. He and they tell us that this Secretary's duties, in this behalf, are altogether executive, and consist in executing certain laws; but the President is at the head of the Executive, and is by his duty required "to take care that the laws be faithfully executed." He cannot, as they inform us, do this, unless he supervise and direct those men who, as so many instruments in his hands, execute those laws. This is the definition given of this presidential duty—the duty to take care that the laws be faithfully executed: he must, to discharge this duty, supervise and direct those men who execute those laws.

The friends of the President do not seem to be aware of the prodigious task which, by this definition of his duty, they have placed upon him. It is his duty, say they, and he has taken an oath to perform it; it is his duty "to supervise and direct" the officers engaged in the execution of the laws. If he can supervise and direct the Secretary of the Treasury in the discharge of his fiscal duties, his control of the public money, he can have that money disposed of as he may choose; and therefore he, by this interpretation of his own duty, gets the control of that money power—that power "to dispose of" the national treasure, which the constitution expressly vested in Congress. Let us examine this theory.

The presidential duties are to be discharged by the presidential powers, and both of these powers are established by the constitution. It has been demonstrated that all the powers of the President, except that of commander-in-chief of the army, navy, and militia in actual service, are occasional, and were given and can be exercised for no other purposes than those occasional purposes. His constitutional duty "to take care that the laws be faithfully executed," as it can be executed by none but his constitutional powers, must be, and can be, executed by none but his constitutional power of commander-in-chief of the army, navy, and militia in actual service. He has no other powers but his occasional powers, which come into existence and expire with the occasions for which that existence was given to them. If you measure the discharge of this duty by the power given to the Executive to discharge it—and by what else can you measure its extent?—then must the President "take care that the laws be faithfully executed," by the exercise of his powers of commander-in-chief of the army, or the navy, or the militia—one or all of them. He has no other continuous, every-day, and all-the-time-enduring power. What, then, is the fair constitutional meaning of this duty of the President "to take care that the laws be faithfully executed?" A power auxiliary to this was given to Congress, and the rehearsal of that power will at once suggest the nature and extent of this duty. "Congress shall have power to call out the militia to repel invasion, suppress insurrection, and execute the laws." When this militia shall have been called out, the President is the commander-in-chief of that national force, called out to execute the laws; and the President, as their commander-in-chief, and in the exercise of his constitutional powers, shall "take care that the laws be faithfully executed." Here his duty and his power stand and move together, and the possession of the one enables him to discharge and perform the other. What, then, is it for the commander-in-chief of the militia called into actual service, and, if need be, the army and navy, to take care that the laws be faithfully executed? Is it not to take care that no obstacle, either by invasion of the country from abroad, or from insurrection made in any part of it at home, may be efficiently placed, or suffered to remain, in the way of that faithful execution of those laws? Here the Executive power—the power of the sword—the power of commander-in-chief, the only continuous power of the President, may be exercised; and, by that exercise, the great executive duty of taking care that the laws may be faithfully executed, is fully and efficiently done and performed.

The arrangement of the Departments is made so as to confirm this exposition of this executive duty. The Secretary of War is denominated the principal officer of that Department, in the same manner as the lieutenant is denominated the chief or principal officer of the ship. So is the Secretary of the Navy denominated the principal officer of that Department for the same reason; and both are so denominated because the President, as commander-in-chief of the army and the navy, is the head of those two Departments. These Departments receive orders and directions from the President, and make their reports annually, or oftener, to him.

The Department of State, by the theory of the Government, belongs to the President and Senate, because they have the power of regulating our foreign relations, by treaties, and by the appointment of ambassadors, and other public ministers; but as the President accredits all foreign ministers, and is always at the seat of Government, and in the exercise of his office, but they are not either there, or in the exercise of their office, at all times, the Department of State has practically been committed to the President. For this reason, he gives orders and directions to the Secretary of that Department, who is, by law, the principal officer of it under him; and, accordingly, this Department is denominated an Executive Department; and the Secretary does annually, or oftener, make his reports to the President.

This theory of executive duty, and executive power, is in perfect accordance with the law establishing the Treasury Department; for while the three Departments of War, of the Navy, and of Foreign Affairs, are denominated Executive Departments, and the Secretary of each is called the principal officer of it, indicating, as is the fact, that some superior dignitary is at the head of them all, and the President is that dignitary, that head; the Treasury is not denominated an Executive Department, nor is the Secretary denominated the principal officer of it; but it is denominated "the Treasury Department;" and the Secretary, so says the law, "shall be deemed the head of that Department."

Whence these distinctions? They have grown out of the several powers vested in the several branches of the Government by the constitution. The Departments of State, War, and Navy, are immediately connected with the powers, either continuous or occasional, of the President. The State Department contains the archives of the treaty-making and ambassador-appointing-and-receiving power; the foreign relations of our nation are committed to the care of the President and Senate. The War Department, in like manner, is the depository of the archives of the army, over which the President is the commander-in-chief. The Navy Department holds a like relation to that arm of your national defence, and is, in like manner, under the command of the President. These Departments are Executive Departments, not because they are so denominated by the laws establishing them, but because these Departments, and the officers employed in them, are employed in such services as immediately relate to, and aid in, the exercise of those executive powers vested in the President; his occasional power to make treaties, receive or appoint public ministers, or his powers as commander-in-chief of the land and naval forces of the nation.

On the contrary, the Treasury Department is not an Executive Department, for a much better reason than because the law has not denominated it by such a name; it is because not one of the duties to be performed in it has any connexion with any one of all the executive powers, either continuous or occasional, vested in the President by the constitution; nor does one of the officers in that Department perform any service connected with any one of those executive powers, or in any way aiding or assisting him in the constitutional exercise of them. Its whole duties relate to powers exclusively vested in Congress; the power to legislate concerning the public treasure, and "to dispose of" that treasure; and all its officers, no matter by whom appointed, or by whom removable, are accountable, not as those of the State, War, and Navy Departments are, to the President, but to Congress alone.

In what manner, then, can the President bring his executive powers, his power of the sword, his high office of commander-in-chief of the land and naval force of the United States, so to bear on the Treasury Department, that he may, by any supervision and direction of the officers of it, be enabled "to take care that the laws be faithfully executed" by those officers? If he cannot do this by these powers, can he do it by his reprieving power, by his treaty-making power, or by his nominating and appointing powers? If he cannot supervise and direct these officers, by the exercise of any or all these powers, then by what principle can he be called upon to do this duty, if the constitution have conferred on him no other power to perform it? For let it never be forgotten that the amount of power bestowed does always fix the limits to all duties required by such bestowment. If you contract with your friend to carry to Philadelphia, and pay in that city, $10,000 to your correspondent; but if you furnish him with no more than five to carry, can you make any honest, common-sense man believe that it is the duty of your friend to pay the other five thousand for you, out of his own pocket? If you cannot succeed in making men believe this, I verily think you will not bring the people to believe that, by making the President the commander-in-chief of their land and naval forces, they expected from him any other care of their money than what he might bestow upon it by commanding that force, so as to repel invasions, if such should be made; suppress insurrection, whenever it arise; and "take care that the laws be faithfully executed," if they should, at any time, be resisted.

Sir, this people will not forget that they have, by the constitution, bestowed on Congress the power to make all needful laws, concerning this money, together with the further power "to dispose of" this their treasure; to do with it, all, which could be done by collecting, keeping, appropriating, and paying it away, for all those great purposes for which it was intrusted to their care and fidelity. This power bestowed, originates a corresponding duty in Congress to discharge the trust; and as the power is exclusive, so also is the duty. No other branch of the Government has this power; and, therefore, no other branch can be liable to perform, or can perform this duty, or in any way whatever, constitutionally, make any disposition of this national treasure. Still we have been told that the executive duty of the President calls him "to take care that the laws be faithfully executed; and that to do this he must supervise and direct those officers, those persons, who are employed in the execution of the laws." Let us examine this duty, under this political glossary on its meaning. If it be the duty of the President to supervise and direct one, it is equally his duty to supervise and direct all. Where else will you begin, where will you stop, if less than all are to be supervised and directed? Men are to be supervised and directed, because they are employed in executing the laws; and, therefore, all who are so employed are so to bes upervised and directed. Are gentlemen who put this gloss on the presidential duty aware of the task which they lay upon this distinguished individual, now somewhat old, and, it may be, weary with service? A very short analysis of official employments will show the extent of this new executive duty.

The Treasury Department alone, the object of all this ambition of labor, will require much supervision and direction. It is divided in two great sections; one relates to the revenue derived from the lands; the other, to that drawn from the customs. These are here, at the seat of power, separated into several divisions; and we find a Secretary of the Treasury, Auditors, Comptrollers, a Register, a Solicitor, a Commissioner of the Land Office, and Treasurer. Not only is the Secretary to be supervised and directed; but each of the principal officers requires the performance of the same duty. This is not all. In each of these divisions are, on an average, perhaps, ten clerks. These are employed in nothing else but executing the laws; and must, each of them, be supervised and directed. Your land offices are several hundred, not located here, but scattered throughout all the new States and Territories, over a distance of several thousand miles. All these have officers, if not clerks, assistants and surveyors; all are, or should be, executing the laws; and all must, under this new theory, be supervised and directed. Your custom-houses are in number four or five hundred; scattered along the maritime frontier, and now up your rivers, and on the lakes; each of these has a collector, a deputy, a naval officer, a surveyor, gaugers, measurers, and I know not how many inspectors. The names of these officers in the port of New York alone covers, I think, six or eight pages in the biennial of the public service. All these are, or ought to be, employed in executing the laws; and all of them are, if any men so employed are, to be supervised and directed, daily and continually, by this all-seeing and all-directing Executive.

All these are but a small part of presidential duty. The War Department has its various bureaus and divisions, with a Commissioner of Pensions, a Commissioner of Indian Affairs, and Indian agencies wherever so many of that oppressed people can be found as to make their plunder such an addition to the salary as may excite official cupidity. These, scattered up and down the wilderness, in the new settlements, and wide territories, are said to be employed in executing the laws; and so may require the supervising eye and directing voice of executive duty. In addition to a Secretary of this Department, commissioners and heads of bureaus, and clerks, all to be supervised and directed, wherever a division of your army is stationed, from Nova Scotia to the Rocky mountains, from the ocean to the lakes, either in fortresses, in barracks, in cantonments, or in tents, there every officer and soldier, drummer and fifer, is on duty, is executing the laws; and under this new system of discipline, none of all these should be without the supervision and direction of the commander-in-chief.

All these are but parts of the great field of presidential supervision. The foreign relations of our country are conducted by your Secretary of State, and all his clerks here, and your public ministers in various courts of other nations in South America and Europe, together with your consuls in every commercial nation throughout the world. Each one of all these calls for the supervising and directing care of your great man of all business; not only to this Secretary and his clerks at home; but, at the same time, demands his attention, and overlooking direction of all those ministers, and consuls, in foreign courts, and among all nations.

At the same time, your Post Office establishment should not be passed by in the daily and hourly overlooking and directing labor and travel of the Executive. If any men, in the whole array of public officers, demand a care "that the laws be faithfully executed by them," such men may, probably, be found in this extensive establishment. The office here is divided into bureaus for appointment, bureaus for dismissal, bureaus for contracts, and now a new bureau is established for borrowing. These all have their chiefs, their clerks, their messengers; and, if all are employed in executing the laws, then must the supervision and direction of the President be there; and to what part of the service can it be more imperatively called? How can this duty be discharged here in this city, when more than ten thousand post offices are eslewhere established in your cities, towns, villages, neighborhoods, and road sides, wherever there are men enough to find among them a faithful deputy of the distinguished chief of this gigantic establishment? In all these offices, men, with their sub-deputies, clerks, messengers, and political runners, are, as it is said, employed in executing the laws. All these must be daily seen by that presidential eye, which not only sees, but oversees all men so employed. To these must be added all contractors, all carriers by water, whether in row-boats, sail-boats, steamboats; or, by land, on horses, in sulkies, in wagons, in carriages of two or four horses, in all their lines and routes, moving, as we are told, ten thousand miles per diem faster than they moved in the old slow-and-sure of the last preceding Postmaster General. The whole annual travel, knotted together, and stretched out in one line, is, we are told, 27,000,000 miles; a thread of movement winding more than one thousand times round this terrestrial ball in one year. No matter how rapidly, or which way, or what and how many routes, the universal eye of the presidential oversight must keep pace with and be hourly upon them, not only at all their stations, but in all their movements, if he take care, in manner as his partisans tell us he has sworn "to take care, that the laws be faithfully executed."

Once more; there is one other call on this supervising and directing energy of the Executive. You have a Navy Department—a branch of the public service in high favor with the people; and although, from the talents, skill, and valor of our naval marine, as well as the diligence, ability, and faithfulness of the commissioners, and the great industry and satisfactory services of the Secretary of that distinguished department of the national defence, there may be a less imperative call here for the unwinking eye and untiring labor of presidential supervision and direction, yet must he see all, look over all, direct all, if, according to the new exposition of his duty, he "take care that the laws be faithfully executed" by all.

This Department has two branches here in this city, with a Secretary of one, and Commissioners of the other, and with clerks and messengers of both. The President must be with each and all of these. You have men employed in collecting materials for your ships; others are repairing; others are building; others are fitting out; and others are sailing the various ships of your navy, wherever their orders may direct their course. You have ships, as it may be the case, in the Baltic, in the Mediterranean, down in the Levant, on the Grecian Archipelago, in the stormy Euxine, or cruising on the far-off Indian ocean, or on the deep Atlantic, and in the wide Pacific. All these are employed in executing the American laws, in bearing the thunder of the American arms, and displaying the bright zones, the sparkling galaxy of the American Union, over every sea and every ocean, in view of all nations of the world. He who, as his devotees announce, has sworn "to take care that those laws be faithfully executed," must supervise and direct; must see and oversee; and, therefore, must be present with and on board each and all these your ships, in all the waters of the world; in every port wherever an anchor is cast; on every wave wherever a sail is spread out to the wind; in the breeze, the storm, the battle; at all times when, in all places where, the boatswain pipes all hands to quarters, or the jovial mariner heaves at the windlass, or hauls at the halliard, and raises his joyous yo! heave, oh! above the note of the billows.

Yes, sir, if your President must "take care that the laws be faithfully executed," by supervising and directing those who are employed in the execution of them, he must see them, be with them, speak to them, wherever this service may call them, at all times, and in all places, by land, and by sea, in this and all other countries. Can he overtake, can he keep pace with these multifarious and almost unlimitedly extended duties? If he take the wings of the morning, nay, if mounted on the swift-winged arrows of light, he may struggle, but he can never overtake, much less pause to perform, the numberless requirements of this service.

This man has, at times, been noted for several distinguished excellencies by several of his devoted followers. In the moments of political adoration, one has hailed him as the "greatest and the best;" another, "has lived long enough for glory;" because he had lived under the blaze of his effulgence for more than a whole year in the service of such a chieftain; another, in the inebriation of some triumphant acquisition of office, bestowed by him alone, has toasted this adorable combination of flesh and blood as "the Rock of Ages." What excuse, drawn from all these effusions, poured out in the moments of intoxicating success or intoxicating potations, can justify this sober, considerate apotheosis; this legislative blasphemy of all that is high, and holy, and eternal; this bestowment of divine attributes on a President of the United States, by assigning to him duties to perform which can be performed by no being, unless he be endowed with ubiquity and omniscience, the adorable and eternal attributes of Deity alone?

It cannot, therefore, be the duty of the President to supervise and direct those who are employed in executing the laws; because, if he must supervise and direct one, he must supervise and direct all; but it is physically impossible, for no human being can perform a service requiring his bodily presence and mental attention at many thousand different places, distant from each other many thousand miles, and all at one and the same time.

Let, then, the presidential duty be limited, not only by his physical and intellectual, but also by his presidential powers. Let him have, and, when required by law, exercise the executive power; let him be the commander-in-chief of the land and naval force of the United States; and when, by foreign force, or domestic insurrection, the laws are resisted, let him "take care that those laws be faithfully executed."

This duty of the Secretary is not, as he has told us, an executive, but a judicial duty. The bank was accused of a violation of its contract with the United States touching the national money. Both the facts and the law were before the Secretary; he is the sole judge in the first instance. He found, as he says, the bank guilty; he so adjudged; and what was his judgment? Why, sir, that the national money be no longer deposited in the United States Bank or its branches. The execution issued on this judgment was his order and direction, sent by him, to collectors of the revenue, and to the Treasurer of the United States, no longer to deposite that revenue in that bank.

The facts and the law, the whole record of the case, furnish the reasons of this judgment; and are, with the execution issued upon it, that is, the order and direction of the Secretary, by him laid before Congress, the ultimate tribunal, as his reasons for his judgment and execution; and to be approved and confirmed, or not approved and reversed by Congress. What is there in all this any more executive, any less judicial, than would have been found in a trial before a court and jury, on a *scire facias*, issued by order of Congress or of the President? Nothing whatever. Could the President supervise and direct the court and jury? Not yet. How, then, could he supervise and direct the Secretary in the formation of his judgment?

The Secretary of the Treasury and the Comptroller are judicial officers in many cases of seizure and forfeiture—in many cases of relinquishment of fines or claims for debenture. In many of these cases, appeals are had to higher tribunals; and, in all, petitions may be offered to Congress; but when was it known that the President interfered, or that he was the power to which appeals were made or petitions preferred? Never, never, sir, in the whole history of our Government. It cannot be done. It would be utter and unquestionable usurpation in him to meddle with any such question; both because the power, exercised in this case, is purely judicial, and the judicial power is independent of the executive; and, also, because the executive branch of the Government is, by the constitution, excluded from all control of the money concernments of the nation.

I will not go into any examination of the duties of the Treasury; every one can do it for himself. Whoever may do this, by looking over the law, will find not one duty of one of those officers which any person, other than such officer, can either perform, or direct the manner of its performance.

Sir, I have hitherto purposely omitted all reference to one presidential power, because it was my intention to devote to it a separate and more specific consideration. This power is bestowed on the President by these words: "He may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices." Although it has been demonstrated from the constitution what are the executive departments, and who are the principal officers in them; and thereby that the Treasury Department is not one of them, nor the Secretary of the Treasury a principal officer, in the constitutional meaning of the words; yet, to place the argument beyond the cavil of all partisan debate, let it be admitted that the President might, under this power to require written opinions, call on Mr. Duane, on the 18th of last September, for his opinion, in writing, concerning his duty in respect to the removal of the public money from the United States Bank and its branches. What is to be inferred from all this?

If the President had the power to require this opinion, then it was the duty of Mr. Duane to give it. If it were his constitutional duty to give this opinion, then he had the constitutional power to give his opinion; if he had the power to give it, he had the power to form it: for, he could have no opinion on the question, and so could give none, until he had first formed it. He must give this opinion in writing. It has been seen that the question is, in its nature, judicial; the opinion formed upon it is, therefore, a judicial opinion; an opinion on the law and on the facts. This opinion, when formed and reduced to writing, would be a judgment of Mr. Duane placed on the records of the Treasury Department. He would, then, in compliance with this presidential requirement, give his opinion, in writing, to the President, by giving to him a correct draft of his opinion so recorded. The Secretary of the Treasury, then, having the power to give his opinion, because the President had power to require it, has not only the power freely, and without being under any Executive control, to form that opinion, but, also, to have, hold, and keep that original opinion, formed in his own mind, together with the written record of it in the archives of the Treasury Department. Once more: If Mr. Duane had the power to give, to form, to have, hold, and keep the memorial of this opinion, both in his own mind and on the Treasury record, then he had the constitutional power and right to act, whenever he did act on this great question, according to this opinion so formed and preserved, unless it be contended, successfully, that the President has power to require a high officer of the nation, one of his constitutional counsellors, to form opinions concerning his own duty which he has sworn faithfully to perform; and then that he has the further power to compel that officer to act contrary to that opinion, thus formed, under the powers of the constitution, and under the solemnities of his oath. This would be the constitutional establishment of a tyranny more intolerable than ever was established by the most lawless despotism. It could never have been the purpose of any part of the constitution to do such a deed of sheer abomination. For what intention, then, were the Secretaries made the counsellors of the President, by placing upon them the duty of giving to him their opinions in writing concerning their own duties? Why are they made his advisers? Not that he may counteract, but that he may conform his actions to the wisdom of his constitutional advisers. How, then, can this power of the President to require the opinion of the Secretary of the Treasury concerning his duty on this question of removing the public money, give to him any power to control that Secretary in the performance of that duty?

Will the power of dismissing him from office give this control over his opinions? It should be remembered that the power of the President is to require of the Secretary his own opinion concerning his own duty. Should the fear of dismissal, or the hope of being retained in office, induce him to give the opinion of the President, and not his own opinion, the requisition of the constitution is defeated, because it was the Secretary's opinion, and that alone, which the President could require, or the Secretary give. If, therefore, any influence be brought to bear on the Secretary, so as to vary in the least degree the opinion which he may give, from the opinion which, without that influence, he would have given, the constitution has been perverted, and the President, by using this influence, has defeated his own purpose, and obtained a false, feigned, and counterfeited, in place of a true and genuine opinion of the Secretary. He was entitled to the true; he had no right to require the false. He might be counselled by the true; but if he act in pursuance of the false opinion, he wilfully and knowingly perverts his constitutional power. Can the President, then, by any use of the dismissing power, influence any honest man to give to him such a false and counterfeit as the giver and receiver shall both believe to be a true and genuine opinion? If not, though he may pervert his power, he cannot obtain the opinion which alone he is entitled to require, the genuine opinion of his Secretary, and not the mere echo of his own. In what instance has power controlled the opinion of honest men? The terrors of the stake and the fagot have made many hypocrites, but never a sincere convert. John Calvin and Alexander Servetus were bred up at the same school, and intimate friends from their boyhood. They both became very religious men. Calvin, perhaps the more ambitious of the two, established a creed, and was finally the founder of a numerous sect. Servetus, without any such ambition, received the Scriptures, as expounded by Luther, for the great rule of his faith. Calvin established himself at Geneva, and there wielded the secular arm to weed out the heresies of Luther. Servetus, I believe a physician, when travelling into Italy, passed through that little jurisdiction, and there, doubtless, expecting to receive from the republic all the hospitalities due to a stranger, and from his old schoolfellow all the courtesies of their long-cherished friendship. In place of civilities, and that kindness, he was by the magistrates arrested; and, on the accusation of his friend, tried and condemned as a heretic. The night before the day appointed for his execution, Calvin visited him in his prison. He was chained and fettered, and lay quietly sleeping on the stone floor of the dungeon. Calvin held the lamp to his face, and, doubtless animated by the recollection of their youthful intimacy, called out to him "Servetus, Servetus, awake. I would save you from the death which you are doomed to suffer." Servetus awoke. Calvin repeated his words. "Would you? I believed," said the confiding man, "that you would. How could you remember all our former friendship, and leave me to die a death so bitterly cruel?" "Alexander, my friend," he said, and all the man spoke in his voice, "I will save you." But, alas for our frailty! the sectarian compelled him to add: "Alexander, my dear friend, you must change your opinions; you must receive my creed." "John, my dear John," exclaimed the chained and fettered Servetus, raising himself up, and sitting on his bed of stone, "tell me, cannot I live unless I do this?" The great propagandist could not endure the inquisition of his eye. He turned his face to the iron door, and "no" was all he could utter; but that no was the negative of an inquisitor. Servetus rose slowly to his feet; Calvin turned towards him; their eyes met. "John," said he, his face glowing with almost supernatural ardor, "John," he exclaimed, while the glories of the martyr seemed to blaze in a halo around him, "John, we were friends from the cradle. Together we learned the first rudiments of letters and science. We read together, and delighted to read and study the glowing beauties of the classics. Together we read and studied the more beautiful, the more glorious, the more pure and divine pages of revelation. From that fountain of inspiration you have drawn your opinions; and from the same source I have drawn mine. I have again and again lifted up my soul to God, and implored the aid of his divine spirit, and I do believe that spirit directed me in the formation of every article of my faith. John, I cannot do despite to my own conscience; I cannot insult the majesty of the Almighty. I can die; but I cannot change my opinions. You can take my life; I cannot receive your creed." "Then die!" was the bitter response.

The next day Servetus was brought to the stake, and suffered, as a martyr to the truth, in defence of his own integrity; and gave a lasting example, that, if power can control all other things human, it cannot control human opinion.

Was Andrew Jackson more successful in his attempt to control the honest opinion of William J. Duane? Were not the terrors of punishment set before his face, if he dared to have an opinion of his own, differing from that of the President? Were not the hopes of reward held out to allure him? "Stand by me, and I will stand by you! Be my friend in this, and I will be your friend in all things!" was the style of Executive blandishment. Nay, sir, to this man was tendered the mighty meed of the largest honors within Executive power to bestow. Servetus could die, but he could not change his opinion; Duane could give up the highest honors, but he could not give up his honest opinion. He could endure Executive wrath, dismissal, and malediction, but could not encounter the rebuke of his own conscience.

By the exercise of the dismissing power, then, the President gets no control of a Secretary of the Treasury, and, therefore, can have no control of that Department by such exercise. The opinion of Servetus remained unchanged by the fire of his persecutor; and the opinion of Duane is unchanged by the dismissing power of the President, and now stands, just as he left it, on the record of the Treasury. By the exercise of the dismissing power, then, it clearly follows that the President cannot obtain any execution of the laws whatever, either faithful or unfaithful.

It is, however, alleged that the President, by having this power, can, and does, by the fear of such exercise of it, so control a Secretary of the Treasury as to compel a faithful execution of the laws. This is the foundation on which the whole power of the President over the national money has been erected and built into what is deemed, by his devotees, a legal fabric of control. Let us examine this foundation. It is understood by the Secretary, according to this argument, that, when the President requires his opinion in writing, if he give one satisfactory to him, he will be retained in office; if he give one adverse to his will, he must be dismissed and disgraced. The Secretary should form his opinion, (should he not?) as jurors are sworn to form their opinions, without fear, favor, affection, or hope of reward. How does he form them? Under the strongest fear, and, therefore, disposed to do the greatest favor; under the strongest affection, induced by the greatest hope of reward. What honest man would peril his soul by voluntarily attempting to form an opinion concerning his own duty, in such a Department, if placed in such a condition? Every man must see that every opinion so formed, with this terror of dismissal, like the sword of Damocles, hung over his head, must be feigned and counterfeited—the opinion of the President, and not of the Secretary.

If the Secretary, under the same influence, execute the laws according to this feigned and counterfeited opinion, will it be a faithful or an unfaithful execution of them? Sir, the man does not live who could say that there could be any faithfulness in execution, where there was so much falsehood in judgment. Sir, if a man be untrue to himself, he will be false to all others. If he feign and counterfeit to himself, in laying out the path of his duty, let me tell you he will be fraudulent and treacherous to his neighbor, to his country, and to his God, in every performance of that duty.

If, then, the President does, by any exercise of the dismissing power, control the opinion of a Secretary of the Treasury, and, in any degree whatever, make that opinion conform to his own, and vary from the honest convictions of that Secretary's own mind, he will to the very same extent take care, not that the laws be faithfully, but unfaithfully, fraudulently, and traitorously executed.

The removing power was not by law given to the President, that he might thereby be enabled "to take care that the laws be faithfully executed;" because, as it has been fully demonstrated, he cannot, either by removal or by the fear of removal, compel such execution. For another and a paramount reason, the law did not give that power for that purpose; the duty of the President "to take care that the laws be faithfully executed," is a duty imposed on him by the constitution; it must therefore be discharged, if discharged at all, by his constitutional powers. The constitution does not (look at it, read it through, examine every syllable of it, you will find it does not) give any power of removal to the President. In the law establishing the Treasury Department, the power to remove the Secretary is, by implication, given to the President; if that power had not been given by the law, still his constitutional duty would have been, without this removing power, precisely the same. This power could not, then, have been given to him that thereby he might "take care that the laws be faithfully executed;" because the constitution had called him to the discharge of that duty, and had, without that law, given him ample powers for performing it.

The power of removal was given to prevent men from acting, who, if they did act, would act unfaithfully. In that way, and in that alone, was this power originally exercised. Men were then obnoxious for official, not for political delinquency; and they were removed to prevent a repetition of such official delinquency, and not, as they now are, to punish them for a want of political subserviency.

It is seen, by the constitution, that the money power is vested in Congress; how then do the advocates of presidential power confer on their Chief Magistrate that same money power, by any exercise of this power of removal, given to him by law only? They tell us that by this power he can control the Secretary of the Treasury, and, through him, the money placed in his hands. This removing power was given to the President by a law enacted by Congress, not by the constitution; but the money power was given to Congress by the constitution. Can Congress, by any law, transfer their powers, or any of them, to the President? Can they alter the constitution, and make a new distribution of the powers granted by that great charter? No one is so absurd as to pretend that such a thing could be done.

The law, then, giving this removing power to the President, does not give, and was never intended to give, the money power to him; and whoever gives this construction to this law, renders it a palpable violation of the constitution—a tranfer of congressional power to the Executive—an act of legislation utterly null and void, from its very incipiency.

If, then, this power over the treasure of the nation cannot be vested, by any law which can be made by Congress, in the Executive branch of the Government, without a palpable violation of the constitution, it follows that the Treasury officers are officers, not of the Executive, but of the Congress; their agents to aid them "to dispose of" that treasure committed to them by the people under the constitution, and not the agents of the Executive, whose constitutional powers do not extend to this treasure.

On this principle, the charter of the first United States Bank gave a supervisory power over that institution to the Secretary of the Treasury, the officer "at the head of the Treasury Department." By this law the Secretary was not, either as an officer of the bank or of the Treasury, liable to account, or ever did account, to the President; but did account, and was at all times liable to account, to the Congress. By the charter of the present bank, the officer at the head of the Treasury Department, the Secretary, as an officer of Congress, as the supervisor of the doings of that corporation, as the congressional bank officer, entitled to receive weekly returns of all its transactions, and to inspect its books and accounts, though he can at any time order and direct all the collectors and the Treasurer to stop the further deposite of the public money in its vaults, yet he cannot render to the President, nor can the President exact or require, any account or reason for that order and direction from the Secretary, notwithstanding Congress may not be in session, and the President is continually in the exercise of his Executive office; but he shall, so soon as they meet, immediately lay his reasons before Congress. Is he, then, an officer of the Executive, or an officer of Congress? Which does he aid in the execution of constitutional powers?

If ever necessity could justify a law violating the constitution, by transferring the power "to dispose of, and make all necessary rules and regulations concerning the national treasure," from Congress to the President, it must be in this case; because the President, at all times in the exercise of his office, could, at all times, without the least delay, attend to the public money, and determine whether it were safe or unsafe in the bank or its branches. It is otherwise with Congress. Being in session but a part of the time, it cannot at all times and immediately attend to the condition of the public money; and, if the constitution would admit, doubtless a law requiring, in the recess of Congress, such attention from the President, might have been enacted for that purpose.

It has never been done. Why has it not been done? To keep the money power and the political power separate; to exclude the Executive branch of the Government from the control of the treasure of the nation, because he had, by the constitution, the control of the sword of the nation.

If the President can supervise and direct the Secretary of the Treasury, as his devotees pretend, then must he be the head of that Department. If the Secretary be the head of the Department, by express enactment of law, then no other executive officer can, by any legal implication, control that office, by being at the head of that Department. By each of the bank charters, those institutions were, and the present bank is, required to make weekly returns of its money condition, the state of its abilities, and liabilities, to the officer at the head of the Treasury Department.

How have we understood this provision in the two charters, first of the old, and then of the present Bank of the United States, that returns shall be made by the banks, if required, weekly, to the officer at the head of the Treasury Department? Who is at the head of the Department of the Treasury? This firstlaw was enacted March 2, 1791; the second, April 10, 1816. Under one or the other of these laws, there has been, from last September back to a date less than two years after the constitution went into operation, on the 4th March, 1789, there has been, sir, during all that time, a practical explanation of that phrase, "officer at the head of the Treasury Department." These bank returns have always been made to the Secretary of the Treasury.

These two charters were enacted in perfect accordance with the great principle of that Department, where, under Congress, the money power of the nation had been placed. By that principle, the President was excluded from that Department, by placing the Secretary at the head of it; and the bank charters, to avoid all possibility of any construction that might give this power to the Executive, have described the officer to which these banks were accountable by his character, and not by his official name. He is denominated "and shall be deemed" head of the Treasuary Department; not by implication, but by express enactment. From 1791 up to 1833, whenever a bank has been in existence, that bank has, once a week, sent a return to the officer at the head of the Treasury Department; and, during all that time, every Secretary of the Treasury, every Senate of the United States, every House of Representatives of the United States, every President of the United States, the whole nation, held, and, with one voice, pronounced the opinion that the Secretary of the Treasury alone was, by law, authorized to receive those returns, and obligated, by law, to report, and has reported them, not to the President, but to Congress.

After such a course of practical illustration and proof, will this nation suffer all the principles of law, all the principles of justice and public safety, to be violated, and, by a mere implication, and contrary to the express enactments of law, place the President at the head of the Treasury Department, solely because he is President, when all the laws made under the constitution and establishing the banks, and all the laws so made establishing the Treasury, have, in just so many words, constituted the Secretary the head of that Department, and excluded the President from it?

What officer of the Treasury is required, by any law, to account to the President as to the head of that Department? Courtesy among all officers of all branches of the Government can always command a mutual interchange of all accounts, books, documents, papers; and rude indeed must be that public officer who would refuse to grant a request for this. The claims of courtesy are one thing, the requirements of law quite another.

Are these wise and salutary regulations? Wise and salutary or foolish and fearful; no departure has ever been made from them by Congress.

So much caution has been observed that, for the purpose of excluding all officers under the direction of the President, from all right to draw on the Treasury, the law of May 8, 1792, by which the Secretary of War might draw warrants on the Treasurer, and that of July 16, 1798, by which a like power had been given to the Secretary of the Navy, were, by a law enacted May 7, 1822, both repealed. By these repeals, the principle of the law of September 2, 1789, establishing the Treasury Department, was re-enacted and confirmed; and now no officer, other than the head of that Department, the Secretary of the Treasury, can draw any warrant on the Treasurer for the disbursement of any money, no matter for what department or purpose it may have been appropriated.

Look on your table, sir. The President has, by the requirement of law, and as your agent, accounted to Congress for a change of $5,000, appropriated to the War Department, from the subsistence to the hospital expenditure. This change he could not have made, inconsiderable as it is, had not the laws enacted March 3, 1809, and May 1, 1820, authorized him to do it; nor would Congress grant even that power to the Executive without requiring him to account to them for the exercise of every item of it. So anxious has Congress, the representatives of the people, ever been to build up and establish and support this impassable wall of separation between the money power and the political power of the country.

The Treasurer of the United States is the great, the sole money-holder of the nation. Two men only in this nation have a right, by law, to inspect the money in his hands. Not the President, not the Vice President, not any other high dignitary is admitted to this—to the Secretary and the Comptroller of the Treasury only; and to the Senate and House of Representatives, on the third day of the session, the Treasurer shall exhibit the true and perfect account and state of the Treasury. This public treasure can be reached by no man in the nation, not even the Treasurer himself, but by an admitted and settled claim, for payment of which an appropriation has been made, a warrant drawn by the Secretary, countersigned by the Comptroller, and registered by the Register. In no other way can this treasure be reached by the Treasurer, unless it be feloniously or fraudulently, or by the violence of usurped power.

Congress, by a law approved April 10, 1816, constituted the Bank of the United States the depository, the treasury-place of this nation; and all public money placed there to his credit was then in the hands, and at the control of the Treasurer.

This bank has collected and disbursed for him more than $229,000,000, in payment of the public debt, and more than $256,000,000 for ordinary annual expenses of the nation. It has done all this without the cost, or the loss of one cent to the people. This safety has been realized by the nation, under the agency of this United States institution, immediately after a condition of the finances and currency so deranged, that subsequent to the termination of the old United States Bank in 1811, and before the commencement of this, in 1816, a term of five years only, the United States had lost, by employing State banks as depositories, not less than $1,400,000. This amount, unavailable now, lies in the Treasury, in the paper bills of dead or insolvent State banks. Notwithstanding all this, so exceedingly incensed is the Executive against the national institution, and so fatally determined to get the control of the public treasure, and thereby unite in his own person the political power and the money power of the whole country, that, with these very bills in so many volumes before his eyes--bills which, like bills of mortality, "talk of graves, and worms, and epitaphs," volumes filled with the last words of these departed institutions, teaching their utter want of power, even when in full life, to secure the treasure committed to their trust; notwithstanding all these facts, sir, he has, without the least legal authority to touch so much as one cent, taken that whole treasure from the national Treasury under the control of Congress, and again scattered the entire mass up and down the whole country, among those State banks which are under his own control.

This has been done, not because this institution of the United States had neglected to do its chartered duties, safely collect and liberally loan, safely keep and legally disburse the public money, or at all times redeem its bills with gold and siver, and sustain a sound and uniform currency, but because it had refused to become the adjunct and associate and instrument of political power.

Could this institution have been brought under the control of the Executive; could its officers have been appointed, and its funds managed, politically, no war would have been waged, no veto against the recharter, no manifesto against the deposites would have been promulgated. The whole political power given to the President by the constitution, and the whole money power, deposited in this bank and its branches and engrossed by the President of the United States alone, would have been wielded, as the Post Office establishment has been wielded, to extend patronage and secure the possession of power. The bank, now denounced as a moneyed monopoly, dangerous to the liberties of the people, would then have been, when placed by him, as it would have been placed, under the control of political directors, in the view of all his partisans, a most useful and patriotic institution.

Sir, when the people are unmindful of the great purposes for which their fathers established this Government; when they pervert the laws and the constitution, and, by their subserviency to power, granted solely for their own benefit, change their political wealth, delivered into their hands in trust, to enrich themselves, their children, and the latest posterity; when they convert this glorious bestowment into a mere heritage for those men whom they have appointed as their own agents, their public servants, to execute those laws; and unmindful of that rich patrimony of laws and liberty; unmindful of their own, and of the rights and freedom of posterity, devote themselves and their children to the power, the riches, and the glory of those rulers; then indeed will the land mourn; the iron dominion of power will settle down on every region of our once-prosperous country; the breath of the tyrant shall then wither every thing that ever flourished; and, consuming every vital principle of our free institutions, the lights of liberty, one after another, will go out, and at last leave us in the cheerless darkness of despotism.

The present rulers in our country seem to have believed that this era of subserviency had begun. The chieftain, with his executive host, grasped at the whole power; and he has evinced that, in his opinion, the day had come when the people, infatuated by the glare of his glory, and enchanted by his display of patriotic pretensions, would sanction his usurpation, and aid him in parcelling out this power as a lasting inheritance for himself, his successor, and their devoted followers.

The people, when they once confide, are reluctant to find themselves deceived. When they do make this discovery, they will examine the causes which have produced their deception; and be assured, sir, that every pretension to patriotism which was but a disguised arrogance of power, will be disclosed, and set before the public eye, in such manner as it is my purpose now to disclose some of those pretensions, by looking into the history of executive patronage and executive power under the present administration.

If we would learn the progress of executive power, we must look back to the time when executive patronage was transplanted from constitutional grounds to a more luxuriant soil. Originally a salutary plant, because it was of a limited growth, it has, by this removal, and by a lavish supply of nourishment, become a huge tree, shooting out limbs over all the land; and birds of every note and every feather now find nourishment and shelter among its branches.

When, in 1829, this administration went into power, it was soon discovered that there were more candidates for appointment than offices for distribution.

This might have been expected—In the first place, because so much had been promised. Sir, the whole country had, for more than four years, been literally "the land of promise."

In the next place, because it was believed that so much was in executive power to bestow. It was a part of partisan faith, and had been zealously inculcated on partisan credulity, that the new President could feed his followers with more fishes than the ocean, more loaves than land, could produce.

The Executive, it must be admitted, did do for these good men all which power, less than miraculous, could have done for any men. Every office, not already in the hands of partisans, was literally cleared out for their accommodation, and bestowed upon them. When all these were filled, and many, quite as worthy of being fed and clothed, still were standing on the outside of the Treasury, executive invention was tasked to the utmost to create new offices. Clerkships were then changed into bureaus, with each a chief at its head; on the principle, no doubt, that every new head, no matter what the animal might be, must be furnished with all other members, from the superior to the inferior extremity. In addition to this, old departments were, like old packet ships, repaired, cut up, and filled with new berths, so as to furnish the greatest amount of accommodation to the greatest possible number of passengers.

The Post Office establishment, in this way, furnished a world of accommodation for these politically meritorious men. Not to mention the new clerks employed, or the constant call for help and extra labor in that quarter; nor the very desirable employment supplied by moving the mail 10,000 additional miles per diem; or the new regulation of paying less by contract, and more by extra allowance; or the accommodating facilities of the new bureau for borrowing: without any reference to any of these, it is seen that the new post offices alone, in addition to the old 8,000, have provided places for 2,123 of these very valuable men.

The Treasury Department has been very helpful in a different way, by calling on more men to do the same service. The collection of the revenue, it is believed, furnishes at this time, by distributing the labor to ten times the number of men, quite tenfold more employment for every dollar collected than was furnished by it in the time of Jefferson.

Sir, notwithstanding the mantle of patronage had been thus extended, until, like charity, it was the covering of multitudes; yet very many equally distinguished, both by moral and political merit, were outstanding, and still in want of permanent and substantial provision.

Although this condition of aspirants to office must have been foreseen, yet could it not be altogether obviated. It was foreseen, because it was known that it must follow from a rule very early adopted by this administration. This rule was contrived to provide for all men, located on the frontiers of all parties; all those who hope for more from political than from moral merit; and all who make no question about the service which they are to perform, if the reward be made satisfactory to them. By this rule, the same pay, rations, and bounty were promised to deserters, which had been given to original household troops.

In this great party emergency, the eyes of the chieftain, and of his immediate associates, were turned to the money power of the nation for relief. The Bank of the United States, it was believed by them, imbodied that power in a form of all the most efficient. Could this be obtained, and united to the political power already in the hands of the President, it would give him patronage enough to provide for all his friends, and power enough to consume all his enemies.

A scheme of safety for the political management of public money, had been commenced in the State of New York. This scheme was brought on here from that State, and laid before the President, in the spring of 1829, by that officer of the cabinet, who, the last of those counsellers, took his seat in that divan.

In pursuance of that scheme, and under the advisement of men thought to be great masters in such movements, the attempt was, early in the summer of 1829, made upon the bank. This attempt failed of success; and both the attempt and the failure were fully brought into public notice by the bank examination, made, the year before last, by Congress. This attempt and failure, thus disclosed, fully explain to the world, the immitigable and consuming hostility of the President against the bank. Sir, you will permit me to read a very short statement of this transaction:

"Since the establishment of the institution it has devoted itself anxiously and exclusively to the purposes of its creation, the restoration of the currency, the maintenance of the general credit, and the accommodation of the internal and foreign trade of the country. That it has not failed in these objects, that it has indeed realized more than the anticipations of the most sanguine, is attested by all parts of the community. It was in the midst of this career of inoffensive usefulness, when, soon after the accession to power of the present Executive, the purpose was distinctly revealed that other duties than those to the country were required—and that it was necessary for the bank, in administering its affairs, to consult the political views of those who had now obtained the ascendency in the Executive. It is understood that soon after that event a meeting was held at Washington of the principal chiefs, to consider the means of perpetuating their new authority; and the possession of the bank was among the most prominent objects of the parties assembled. The first open manifestation of this purpose was in June, 1829, when a concerted effort was made by the executive officers to interfere in the election of the board of directors at Portsmouth. At the head of this attempt was Levi Woodbury, now a member of the present cabinet at Washington, who did not hesitate to avow in a letter to the Secretary of the Treasury, which, though marked "confidential," was subsequently ordered to be published by the committee of investigation in 1832, that he wished the interference of the Government to remove the President of the branch at Portsmouth, of whom he says:

"The new president, Jeremiah Mason, is a particular friend of Mr. Webster, and his political character is doubtless well known to you; and he requests the Secretary of the Treasury to communicate with some of the directors of the mother bank in favor of such a change."

This letter of Mr. Woodbury was transmitted to the bank by the Secretary of the Treasury, who stated that "from some expressions in his letter, it may be inferred that it is partly founded on a supposed application of the influence of the bank, with a view to political effect"—in consequence of which, he deemed it his duty to present it to the bank, "with the views of the administration in relation to it." At the same time, Mr. Isaac Hill, acting as the Comptroller of the Treasury, until rejected by the Senate, and now a Senator of the United States, sent a memorial from his members of the political party in the Legislature of New Hampshire, requesting the removal of Mr. Mason. In another communication presented to the bank, he gave it as his opinion that no measure short of Mr. Mason's removal, would tend "to reconcile the people of New Hampshire to the bank;" and that the "friends of General Jackson, in New Hampshire, have had but too much reason to complain of the management of the branch at Porstmouth." Finally, the Secretary of War ordered the transfer of the pension fund from the branch bank at Portsmouth to another bank in Concord—an act so obviously in violation of the laws, that it was first resisted by the bank, and then retracted by the Secretary.

It became then manifest to the bank that there was a combined effort to render the institution subservient to political purposes, and that it was necessary to come to some immediate and distinct understanding of its rights and duties. This was done in the correspondence of the president of the bank with the Secretary of the Treasury, of which the following passages will indicate the general purport:

"Presuming that we have rightly apprehended your views, and fearful that the silence of the bank might be hereafter misconstrued into an acquiescence in them, I deem it my duty to state to you, in a manner perfectly respectful to your official and personal character, yet so clear as to leave no possibility of misconception, that the board of directors of the Bank of the United States, and the board of directors of the branches of the Bank of the United States, acknowledge not the slightest responsibility of any description whatsoever to the Secretary of the Treasury, touching the political conduct of their officers, that being a subject on which they never consult, and never desire to know the views of any administration."

Again:—"Accordingly the act of Congress simply declares 'that, for the management of the affairs of the said corporation, there shall be twenty-five directors.' When these are chosen, the whole administration of the bank is committed to their exclusive care. Their responsibility for the management of it is to Congress, and to Congress alone; but no executive officer of the Government, from the President of the United States downwards, has the slightest authority to interfere in it; and there can be no more warrant for suggesting the views of the administration to the Bank of the United States than to the Supreme Court of the United States."

Finally:—"For the bank, which has specific duties to perform, and which belongs to the country, and not to any party, there is but one course of honor or of safety. Whenever its duties come in conflict with the spirit of party, it should not compromise with it, nor capitulate to it, but resist it—resist it openly and fearlessly. In this its interest concurs with its duty; for it will be found at last, such is the good sense of the country, that the best mode of satisfying all parties is to disregard them all."

These extracts reveal the whole secret of the hostility to the bank of those, who, finding it impossible to bend it to their purposes, have resolved to break it.

Sir, what is seen in this extract? It demonstrates that the attempt was made to unite the bank with the Executive; and, by that union, to give to the President both the money power and the political power of the nation. It exhibits another fact, also, no less honorable to that institution than it was disgraceful to the Executive; it demonstrates that the president and directors of the bank were above the reach of presidential influence, and not to be corrupted by the menaces or the blandishments of executive power.

Here is the origin of that tremendous evil now spreading ruin and wretchedness over the country. It is not found in any delinquency of the bank, but in the rejection of the New York scheme for the safe management of public money which it was intended should have been brought into operation in that bank and its branches, and which would have been effected had not the president and directors thus promptly rejected the very incipiency of that measure.

After this disappointment suffered by the Executive, the ulterior provisions of that scheme of operations were commenced; and have been so far carried out, that this bank of the people is now left in the control of the people; but the money of the people is taken from their bank and placed in the control of the Executive.

During every administration of the Federal Government up to March 3, 1829, it had been the policy of both rulers and people to keep up an impassable wall of separation between the political power and the money power of the nation. The present Chief Magistrate has determined, cost what it may in ruin and suffering to the people, that he will demolish this wall, and unite them both in his own person.

This he will do, that he may thereby appoint, should he choose to appoint, his own successor. Let not those who love the free institutions of our country deem this an object, either too inconsiderable or too abhorrent to be purchased at the cost of so much which good and wise men hold precious and sacred in our country. It is, and ever has been, the first and the last aspiration of power to perpetuate its own existence, by committing its high prerogatives to some favorite, who will, in like manner, propagate, and, if possible, perpetuate that power. Never yet has any usurper existed, who, when he had achieved the subjugation of a whole people, has not labored, with a most cruel diligence, to place the care of their chains in the hands of such a successor as might keep them riveted and locked securely on their limbs.

This money power of the nation, thus usurped by the President, will not only enable him to appoint his own successor, but he may transfer the same power to him, so that he, should he or should he not wish to serve his dear country during life, may appoint his successor.

Is it wonderful that men of the Kinderhook school so labor, when they so hope? Let them hope; but they will permit me to say to them, Be not too sanguine, too lofty and undoubting in your hope. The heir apparent, perhaps it may be the heir presumptive, does not hold a barren, an unlineal sceptre. It is said there is a friend more german than a brother; certainly there may be, even in our times, a tie more binding and influential than political brotherhood.

This gigantic project of the President, to get the control of the public money, was first intimated to the nation in his congressional message of December, 1829. The political banking system of New York had been established the winter before, under the administration of Governor Van Buren. The scheme of a Government bank, recommended to Congress by that message, would, had it been fully unfolded, have been found to be a mere *fac simile* of the New York scheme. The present arrangement of depository State banks is another copy of that original. They all spring, in full size and in full life, like Milton's allegory of sin, from one head. Not more in their paternity than in their form, do they resemble that primitive mischief; which, as we are told,

> "Seemed woman to the waist, and *fair;*
> But ended *foul* in many a scaly fold,
> Voluminous and vast."

To recommend this new scheme of a Government bank, established on the credit and revenue of the Government, as if the revenue and credit did not belong to the nation, the President in that message made a direct and most unfounded assault on the United States Bank. He says, "the constitutionality of that institution is well questioned by many of the people. He did this after Mr Madison, originally questioning the constitutionality of a bank, had decided that the question was settled by popular usage; each of the two great parties, the federal and the republican party, having supported a bank; by congressional usage, for a Congress of each of those parties had voted for a bank;" and, above all, by judicial usage, because the Supreme Court had adjudicated that a bank was constitutional. Notwithstanding this opinion of Mr. Madison, the President did then, to recommend his scheme of a Treasury bank, question, and declare that many of the people well questioned, the constitutionality of the present bank, incorporated, as it was, under a charter approved by James Madison.

To induce a belief that the money of the nation was unsafe in that bank, he further denounced its currency as unsound. What is a sound currency? Why, sir, such a currency as, if it be gold and silver, is equal in weight and fineness to the standard; but, if it be paper, such a currency as may, at all times, be exchanged, dollar for dollar, for gold and silver, at the option of the holder.

What was, and is, the fact? When did a man, in the United States, present a United States Bank note, at the counter of that bank, or any one of its branches where it was payable, and payment was refused either in gold or silver? Not one. The accusation was entirely gratuitous, and not supported by a single fact. It was made to alarm the people for the safety of the revenue, whether daily coming into the bank, or that already deposited there. They were told that the notes of that bank, in which the Government must receive from that bank the public money deposited in its keeping, were unsound, were not equal to gold and silver; and they were told this, to induce the nation to distrust the bank; and finally be prepared to justify that removal which was even then meditated, and determined to be effected, either legally or otherwise, if it must otherwise be done.

The payment of the revenue, the public taxes, is made by all the people; and if made equally, all are satisfied. If unequal, all will be dissatisfied. These taxes are payable in the notes of the United States Bank. The President, in that message, denounced these notes as not uniform in their value. What was the effect of this denunciation? and what, then, must have been the purpose of making it? If it had any effect, and was made for any purpose, it must have been to induce a belief that one part of the people must pay more tax than another, because they paid in a currency of not a uniform value; that is, of a value at one time, and in one place, different from its value at another time, and in another place. This was done not only to induce a removal of the public money from the bank, but to induce such an opposition to this bank among the people, as might compel Congress to repeal the law by which the notes of this bank are *receivable* for all sums due to the United States.

There might be some ground to doubt whether these were the Executive purposes in making this attack on the bank, had no other facts of the same kind followed these demonstrations. Such did follow. In December, 1830, the same allegations, in the presidential message, were reiterated. One other demonstration was made. Notwithstanding the charter had nearly six years to run, the attention of Congress was called to a consideration of the question of its renewal. It was known to the President that Congress could not move this question until the bank corporation should petition them for a renewal of their charter. The suggestion was therefore made, to induce the bank to offer such a petition to Congress. Was that inducement offered because the President intended to approve any renewed charter which any Congress might enact? No one can believe it. Why, then, was the question stirred? Why was the inducement offered to the bank? Doubtless that the President might do, at the earliest possible time, what he did do so soon as the opportunity was afforded, by presenting the renewed charter for his approval—send it back to Congress under his veto. In that veto he might do what he could not do in any other message. He might give that stab to the vitals of the bank which would bring it so low in the healthy estimation of the people as to induce an immediate removal of the public money, and require either the establishment of his Treasury bank, or such an arrangement of the State banks as depositories, as would give to him an equal control of the public money. With this in his hands, in the spring of 1831, he might have finished his political campaign, by placing his favorite in his seat at the close of his first executive term, without soliciting another nomination, or encountering the exigencies of another contested election.

This refuge failed him, and he was compelled to call the attention of the Legislature to this question again; and, in his message of December, 1831, addressed to the twenty-second Congress, all his former allegations were repeated, but in a milder strain. To secure a confidence in his apparent desire to settle this great question, and relieve the popular anxiety, he in that message seemed entirely to relinquish his constitutional scruples; and, as he most courteously expressed himself, "he referred the whole subject to the good sense of an enlightened people, and their representatives in Congress." What more could he say? Men could not expect that he would send to Congress his approval of the renewed charter before it had been enacted by the Legislature. This declaration was received as doubtless it was intended that it should be received. It was believed; and the bank, induced by this belief, and urged by so many reiterations of the necessity of settling the question, did, in an evil hour of confidence, and with a reliance on good faith, place its interests and character in the hands of the Executive. A petition for a renewal of the charter was presented to Congress. That Congress, friendly to the administration, by a large majority, did, after making several important amendments in it, renew that charter, by considerable majorities in both Houses of Congress. It was sent to the President for his approval.

This charter, passed by such a Congress, after such repeated recommendations, and under his assurance, made in his very last message, that "he left the question of rechartering this institution entirely to the good sense of an enlightened people and their representatives," was disapproved by him, and sent back to Congress under his veto. This was contained in a message which demonstrated to both Houses, to the nation, to the world, and will tell posterity, that men, placed in the most exalted stations, may be counselled, influenced and controlled, by persons without wisdom, without patriotism, I do not say without integrity, and thereby suffer themselves to speak to the high constituted authorities of their country in the language, and to utter as their own, the opinions and sentiments of men meriting no better title than demagogues.

This veto message came to both Houses, and went out to the world, under the sign-manual of the President; but as no person, either friend or adversary, has ever charged the writing of it upon him, I will only say that it is a portion of that system of measures which he has been advised to pursue, to destroy that institution which sustains not only the whole currency, but so much of the interest of the nation, and so much of the interest of so many of the people, and thereby to draw into his own hands not only that pecuniary power which a control of the revenue will give, but also that much greater money power which the people had reserved to themselves, and heretofore used in their own State banks, for the benefit of their own labor, exercised for their individual emolument.

This is manifest from his declaration that he would have given to them a plan of a bank superior to all objection. What would it have been? Doubtless the great Treasury scheme intimated in the message of 1829, founded on the revenue and credit of the Government; with officers of the Treasury to sell a few bills of exchange. Twenty-five millions of revenue, and a like amount of stocks, issued on the credit of the nation, would have formed a bank, annexed to the Treasury, and under the control of the President, as the head of that Department, sufficiently large to have enabled him to grasp and wield the whole money power of the country.

Such a bank might be separated into one hundred branches, extending their deleterious shade over the whole surface of our country. Deleterious, sir, for every president, director, clerk, and cashier, in every one of these banks, would be a mere clerk in that Treasury Department of which the President has enacted himself the head.

What a magnificent scheme! What droves of the mere carriers of political power might be stabled here, and fed at the public granary! Why, sir, at the mere mention of such feed, I can almost see them thrusting their long faces through the windows of our hall, and braying their delight, and their devotion to him who first invented this glorious forage-house of the Treasury.

It was thought by the advocates of a Treasury—a Government bank—that the United States Bank, the people's bank, would have fallen under the weight of the presidential veto.

Yes, sir, I say the people's bank. Pray, sir, whose is it, if it be not the people's? It is but a part, indeed a small part, of the people's great reserved interests, when compared with their other interests. For the moneyed interest of the people is, all of it, inconsiderable, when compared with their mercantile interest, their navigating interest, their fishery interest, their manufacturing and mechanic interest, and, above all, with their great landed agricultural interest.

Compared with all these immense interests of the people, their whole moneyed interest is inconsiderable in value; but their United States Bank is a part only of that moneyed interest; for their State banks are, in capital, four times the amount of their United States institution. Indeed, this, their moneyed interest, has, in itself, and alone, no value; and would be utterly worthless any otherwise than as a great machine by which all other interests are moved and made productive. In this machine their United States Bank is useful above its value, because it is the great balance-wheel regulating the currency, and the immense exchanges made by that currency; and doing this both in places nearest to or the most distant from each other, over the whole country.

Sir, it is the magnitude, great as it may be of this wheel, which alone enables those who operate its movements, to do the work for which the people have built and put it in motion. Notwithstanding this fact is so well known to every man skilled in such operations; yet the miserable political engineers of these times would tear out and remove this great balance-wheel, and supply its place, by, no one can tell what wretched turnspit machinery, hitherto used in the operations of their vile political establishment.

Sir, this bank, great as it may be, is the people's bank. If it be, as some honest but mistaken men believe it, a money monopoly; and as all the minions of party, the foes of the people, have slanderously denounced it to be—agreed, if they will; let it be so. The people have made it; and it is their own monopoly. Let their servants know this. Seven millions of the stocks are owned by the whole people, collectively; and these stocks give to them, to the nation, two dividends a year, amounting to $420,000 per annum. These stocks and dividends would long ago have been lost to the people, if their ruthless adversaries could have succeeded in destroying their bank.

Besides, sir, many of the people have placed all their earthly treasure in this bank. Literary and religious societies have placed their funds here. Widows have garnered up, in this institution, the little residue left by endeared friends to lighten the gloom of their solitude, and cheer the sadness of their desolation. Orphans look hither for the means of education and support, from what was left here for them by those who have done with the toils and perils of time. Aged men, who have toiled through all the labor of life, have placed in this institution what they could save from the consuming touch of adversity, that it may furnish for them, and for those dependent on them, food, and raiment, and shelter. Twenty millions of dollars, in the stocks of this bank, are owned by many thousands of such individuals of our own nation; and this unnatural war against this bank, so emphatically the bank of the people, is a war against property; the literature and learning; the religion and morals; the old age and infirmity; the orphanage and widowhood of our common country. Ay, sir, and a war, declared, and carried on, by that Executive Government, which was established by the people; yes, sir, and established by them, not to prey upon any part or any interest of the community, but for the general welfare of all.

Nay, sir, more cruel than all this, we shall find that executive war, waged as it is against those owners of shares in this institution who have no voice in our councils, no arm in our land, to defend their interests. In other countries, where the sword of war widows many a wife, makes many a mother childless; where the storm of revolution so frequently sweeps over the earth and leaves so many of its inhabitants without shelter, and without food; people there, hearing of our country and its institutions, have, many, very many of them, gathered up the little fragments of their former abundance, sent them to the United States; and, altogether, uniting their means with two or three wealthy houses, they have purchased eight millions in the shares of this bank.

Sir, they are continually "hearing of wars and rumors of wars," in their own countries; but, while "their hearts were failing them for fear of what was coming upon the earth;" these foreigners, these strangers, a name always heretofore sacred among even hordes of savages; these strangers, men, women, children, looked here for the safety of that treasure which the good faith of our fathers had encouraged them to leave in our hands.

Did these confiding people apprehend, or suspect, or even imagine, that this institution could be called to suffer reproach and malediction and outrageous injury in this country, because it had given shelter to them in their utmost need? Oh no, sir; never, never, could they, in their most gloomy night of disaster, once dream that a war, waged by the Government against the people, was here consuming their last earthly hope.

Never, sir, until now, was any institution of the people so assailed; by the Executive; by Congress; by its own officers; by the Treasury. The whole weight and array of political war have been urged and driven on against this institution; but so deeply was it intrenched in the affections of the people, and so impregnable were the defences raised around it, by its own integrity that all this weight and array of political war have not carried it down. Even the presidential veto failed to overthrow this depository of the toil-earned substance of the people. Sir, notwithstanding the hopes and the perseverance of its adversaries, those minions of power, this institution has not only kept in safety—undoubted safety—now unquestioned safety, the many talents committed to its trust; but has so occupied and improved them, that the owners, this nation, many people of this nation, and many people of other nations, will, unless plundered by lawless power; they will, when this stewardship shall expire, receive their own again.

Sir, the next step taken to overthrow this institution, and to effect or to justify a removal of the public money from its custody, was to announce that this money of the people was unsafe in their own keeping, in their own bank. A Treasury agent was sent to examine that question. He received every aid from the officers of the bank; and, after the most diligent examination, he reported to the Treasury that the public money was safe in the public bank.

This seemed to widen the distance between this money and the control of the Executive. Another effort must be made. The aid of Congress was invoked, and hope seemed again to be revived. The House of Representatives appointed a committee. The question was examined most ardently and diligently. Finally this House, friendly, by a great majority, to the administration, resolved, by an overwhelming majority, that the money of the people was safe in the bank of the people.

The gulf between the money and the Executive, did at first appear to have become impassable. Patronage, without this treasure, was exhausted. Not one office remained to bestow—none would resign—none could be persuaded to die. Thousands were barefooted, and waiting for the shoes of men who were as likely to live as they themselves were.

The recruiting service, it was thought, must cease; desertion would probably follow; and the succession be inevitably lost, unless patronage could be extended, by obtaining the control of the public money. With those funds, likely this year, as it was said, to be great, a system of deposite in State banks might be formed, and so far finished, before the next presidential election, as would give abundance of promise, and some payment, to old and new partisans. How could this be effected was the anxious question. The vineyard of Naboth was flourishing, and would feed them all; but then it was still Naboth's vineyard.

Hitherto Congress had been invoked for aid in the removal of the public money; but hitherto no cause, justifying that removal, had been suggested, either to the Treasury or to Congress, other than the unsafety of that money in the national bank.

When, at the last session, the House passed their resolution of safety, it was well known to them that the bank charter would expire on the 3d of March, 1836, and, therefore, that, before Congress would meet again, that charter would, on the 1st day of October, 1833, have but two years five months and three days to run. Was this fact suggested to the House by the President, who was so anxious for the event, as a cause justifying that removal?

It was then known that if the Secretary of the Treasury should, because the charter would end within two years and a half, order and direct that no more money should be deposited in the bank; and that the Treasurer should remove from its vaults the whole $9,868,435 58, which would then be there on deposite; it was well known, sir, that the bank must, to pay this nearly ten millions of money, withdraw its discounts, call on its customers to repay this money which had been loaned to them; and thus aid the bank in the repayment of it. Was it then suggested by the Secretary of the Treasury, or by the President, that if the bank, when called upon for the deposites, should adopt this course, it would be a justifying cause of that order of removal of which it was the necessary effect?

It was then well known that the bank directors did believe their charter, like those of all other banks, authorized them to appoint committees of discount and exchange; that it did not require a whole board to discount a note, or purchase a bill, or do any other mere executive act; and that these committees were appointed by the president of the bank. Did the President of the United States then so much as intimate to Congress that these acts were violations of the charter and causes of removal?

It was known to the Government directors, so early as the 8th of January, 1833, at the then board meeting of the bank, that none of those directors were appointed on important committees. This, it is presumed, they made known to the President in their correspondence with him; for a part only of that correspondence is published. Did the President represent this to Congress as a cause, if it ever were a cause, for the removal of the public money?

It was well known to Congress at that time, that the directors had published documents, and expended money, to defend the institution against this executive war; it was well known that loans had been made, as well to printers as to other men of business; it was well known that the bank did, from 1830 to 1832, extend its loans to meet the wants of the people: for the bank committee had very lately seen, and examined all these things; and yet, the President of the United States did not offer one of them to Congress as a cause for removal of the deposites.

In fact, nearly every reason set down by the Secretary of the Treasury as his reasons for this removal, was known to Congress, to the President, and was known to the Treasury Department; when, on the 2d day of March, 1833, this House resolved that the money of the people was safe in the bank of the people.

Up to that time, it had not been suggested by the Treasury Department to Congress, that the head of that Department, whether the Secretary or the President of the United States, could take the money from the Treasurer without appropriation, for any purpose whatever, and use it to aid State banks, enfeebled by adversity, or insolvent from overtrading.

Neither had it been intimated by the President that he claimed the right to place Government directors in the bank, who might be of such a character as would induce them to consent to transmit to him the daily transactions of the bank; and that too without letting it be known to the other directors that they were doing these very unwarrantable deeds.

The Treasury Department did not claim that power till after the 23d of September. We know Mr. Duane disclaimed it. It must have been known to the President of the United States, that if a record of every day's work of the bank had been read at night to him, it would have given to him no cause for removal of the deposites.

It so happened (and who can say why?) that those gentlemen selected for Government directors, regarded their appointment as a distinguished honor, a great state office conferred on them; and though, doubtless, men of much capacity, yet being unacquainted with banking, they, like many other men of great genius, felt these mere money matters much below their attention; and attached themselves solely to the great state purposes of their appointment. With matters of state, the bank had nothing to do; and the president of the bank and the people's directors, being plain, straight forward business men, and finding their new associates from the Government not much conversant with such matters, they put them on no committees where business qualifications were required. Had the charter required a committee of state affairs, these would have been the men.

This very natural course of conduct the Government directors attributed to a wish on the part of the people's directors, to conceal from them the operations of the bank.

The notion of concealment, had, by their correspondence, or by rumor, reached the executive ear before he received the first letter which they have published, (for we have not all the correspondence.) In that letter, not published, they evidently complained of a difficulty in ascertaining what was doing in the bank. This mystery, which they announced to the Executive as studied concealment, was merely the mystery of ordinary business; and this, they could not comprehend in a place where they had expected to find mere state politics, in which they regarded themselves as great masters. It was like Galileo's solar system to a conclave of cardinals; and as those pious men told the holy father that such philosophy would overthrow the church, so these cautious political gentlemen informed the President of the United States that these money-making directors, and their plodding president, must have some secret design against the Government.

This was enough. Concealment was rumored first, then suspected, then believed; and afterwards proved, by the assertion of the Government directors. For when it was found that those gentlemen were willing to inquire, and listen, and tell, it was soon determined to put them to that service; and though they seemed to intimate in their correspondence that their task might be easier, and they might get at more facts, if desirable, should they be authorized to make open inquiry; yet this duplexity of characters did not seem to encounter any notions of candor or fair dealing, which they had before formed for their Government.

This commission given to the Executive directors, and the manner in which they executed it, though it furnishes no new reason, was still the cause of the removal.

Before the time of thus employing them, the President had claimed no right to act, in relation to the bank, or the public money, other than to order a *scire facias*, according to the charter, when he had reason to believe it had been violated. The immediate supervision of the bank had been left where that charter placed it, with the Secretary of the Treasury. He could receive, from the bank, weekly statements; first, of the amount of its capital; second, of the amount of debts due to it; third, of the amount of its bills in circulation; fourth, of the amount of all deposites made in it; and fifth, of the amount of specie in its vaults; and he could, at any time, examine, at the bank, the books and accounts from which these statements were made. From all these he could judge and determine whether the public money, already placed in the bank by the Treasurer, was safe in that depository; and, also, whether it would be safe for the Treasurer to continue to comply with that law which requires that the public money shall be deposited in the bank or its branches. Either House of Congress might, by a committee, inquire into the condition and conduct of the bank; and if that committee reported a violation of the charter, that House which raised that committee might order a *scire facias* to be issued, to empannel a jury, and try the facts.

All these powers over the bank are placed in the Secretary of the Treasury, in Congress, and in the President of the United States, to insure the fulfilment of the contract made by the bank with the United States in the charter. They are all founded on this great principle, that so long as the bank keeps its contract with the United States inviolate, the public money must be safe in that institution; and therefore, to remove it from that depository, would be a violation of the contract on the part of the United States.

In perfect accordance with this theory, the only question ever made, by the Secretary of the Treasury, or by the President, or by Congress, touching the public money already in the bank or to be deposited there, had been a question of safety.

Sir, until since the dissolution of the last Congress, I repeat it, fearless of contradiction, no inquiry had ever been made, by any branch of the Government, or by any public officer, concerning the public moneys; no, sir, no question which proposed any reason for its removal from the bank, other than its safety alone.

It is, therefore, again asserted, that the commission of inquiry by the Government directors, instituted by the President, in a manner so unknown to the laws that it was kept as a great state secret, though it furnished no reason, yet was the sole cause of removing the money from the bank. On the report of those directors, the President having before made up his mind, proceeded to order and direct this removal.

A new principle was applied to the operation. It was admitted that the money was safe in the bank; but it was contended that the public interest suffered by keeping it there, and that, by removing and placing this money in a certain description of State banks, the public interest would be greatly advanced.

What, sir, is the public interest? Is it not the political interest? Had not the bank utterly refused to be subservient to any political interest? What is the political interest? Why, sir, it is neither less nor more than the interest of the party. To this, the bank had refused to be subservient; and, therefore, for the plainest reason on earth, the money should be taken from that bank, and deposited in such State banks as would be subservient to the public interest, the political interest, the party interest.

The removal of this money, and the arrangement made by means of it, with we know not how many, or what State banks, fills up that "aching void," in the very heart of patronage, which, when filled, will enable power to secure old, and perhaps procure new partisans. Has the Executive been laboring, struggling, ever since 1829, to unite, in his own hands, the money power with the political power of this country? He has more than succeeded. The money of the people, nine or ten millions of dollars at first, and now nine or ten millions more, carefully placed in State banks, will control the money of individuals in those banks, and make that also subservient to the executive will. Is not this, in some degree, already done? Have not those banks agreed to receive, and pay Treasury agents? For what purpose are these fiscal agents to be received by these banks? Why truly to the intent that they may be appointed. Why are they to be appointed? First of all that they may be paid; and next, that they may supervise, not the pecuniary safety alone, but also the political safety of these banks.

Do we sit here, sir, inquiring into the sufficiency of the reason why the Secretary of the Treasury has done all this? We know that reason is not on the paper laid before us. We know the Secretary ordered and directed the removal, because the President of the United States ordered and directed him to do so. We know that the President ordered and directed Mr. Duane to do this, but we know he would not do it; and that he was, for that refusal, dismissed from office. Who, then, can doubt, that the present Secretary was, before appointed, ordered to do it, if appointed; and that he received the office under that order, and after he had promised to comply with it.

Sir, this is the consummation of the great executive labor, effort, struggle, to obtain the control of the money power of the country. It is the last act of this great political drama.

This act was opened by the President himself in person. He assumes the power to control the Treasury Department. He effects this by another assumption; he assumes that this Department is an Executive Department, in the constitutional sense of that phrase; that he is at the head of the Executive Departments, and although the law expressly says that the Secretary of the Treasury "shall be deemed head of that Department," yet he (the President) is, by implication of law the head of that Department, and, therefore, can control the Secretary of the Treasury; and, of course, can control that money, which, as he alleges, is placed under the control of that Secretary.

When the President had thus placed himself at the head of the Treasury Department, he immediately determined to do, by himself, what he had long ago been laboring to induce others to do; he determined to remove the public money. To prepare the way for this removal, he first settled his new Treasury principle of removal. According to this principle, that money might be removed by the head of the Treasury Department, and deposited in any place to promote that interest which was by him deemed to be the public interest. He therefore made but one question; did that interest require that removal?

The presidential directors had been sent to the bank, as men are sent into an enemy's camp; not to aid in doing the honest public service of that institution, but to learn its most assailable points; and at what time the public money might be removed, with most peril to the bank, and least to the Executive. For a skilful commander, though he feels much power, and no fear, yet will he avoid all useless waste of that power.

A Treasury agent had been sent, by the President, to the State banks; not that he might learn what safety, or what bonus they would give to, or for, the public money; for the United States Bank gave the utmost safety to, and paid in advance and had given $320,000 per annum for that money. The object of inquiry must have been, the political terms, on which those banks would receive that money.

The executive directors reported to the President on the 10th day of August. It is not, nor probably will it ever be publicly known, nor is it very important that it ever should be known, when that agent reported.

The President, having placed himself at the head of the Treasury Department, did, as President of the United States, and under the provisions of the constitution, call on himself, as head of that Department, to give to himself his own opinion, in writing, concerning his duty in that office in respect to the removal of the public money. To this call, the Executive, as head of the Treasury Department, did, on the 18th of September, 1833, respond in writing to the Executive, as President of the United States, touching his treasury duties in relation to that removal.

In that paper containing that opinion, read to the whole cabinet on that day, the Executive, as head of the Treasury Department, clearly convinces the Executive, as President of the United States, that it was his imperative duty, for the reasons given to himself by himself in that important paper, to order and direct that no more public money should be deposited "in the United States Bank or its branches;" and that all money then found there, belonging to the people of the United States, should be removed from their own keeping in their own bank. The Executive, therefore, did, either as President of the United States, or as head of the Treasury Department, on that day, order and direct this cessation of deposite, and this removal to be made, on the 1st day of October, 1833.

On the 20th of the same September, this order and direction, made by the Executive, and to be executed on the twelfth day following, was officially announced in the executive gazette. Mr. Duane, then Secretary of the Treasury, and as the law declares "head of that department," denied the power of the President to act as head of that department; denied that the reasons, assigned in the manifesto of the presidental Secretary of the Treasury as head of that department, were, any or all of them, sufficient for ordering and directing a removal of the public money; and, more astonishing than all, the President admitted, as he had always done, that Mr. Duane, as Secretary of the Treasury, had the entire and independent power to decide and adjudicate on this great question of removal. Mr. Duane did, on the 18th, 19th, 20th, 21st, 22d, and 23d days of that same September, refuse to sign the order and direction made by the President, or to promulgate any such paper, under his signature, as his own. For, unaccountable as it may appear, the President could not persuade himself that it was lawful for him to sign an order which he had induced himself to believe it was lawful for him to make and give. He dared to adjudicate for the Secretary between the bank and the nation; he dared to make out the execution, the order and direction for him to carry that judgment into full effect; but he dared not to do the mere clerical service of the amanuensis.

For raising these questions, for doubting the executive adjudications, for refusing to obey the presidential mandates, for daring to judge for himself honestly and independently, Mr. Duane was dismissed from office. In an ordinary event, the day of its occurring is not material; but in these daring and portentous acts of executive usurpation, the day, the hour, the moment, when one of them makes a blot on the fair page of our national history, becomes a kind of era, and will hereafter stand in the annals of our institutions, as the advent of pestilence or conflagration stands in the calendars of those nations which have been visited by those calamities. On that memorable 23d of September Mr. Duane was dismissed; and, on the same day, as if such a deed were not enough to render one day odious to all the true whigs of the world, the present Secretary of the Treasury was appointed to fill a vacancy, not happening, but a vacancy created by one deed of despotism to make room for doing another, if possible, more detestable. Mr. Taney was appointed; the order and direction of the President, made and promulgated on the 20th, was by him signed; but, whether before or after this appointment is, and will remain, among the unknown things of that great deep of darkness and despotism towards which this man, once the man of the people, is now hurrying all their rights, interests, and liberties.

Let, then, every candid man in the nation examine all these facts, and determine for himself whether all these movements have been made for the safety or benefit of the public money—for the benefit of the people—or to enable the Executive, the President of the United States, to bring that money entirely within his own control. Sir, as if the grasping of this money—the removal of this money by his agents—the placing of it in banks controlled by these agents, were not enough to demonstrate this perilous truth—the President has assumed to himself a power never before claimed by any Executive of the United States—the power, as executive head of the Treasury Department, to make that Department accountable to himself, and obedient to his orders and directions. If he succeed in maintaining this claim, (and you see the Secretary of the Treasury already acknowledges his supremacy, and denies that of all the laws;) if, I say, he shall sustain himself in that claim, he will unite in himself the money power of the nation with the political power, without any other effort whatever. Thus, sir, this master of the sword will have made himself master also of the treasure of the nation; and how long will the nation remain without a master in this high commander-in-chief?

Sir, the House of Representatives, "thus sitting, thus consulting," should have before them the whole reasons, all and each of the reasons of the Secretary of the Treasury. Have we all? We know that we have not. We know that the true, efficient reason for the removal was the order of the President. The Secretary has told us that "he holds his office subject to the supervision of the President." If he can supervise, he can direct; we know he did direct; and why has that order and direction made by him been withholden from us.

Sir, is there a man in this House who breathes the vital air, and feels the current of life beating in his bosom, who does not feel himself, as a free living man, dishonored and disgraced to stand here before his country examining the sufficiency of reasons laid on our table by the Secretary, when he knows that an order of the President, not sent to us—but not one thread of all this fabric spread before us—was the great, efficient cause of that deed of power which has convulsed our country throughout all its regions?

Sir, if, then, the true reason of the removal be the order of the President; and, if that order were given, not for the safety of that money, or for any benefit to the people, but to bring the public treasure within the executive control, and unite that money power with the political power already in his hands, it necessarily follows that the reasons laid before Congress by the Secretary of the Treasury are insufficient for the removal. For if that removal would not have been made without that order, then it was not made because of these reasons sent to us, but because of that order not sent to us. So far, therefore, are any or all these reasons from being sufficient, that they might all have existed, and the removal would not have been made, unless the order of the President had been given to make it.

The Secretary of the Treasury has disobeyed the law; he has not laid before Congress his reasons for his order and direction. He has not laid before them the President's order, or his own promise, made either before, or after his appointment, to obey that order. The House might, therefore, immediately, and without further consideration, vote the reasons laid before us insufficient; not only because they are but a part, but because they are not the efficient part of his reasons for the removal.

For another cause, these reasons are not only insufficient, but utterly nugatory. It is known to every member of this House, that every one of the reasons now laid before Congress by this Secretary of the Treasury, as causes—as reasons for his order and direction to remove the deposites, were by the President laid before the Secretary of the Treasury; and by him examined and adjudged to be insufficient. That adjudication, if not destroyed, remains now on the records of the Treasury Department. What, then, can give any new sufficiency to reasons condemned as insufficient, by that Secretary, who had the sole right to judge, who nobly stood at the Treasury door, and resisted the executive order and the executive arm, in all attempts to remove the money of the people from the bank of the people, where the laws of the people had placed it in unquestioned safety?

It is admitted by all men, that this Secretary of the Treasury had the legal, the undoubted, the unquestionable authority to adjudicate and decide on the sufficiency of these reasons. If that be true, no man can have the right to rejudge, and reverse his decision. Any rule contrary to this, would put every thing in that Department utterly afloat.

It has been seen, that both the Secretary of the Treasury and the Comptroller are vested with high judicial powers on many fiscal questions, and that this now before us, is one among those questions. If a ship, with a cargo of $500,000, come within the port of Philadelphia, and, by mistake, the master do not exhibit his manifest in due form, and the vessel and cargo be seized, application is made to the Secretary or the Comptroller, to release the seizure, and admit the ship to a legal entry. A trial is had. The fiscal judge, on a full inquiry, is satisfied that no fraud was intended. He adjudges the ship not guilty, and orders the collector to release the seizure, and to admit her to a legal entry. Should this come to the ear of the President, could he cause that judgment to be reversed, by dismissing that officer, and appointing another, who would give assurance that, if appointed, he would make that reversal, hold the ship to the seizure, and cause her to be libelled, and, if possible, condemned? Nay, could he make this reversal of this adjudication, and, without a libel or a trial, condemn the ship and cargo, as he has reversed the adjudication of Mr. Duane in favor of the bank, and caused another Secretary to condemn that institution, without a *scire facias*, or a judge, or a jury, or any trial whatever. Thousands of fiscal cases have been tried; but never did a President of the United States attempt to reverse a judgment once so made.*

If, therefore, Mr. Duane had the right to decide on the sufficiency of these reasons, and did condemn them for insufficiency, could Mr. Taney, the next hour, by order of the President, give to these reasons a sufficiency which, one hour before, did not by law appertain to them?

If the law made it the duty of Mr. Secretary Duane to decide on the sufficiency of these reasons, can Congress reverse his decision? Congress, or either House may, at any time, order an inquiry, by a committee, into the condition and conduct of the bank; but if Congress, after inquiry, instead of sending the case to a jury, place before the Secretary of the Treasury, no matter how many reasons, for ordering and directing a removal of the deposites, and he adjudge those reasons insufficient, neither House, nor both Houses, can reverse his decision. Will it, then, be contended that the President can do it; and that an adjudication, made in the forenoon by one Secretary of the Treasury, could, in the afternoon, be reversed by another? Can it be possible that we have a power, and that merely executive, in the United States, which can, by this process of removal and order of reversal, set aside against great fiscal adjudications between the United States and any of the people; between the United States and corporations of the United States, where solemn contracts and all the principles of good faith, are involved in such proceedings? Sir, if a fiscal decision can be thus reversed, not a law in your whole revenue system has any better foundation for its practical uniformity, from year to year, or from place to place, than mere executive will and caprice. If this decision of Secretary Duane can be reversed by his successor, then every decision of every Secretary can be reversed by any successor in that office.

These reasons are, then, insufficient, because they are not the reasons for which Secretary Taney ordered and directed the removal; and because they, and all other reasons for that removal, were adjudged insufficient by Mr. Duane; and that decision cannot be reversed by his successor.

On what principle was Mr. Duane dismissed from office? On this principle: The possession of power always justifies the exercise of that power. The President could, and therefore he did, justly dismiss this public officer. *Possum quia possum*, is the measure, and the justification of presidential power.

There is no precedent for such a dismissal. Mr. Duane was appointed to fill a vacancy happening in the recess of the Senate. No Secretary, so appointed, has been, I believe, so dismissed. By the constitution his commission expires at the close of the next succeeding session of Congress. If it must expire at that time, who can bring it to a termination, who can cause it to expire before that time?

This act of the Executive was a sheer exercise of power; and violation of a constitutional right to hold an office according to the tenor of his commission, and not at the will of the Executive. This man was not dismissed, it is true; because he was literally turned out of office.

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* The irreversible character of all decisions made by the Secretary or the Comptroller of the Treasury, in all cases committed, by law, to their determination, is established by the uniform usage of that Department, and confirmed by judicial precedent. To demonstrate this, reference is here made to a few, out of the many cases on record decided by those Treasury officers, and afterwards determined to be irreversible by the Department.

On the petition of Noah Shaw, reported to the House of Representatives, December 3, 1814, A. J. Dallas, Secretary of the Treasury, uses the following words: "The case must, therefore, be deemed to have been decided on its merits; and the power of the Secretary of the Treasury being once executed, the Department cannot afterwards modify, or rescind, or change its decision."

On the petition of Justin and Elias Lyman, reported to the House of Representatives, November 25, 1814, Secretary Dallas sustains the same doctrine, declaring that, "the Secretary having acted, his decision is final."

In the report made to the same House, November 25, 1803, on the petition of Charles D'Wolfe, the Comptroller, Mr. Duval, expressly states, "that the case of the petitioner having been decided by his predecessor, the subject was not then considered as open to investigation." When the same case was before the District Judge, he decided "that the exclusive power of discharge, in such cases, was in the Comptroller; and his judgment was final and conclusive."

There was, I believe, no appeal from the decision of this judge; and, at all events, his opinion, in this respect, has never been reversed, controverted, or questioned.

In the case of Thomas Vincent, reported to the House of Representatives, March 1, 1813, sixteen other cases being governed by the same principle, the decision of the Secretary of the Treasury in cases of forfeiture is regarded as final and conclusive.

The conclusive and final nature of a Treasury decision is, therefore, established by authority; and, when once made, it cannot afterwards be modified, rescinded, or changed by that Department.

All ages of the world have furnished the historian with abundant materials brought into existence by the actions of men "who feel power, and forget right." Men of power have been less numerous, but more distinguished, in modern than in ancient times. The Roman, the Macedonian, the Persian, and the Assyrian dynasties gave to the world many men of power. All of them, however, we shall find, if we look back from the third Cæsar, the dissimulating, bloody, and profligate Tiberius, to him, the last of his race, whose midnight carousal called into his seraglio, and profaned, with meretricious libations, vessels consecrated in the temple to the worship of the Most High; if we look at them all, not one will be found to have equalled Timour; that great Mogul chief, of the thirteen and fourteenth centuries, usually called Tamerlane. All of them justified their deeds because they had the power to do them. *Possum quia possum* was their motto; but Timour alone contended that his power was given to him by God; and, therefore, with him, *I can, because I can*, was a dogma of his religion. No other man exercised so much power, and demolished so many of those things produced by human labor. He alike swept away the narrow hamlet and the wide city; and struck, like death himself, with equal blow at the cottage of the poor and the palace of the opulent. None of all the men of power, like him, drove the ploughshare of ruin through the earth; or turned up so wide a field of the inhabited world; or drenched the furrows of that field with such a waste of human blood; or gathered, out of the ruins of nations, such a harvest of plunder in gold, silver, and all other precious riches.

This great Mogul was a most devout Mussulman, had been taught his creed in that faith, under the doctors of the Persian school; and fervently followed the sect of Ali, grandson of the prophet himself. He abhorred the Mahometans of Western Asia and Africa, the people of Syria and Egypt, as the disciples of heretics and usurpers. No sooner had he returned from his successful campaigns in India, than he proclaimed a seven years' war against those countries; and swore by Allah himself, that he would use the power of God to extirpate heresy from the face of the earth.

The military republic of the Mamalukes was still powerful in Egypt and Syria; and the emirs of that dynasty had assembled at Aleppo to resist this tide of war rolling on against that devoted city. No city of Asia was more splendid. None adorned with more wealth, beauty, and valor.

The Syrians, instead of sheltering themselves, as they might, behind their impregnable walls and bulwarks, were too proud of their own valor to fight behind them; and, relying on their discipline, their true Damascus blades, and lances of the same steel and temper, they threw open their gates, and marched out into the plain. Here they were encountered by the whole array of Scythian war. The chief had covered, from wing to wing, his front rank, by a line of elephants of the most formidable Indian race. These, in addition to the terrific arms given to them by nature, were surmounted with towers, filled with men armed with Greek fire, and with Scythian archers; men quick of eye, strong of arm, and deadly of aim. At the first discharge, the Syrians were thrown into disorder; and the rapid and repeated evolutions and charges of sixty thousand calvary, quickly completed their overthrow. They rushed back into the city, with their conquerors pursuing and mingling with them. At the gate Timour gave the command to his soldiers to exact the customary tribute, due from conquered cities. Not a tribute of wealth or beauty; these were of course the spoils of victory; but a tribute of so many human heads as would form a pyramid at the gate, surrounded by columns, higher and more massy, Mr. Speaker, than those which surround this Hall. One of these same trophies had been built, by order of this man of power, on the ruins of Bagdad; and it cost ninety-six thousand human heads to complete the structure.

This command being giving by Timour, he called together the Mussulmen doctors, to propound to them one of those captious questions in their theology, with which he had puzzled the schools of Herat and Samarchand. Bursting into a rage of passion, in anger not a whit behind the best display of it in our own time and country, he exclaimed to these subdued and trembling men, "Ye are false as those of Damascus. Moawiyah was a usurper, Yezid a tyrant, and Ali alone is the lawful successor of the prophet. Tell me, who are the true martyrs, those who fall on my side, or those of my adversaries?" A cadi of the school answered him adroitly: "Sire," said he, "the prophet has determined that great question. He has told us, that the purpose for which, and not the standard under which, he fights, makes the martyr. If he fight for the glory of God, and fall in battle, he is a true martyr; and the black-eyed Houris shall receive him into the paradise of the prophet."

Timour, appeased by this timely reply, fell into easy conversation. "How old are you doctor?" said he to the cadi. Fifty years, was the reply. "It would be," said the chief, "the age of my eldest son. You see me here a poor, lame, decrepit old man; and yet it has pleased the Almighty, by my arm, to overthrow the great kingdoms of Iran, Tauran, and the Indies. I am not a man of blood; and God will bear me witness, that my enemies were always the aggressors, and brought the evils of war on themselves."

During this peaceful conversation, as Gibbon tells us, the streets of Aleppo ran down in streams of blood; and the portico, where they were seated, echoed with the cries of mothers and children, and the shrieks of wives and daughters. Such was the man who could look with composure on such deeds of blood and carnage; and such were his deeds of power, on the western coast of Asia, little more than four hundred years ago. In those days of darkness and despotism, so spake the man of those times, whose motto was, *I can, because I can.* He wrote the axiom of his power on the blade of his sword; and left the bloody impress of the weapon on the scarred bosom of nations for centuries after his own time. His lineal descendant, the great Mogul of Delhi, is now a stipendiary, a pensionary dependant of Great Britain, in their East Indian empire.

All, but the mere forms of this power have faded and vanished from existence. The great maxims of it are erased from the records of nations, in that quarter of the earth; and the maxims of law are now inscribed on those archives where that of absolute dominion stood in letters of blood, many years since our own country was first visited by civilized men.

How the claims of power fly from region to region of our troubled world! How these vile birds of strong wing and voracious beak, when deprived of food in one nation, are soon in flight to find and devour their prey in another.

> "As does the vulture on Imaus bred,
> Whose snowy ridge the roving Tartar bounds,
> Dislodging from this region scarce of prey
> To gorge the flesh of lambs or yeanling kids,
> On hills where flocks are fed, fly toward the springs
> Of Ganges and Hydaspes."

Here, in our own country, what do we see? The maxims of power used by Tamerlane and Arungzebe in their Government, have been picked up by political antiquaries, as fragments and forgotten relics, among the ruins of Asiatic despotism; and though when brought into our country they were at first regarded as mere curiosities, yet have the devoted partisans of the Executive interpolated these maxims of power on the pure text of the constitution; and we may now read, inscribed by the Presidential hand, on the walls of the Treasury of the United States, *I can, because I can*, as the great maxim of his legal and constitutional power. Under the exercise of this maxim, and this alone, as it has been admitted by his devotees, Duane, a man who, when the record of our times shall be made up, will, like Aristides the Athenian, be surnamed the Just; yes, such a man was, by the President, dismissed from the national service, merely because he had power to dismiss him. No matter how much power, if the dismissal be a wrongful exercise of it. Mere power without justice is the attribute of a fiend, and not of a man; and every exercise of that power, without regard to justice, is alien to humanity—is purely and altogether demoniac.

Is not this the very instance of peril named by Mr. Madison? A man is dismissed from office, whose merits required him to be retained in office. In such an event, what says the patriarch of the constitution. Hear his own words: "If the President wantonly remove meritorious officers, I contend that he subjects himself to impeachment." Was not Duane a meritorious officer? What, sir, what would you—what would all the genuine friends of the President have been willing to lose rather than he should have lost the service, or failed to follow the wholesome counsel of Duane the Just? Can that power, which, by his removal, subjects itself to condemnation, not only justify the very act by which he is condemned; but also vacate and reverse the legal adjudications made by this Secretary, before his unjust expulsion from office?

After this decision, by Mr. Duane, against the removal of the national money, the President had but one legal course in relation to the bank. If he believed that the charter had been violated, his duty called on him to direct a *scire facias* to be issued. A jury would have been empannelled forthwith; every fact could have been tried in one month at most. Had the case been brought up to the Supreme Court, two weeks would have been a time amply sufficient for the trial; and that trial, by the rules of the court, would have taken place early in the first succeeding term. Sir, before the end of January, 1834, it would have been settled. All this would have been done, and the country remained, during the whole time, in a condition of universal quietness; relying on the operation of law, and the preservation of national good faith; and without any of that alarm, distrust, loss of confidence, and universal ruin, which have followed this departure from law—this violation of that faith.

To this course there seems to have been, in the presidential mind, one fatal objection. The Executive would have retained all the political power granted by the constitution; but, if a jury and a court had decided against him, he could not have obtained any of that power over the money of the people which was never intended to be granted to him.

Sir, the law has guarded both the safety of the bank and the good faith of the nation, by providing that a jury trial may be had, on all questions whether the bank has violated the contract made by its charter with the United States. If both the President and Congress refuse to order such a trial, what is the fair inference? Sir, all mankind will say that Congress cannot obtain a committee which will report; nor has the President reason to believe that the bank charter has been violated. For be assured, the allegation that two years and a half was a time too short for this trial, will never satisfy those men who candidly and impartially inquire into the course of political events.

It is, indeed, a most singular and extraordinary reason, this lack of time, this two and a half years too short for one trial; and, at the same time, without conviction, without a trial, without notice to the accused, to proceed to condemnation and punishment!

What would you say to the chief executive officer of this district, the marshal, if charged with a warrant to arrest a man accused of a capital offence; what would be said of this officer, if when he found this man not in health, but sitting in his own house, and his physician examining the state of that health, what execration would be poured on that marshal, if, because that physician assured him this man could not live more that two years and a half, he should take him from his fireside, and, amidst the cries, and tears, and entreaties of his wife and children, hang him up at his own gateway, and then justify this deed of outrage and atrocity by saying two years and a half was not time enough to try him; and, unless he had been so executed, he would have died a natural death, and escaped punishment? How do these two deeds differ in principle? One is a single felony; a murder of one man; a ruin of one family. The other is a fatal stab at the constitution of a nation; a violence done to good faith, which has spread ruin and wretchedness over a whole country.

Sir, this new Secretary of the Treasury, after surrendering to the President the control of the Treasury Department, by making him head of that Department, does claim for himself powers never given to him by the laws. He can, as he tells us, without violating the claims of the bank, and that, too, by the charter, remove the public money from that institution at any time, and without the happening of any contingency whatever.

Can this be so? What says the charter? "The money of the United States, in places where the Bank of the United States or its branches shall be established, shall be deposited in that bank or its branches, unless the Secretary of the Treasury shall, at any time, otherwise order and direct;" and, in that case, he shall, immediately, when, or so soon as in session, lay his reasons before Congress.

If the Secretary must lay reasons before Congress, then it is evident that he must have such reasons before he can make such order and direction; for, otherwise, he could have none to lay before Congress, when he had made his order and direction.

The bank and the United States, then, by the charter, agreed that, for certain reasons, the Secretary of the Treasury might, at any time, order and direct a cessation of the deposite of the United States money in the United States Bank and its branches.

If, for certain reasons, the Secretary might make such order and direction, it is absurd to say that, by the charter, he has power to make that order and direction without the happening or occurring of any such event; any such contingency as would furnish such reasons for so doing, as he might lay before Congress when he had so done.

The power of the Secretary is, therefore, not absolute; but limited, and can be exercised in no case, unless on the happening of such such events, such contingencies, as, when they have happened, will furnish such sufficient reasons as, when laid before Congress, will justify him for having given such order and direction.

What must those events be? They must be events connected with the character and conduct of the bank, because the original reasons for making the deposites in the bank were connected with the character and conduct of the bank. Now, whatever might have been the original reasons for making the deposites in that bank, it is clear that the reasons for ceasing to make them there, must be a cessation of those original reasons for so making those deposites. If, then, the original reasons for making the deposite in the bank were found in the character and conduct of the bank, (and where else could they be found?) it follows, conclusively, that the reasons for ceasing to make those deposites in that bank, must likewise be found in the character and conduct of the bank.

If the money were deposited in the bank in pursuance of the charter; and if the charter be, as the Secretary alleges it to be, a contract; then, if while the original causes for which the deposites are made in the bank are continued, and exist in full efficiency; or, in other words, if, while the bank fulfils its part of the contract, the Secretary of the Treasury order and direct a cessation of those deposites in the bank; will not Congress, if it justify him, violate that part of the contract which the United States are bound to fulfil?

It is idle, and worse than absurd, it is fraudulent to contend that there can be a contract, binding on one party, and of no obligation on the other. A contract is a moral ligament, equally binding both parties. If, then, the bank is bound by the contract made in the charter, the United States, being the other party, are also bound by it. All admit, all contend, that the bank is bound by their charter; and that, by any, the least violation of its provisions, the charter and all its benefits are forfeited. How, then, are the United States under no obligation, and still the bank bound by every obligation of this contract? How can the Secretary of the Treasury have any reasons for removing the money, when the bank preserves in full force and efficiency all the reasons for which that money was originally placed in its custody and keeping?

Is it to be presumed that the bank paid to the United States, for the use of this money, a sum which, if the interest of it be calculated on the rules of discount and renewal, or as at the Treasury, at the rate of quarterly payments; the sum advanced would, at the end of the charter, be equal to $5,500,000; and that the bank agreed to pay this under a contract by which the Secretary of the Treasury might, by the terms of that contract, and without any violation of it, the very next day, without injury to the rights of the bank, order and direct a removal of this money for no reason whatever; and thereby enable Congress to sell the use of it to other banks for another bonus? No, sir, never; until the presumptions of law shall favor the practice of fraud, and cease to sustain honesty and fair dealing.

The Secretary tells us that it was "always his duty, in the absence of any legislative provision on the subject, to take care that the public money was deposited in safe-keeping in the hands of faithful agents, in places convenient and ready to be applied according to the wants of Government; that the bank charter, without giving to him any new power, confirms that which he before possessed; and that his liability to render reasons to Congress, if he remove the money, is but the liability which, by law, he was always under to account to either or both Houses."

The whole of this is incorrect; but, for the sake of the argument, let it all be admitted. If the Secretary can, by the power reserved to him under the charter, at any time look out for and remove the money to a place of safe deposite, and do this because the law has not provided one, "in the absence of legal provision," as he says, then, if, by law, a place of safe-keeping has been provided, his power of removal ceases. If the law has provided that the money shall be kept in the bank, then, by the Secretary's own declaration, he has no right of removal so long as that bank furnishes a place of safe-keeping, in the hands of faithful agents, in places convenient and ready to be applied according to the wants of Government. For he says he originally had the power to find such places of safe-keeping in the hands of such agents; and that the charter has reserved to him all this orginal power, nor does he claim any more. Now, sir, if the charter be a contract, what did the bank agree to do, in relation to the public money? Why, just as much as the Secretary says he originally, when there was no law on the subject, had a right to require of the keepers of that money which he himself should employ. They, the bank, agreed to keep the money safely, in the hands of faithful agents, in places convenient and ready to be applied according to the wants of Government. What, then, becomes of the Secretary's power to remove the money, when there is no absence of legislative provision; when Congress has contracted with the bank to furnish such places of safe-keeping for this money, in the hands of such agents, ready to be applied according to the wants of Government; and when the bank fulfils its contract?

Let it be, then, granted that the Secretary has all this original power to look for places of safe-keeping for the public money, when none is provided by law; what follows? How can he look for such places when the law has provided such places? His whole duty, according to his own showing, is then resolved into such a supervision of the bank, as will enable him to know when it does, or does not, fulfil its contract; when the public money is safely kept by faithful agents, in places convenient and ready to be applied according to the wants of Government. So soon as, by the returns made to him, and by his inspection of the books and papers of the bank, from which they are made, he finds that the bank has ceased to fulfil its contract; that it does not furnish safe-keeping for the public money, in the hands of faithful agents, in convenient places, ready to be applied according to the wants of Government, he can order and direct that, thereafter, the public money shall not be deposited in the United States Bank or its branches. He must immediately lay this order and direction before Congress, with the reasons for making them.

If this be true, the Secretary cannot make this order and direction until the public money is unsafe, or the agents are unfaithful, or it is not kept in convenient places, or it is not ready to be applied according to the wants of Government. When he does make this order and direction, his reasons for making them must be the unsafety of the keeping, or the unfaithfulness of the agents, or the inconvenience of the places of keeping, or the want of readiness for its application to the wants of Government.

Who will pretend that the bank has not kept the people's money safely, in the hands of faithful agents, in convenient places, and at all times ready for the wants of Government? The Secretary does not pretend it; it is not in his reasons. If, therefore, the Secretary of the Treasury has the power to find a place of safety for the public money, he has found it in the bank; and, as Congress ordered it to be placed there so long as that safety continued, he has yet no power of removal, and his reasons are insufficient.

Sir, we have a new theory from the Secretary of the Treasury; but it is too late in the day for him to devise any new theory of that Department. The true theory was established, under laws already quoted, by Alexander Hamilton, the first head of the Treasury; and we may learn what it was by his letter, dated February 25, 1794, in answer to the call of a committee of this House, made on him three days before. He says:

"All moneys collected on account of the United States, and deposited in banks to the credit of the Treasurer, are considered as in the Treasury from the time of deposite. The steady course with regard to the standing revenue is, that the money deposited in banks passes immediately to the credit of the Treasurer. But it is necessary, to discharge the payers, that receipts of the Treasurer should be endorsed upon warrants signed by the Secretary, countersigned by the Comptroller, and registered by the Register, which is the course regularly observed.

"After moneys are deposited in banks to the credit of the Treasurer, they are under his control, though they may not be legally disbursed but upon warrants of the above description. If deposited without passing in the first instance to the credit of the Treasurer, the means used for placing them in his custody and disposal are warrants of the like kind.

"In case of deposites in banks to the credit of the Treasurer, they are responsible in the first instance to him, ultimately to the United States."

Sir, all the public money paid into the Bank of the United States and its branches, anterior to October 1, 1833, and not drawn out, had been, according to the preceding theory of the Treasury Department, placed to the credit of the Treasurer of the United States, as Treasurer; and he had acknowledged the receipt of it all on warrants drawn by the Secretary, countersigned by the Comptroller, and registered by the Register. The whole ten, or nearly ten, millions of dollars in deposite in the United States Bank on that day, was in the control of the Treasurer.

By what law, then, could the Secretary look out for places of safe-keeping for the money in the keeping and control of the Treasurer alone?

It will not, therefore, be denied that the Treasurer of the United States is the great keeper of the national treasure.

He shall give a bond to the United States, with sureties, in the sum of one hundred and fifty thousand dollars, to be forfeited if he do not faithfully perform all his duties; and in like manner to be forfeited, if the persons whom he employs do not faithfully perform their duties.

In the next place, what are his duties?

He shall receive all the public money.

He shall keep all the public money.

He shall lawfully disburse all the public money.

How is he to receive the public money? Not of those who receive it, as collectors of the revenue, in various ways, from the people. The Secretary of the Treasury is the great supervisor of the collection of the revenue.

When collected, he (the Secretary) orders it, by a warrant for that purpose, to be paid to the Treasurer; and the receipt of the Treasurer on that warrant is the only legal proof that he has received the money into the Treasury of the United States.

The next great duty of the Treasurer is, he shall keep the money of the United States safely; and for this he is under bond, whether he keep it in his own hands, or employ others to keep it, in all cases but one; and that case occurs when Congress designate the place where, or persons by whom, it shall be kept for him. Then, if he place it there, and with those persons, he has done his duty.

When the Bank of the United States was established, Congress ordered the Treasurer of the United States to place the public money in that bank or its branches, as the United States Treasury.

Let it be remembered that the public money first comes into the bank, from sub-collectors, under the direction of the Secretary of the Treasury, as the great collector of the revenue. The Secretary, then, to discharge the collection department from all liability for this money, and to charge the whole to the Treasurer, sends his warrant to him, directing the money to be paid over to the Treasurer, who, on that warrant, acknowledges that he has received this money; and it is then by him deposited in the Treasury.

It should not be forgotten that, if it be the duty of the Treasurer to keep the public money, then must it be the duty of the Secretary, as the great collector, to cause it to be paid over to him by all his deputy collectors. It cannot be legally retained or diverted, by the Secretary, in its course to the Treasury. It does not, even in form, pass through the Secretary's hands; and never, in fact, is stopped, after it leaves the pockets of the people, until it arrives at and is lodged in the coffers of the Treasury—that is, the Bank of the United States.

How can this money be drawn from those coffers? in other words, from the bank? On what conditions can the Treasurer put his hand into this treasure, and spread it abroad over the land, without violating his duty and forfeiting his bond?

Sir, permit me first to state how this money cannot be drawn out of the Treasury, the bank. This I will do by quoting a quotation made by the gentleman from Tennessee, [Mr. Polk.] It is part of a speech made by Mr. Scott, of Pennsylvania. It is not a speech, as the gentleman alleged, made in the convention; nor is the book, as he has said, and from which he quoted so abundantly, Lloyd's Debates in the Convention. It is Lloyd's Register of the Debates in the first Congress. It is matter of regret that the honorable gentleman found it needful, in the state of his case, to give a factitious character to the opinions of distinguished men on great constitutional questions, by representing them as delivered in convention, where the constitution was formed; when, notwithstanding the great research by which, as he tells us, he made this discovery, almost all these speeches are found in Elliot's very valuable school book of debates on the adoption of the constitution; and are there published as congressional debates, as they had been before registered by Lloyd.

The gentleman quotes Mr. Scott verbatim. These are his words: "I say, sir, our money may be in the Treasury by millions, and, without special appropriation by the Legislature, the President and Treasurer, either, or both together, cannot touch a farthing of it, unless they steal it." The gentleman's quotation must and will give the historic name by which this touch of the national money will be called, unless he can show a specific appropriation of it made by the Legislature, not by the Executive, for the identical purpose for which that touch was given, not to farthings only, but to millions of that money.

The duty, and the bond of the Treasurer oblige him to keep this money safely; he cannot, therefore, remove it for any purpose other than safety. Was the money unsafe in the Treasury, the Bank of the United States? It is not pretended; nay, it is admitted by the Secretary in his reasons laid before this House. If the safety of this money did not require its removal, it could be drawn from the Treasury, the bank, for none but the purposes for which it was deposited there.

In the first place, the money was deposited in the bank for safe-keeping. In the next place, it must be kept there to enable that institution to do the service for the United States which it contracted by its charter to perform. The 15th section of the bank charter provides that, during the continuance of this act, and whenever required by the Secretary of the Treasury, the corporation shall give the necessary facilities for transferring from place to place the public funds, and for distributing them in payment of the public creditors.

For what purpose, then, could this money be transferred from the bank to any other place? The answer must be, for the purpose of paying it away to creditors. For this purpose, and no other, then, could the Secretary of the Treasury order it transferred; and for this, and this purpose alone, could the Treasurer draw it out of the bank.

What must take place before such payment can be made? For what purpose can Congress raise money? It must be either to pay the national debt, or to provide for the common defence, or to promote the general welfare. No money can, therefore, be disbursed by the Treasurer but for one of these three purposes; nor for either of them, until after appropriation made by law. No, sir, none to pay the debt; none to provide for defence; none to promote the general welfare.

It is needless to determine here what may be for the general welfare; because, unless money be appropriated for that purpose, none can be disbursed for that or any other purpose, by the Treasurer, or ordered to be transferred for disbursement by the Secretary, or transferred to be disbursed by the bank. No money can, therefore, without appropriation, be by him ordered to be transferred from one place to another, notwithstanding it may be for payment of the creditors of the United States, unless first appropriated to that purpose, and ordered to be transferred in fulfilment of that appropriation.

If, therefore, by the laws of the land, the Treasurer be the keeper of the treasure of the nation; if it be the duty of the Secretary of the Treasury to cause that treasure to be paid to him so soon as collected; and if it be the duty of that Treasurer to keep that treasure; to keep it safely; and it was safe when kept in the bank; and if he cannot remove it from the bank for safety, or in payment of the public debt, in payment for the common defence, or in payment to promote the general welfare; nor for either of these purposes, until it shall, by Congress, have been appropriated to those purposes, or to some one of them, then the power of the Secretary of the Treasury does not, by the bank charter, extend to money already placed in the bank by the Treasurer, (for that is at his control,) but to that money only which he, the Treasurer, shall, at any time receive, and which he shall, unless the Secretary of the Treasury otherwise order and direct, deposite in that bank or its branches.

When the Secretary has given this order and direction, he has discharged his whole duty. Money will continue to be collected, and the Secretary of the Treasury must continue to cause it to be paid into the hands of the Treasurer, and to receive of the Treasurer receipts on his warrants according to law, acknowledging the receipt of it; but the Treasurer must take care to find a place of safety for this treasure; for his bond secures not only his own diligence and fidelity, but the diligence and fidelity of those whom he may employ to keep this money. It would, indeed, be a singular construction of law, which makes the Treasurer answerable for the fidelity of those who keep the money; and, yet, that the Secretary of the Treasury should have the power to direct him where and in whose hands to place this money.

If, however, there could be any question on general principles, the law of May 1, 1820, vol. 6, chap. 568, sec. 6, has settled that question.

The Secretary of the Treasury shall make no contract, except under a law or an appropriation authorizing the same. All contracts, therefore, made by him for keeping this treasure are nugatory; for the Treasurer, the great money-keeper of the nation, bound in a heavy penalty for its safety, and prohibited by no law to make contracts, must look to that safety, and contract for its keeping during the suspension of deposite, by order and direction of the Secretary, in the bank; and also when that bank shall finally cease to be the lawful depository, the Treasury of the United States. When will that be the fact; when will the bank finally cease to be the depository, the national Treasury? Sir, when the corporation expires by the limitation of its charter, or when that charter shall, for violation of its provisions, expire by judicial decision; then, and not till then, will the bank cease to be the Treasury, the legal depository of the public money.

When the order and direction of the Secretary are given to the Treasurer, and to the deputy collectors of the revenue, they will deposite that revenue in other banks, and the Secretary will, by his warrant, order that money paid to the Treasurer; and he, if satisfied with the safety of the money in those banks, will, on that warrant, acknowledge that he has received the money, and it will then be placed to his credit, be in his control, and at his risk. If not satisfied of that safety in those banks, he will not receive the money; nor is it in the power of the Secretary or the President to compel him to receive it; for it is never in his possession, or at his risk, until he has placed his receipt on the Secretary's warrant, and thereby acknowledged that he has received it. The Secretary may look for as many places of deposite as he may choose, not one of them can be made part of the Treasury, unless satisfactory to the Treasurer, and until, by receipting the Secretary's warrant, he has adopted that place as his depository, by taking the money into his own control.

Although the Secretary of the Treasury can, at any time, order and direct the Treasurer no longer to deposite the public money in the United States Bank or its branches, yet if Congress, if both the Senate and House of Representatives, do not justify that order and direction, by a vote in each House, that his reasons were sufficient, the order and direction are mere nullities and utterly void; and the Treasurer, if he do not immediately deposite the public money in the Bank of the United States and its branches, is, with his sureties, answerable for all which may be lost.

It will be the same case, if either House decide those reasons to be insufficient; for it is Congress, and not one House alone, which must justify the Secretary's order and direction, or they are found insufficient and his removal is unjustified. When so found insufficient, the Treasurer must forthwith restore all the money to the legal depository, the bank and its branches. If he fail to do this, his bond is forfeited. It will again and again be forfeited to the full amount of each deposite which he may make, by each and every sum which he shall receive on each new warrant from the Secretary of the Treasury, if he fail to place it where he would have placed it before the Secretary gave his order and direction which are thus rendered nugatory. Whatever the loss may be, it must fall on the Treasurer, and his sureties, to the amount of all their responsibility.

The Treasurer may now shield himself behind the Executive order; but the day will come, when law will triumph over usurpation, and when all those who have aided in that act of violence by which the nation is brought to the brink of ruin, must answer at the tribunal of justice.

The Secretary of the Treasury, without authority of law, claims the power to remove the public money from the bank, when the public interest may be advanced by such removal. To that claim he has added the power and exercised the right to judge when and how that interest may be advanced by the removal. It is utterly denied that he has any such power; but allowing that he has it, then is it incumbent on him to show that the public interest has been improved by this removal of the public money. How is that fact?

The bank received this money first of all for safe-keeping. It did keep safely; it is not denied; it is admitted by the Secretary; by the President; by their advocates on this floor; by the whole nation.

The bank also, by advancing to the United States nearly four per cent. per annum, or about $320,000 on all the public money not in use, obtained the right to loan; and therefore, the United States agreed that this money should at all times, be loaned to the people for their accommodation. Have not the bank carried this contract into full effect? It is not denied by the Secretary the President, or their partisans here or elsewhere. Nay, it is made a reproach by the Secretary, against the bank, that "when they should have curtailed their loans to wind up their affairs, they even up to last August were extending them."

Sir, all that time, there was no want of money in the country, no pressure, no ruin; all was prosperous. How has the Secretary increased this prosperity? How has he advanced the public interest?

He did, October 1, 1833, remove from the bank $9,868,434, and place it in State banks, selected as depositories. Since that time, five months of the fiscal year have elapsed. Five-twelfth parts of annual revenue should be paid in; and if it be so paid, should be added to those deposites. The whole yearly amount for this year, it is said, will be $32,000,000; and, therefore, $13,333,330 have been received. If, in these days of economy, the expenditure, without reference to the national debt, be as it was in the last administration, $12,000,000 per annum, $5,000,000 have been expended in those four months; and $18,201,118 are now in deposite somewhere. Had this been left in the United States Bank, it would have sustained a currency, if needed, of about $25,000,000. It is removed, it cannot be loaned by that bank, because it has been taken from its possession.

The Secretary tells us that this bank may still loan this money. So says the President; so say his partisans here; so they say throughout the country. If the United States Bank can loan this money when out of its possession, surely this money could be loaned by State banks when in their possession. Sir, here are $18,000,000 of money, somewhere in deposite. Why is it not loaned? Was the call for money ever so loud? Notes at four months are at two and a half per cent. a month discount; thirty per cent. a year; three years nearly sinks the whole capital. Why do not the depository banks loan? Have they, under the new arrangement of the Treasury, contracted to keep this money for political purposes? Or is it agreed to create a scarcity of money, that those who live on speculation in money may receive the benefit of this scarcity, and thrive on the wants and the ruin of the people? Is it the bargain to retain this money, and produce the greatest possible distress and ruin; that this ruin and distress, created by their own evil deeds, may be, as it has been by the shouts of calumny, attributed to the United States Bank?

If this be not the case, have these banks, or some of them, applied this money to the relief of their own wants? Where, where is this $18,000,000 of money? Has it indeed reached these banks? or is it secured in some other depository?

It is out of circulation, it is nowhere in sight. The people miss this mass of money. It is nowhere to be found in the great marts of the nation. It was removed from the Treasury without appropriation, without law. Has the case occurred, as stated in the speech of Mr. Scott, quoted by the gentleman from Tennessee? [Mr. Polk.] Not indeed literally, for the Secretary is united to the President and the Treasurer, in this removal of this eighteen millions of dollars from the Treasury.

Sir, the call for this money is loud and earnest in all the land; but where is it? Who can, who will tell? It is concealed. For want of this money, the poor are without employment, and labor lacks bread. Famine and toil are found together in the same household. The riches, the comforts of industry, economy, and enterprise, have taken wing, and are now in flight; the war declared against the wealthy, is now consuming the whole living of the poor. Men who dwell in palaces, built by the labor of the people, and feed daily on their substance, lick up all, and do not leave to the children of industry so much as a morsel of bread. The vultures of party have stript the Treasury to the bone, and will, unless shouted away by the cry of the people, finally prey upon the carcass of the nation.

This, this, sir, is the removal of the public money which was made by the Secretary of the Treasury to benefit the people! No, no, it was done to place the money of the people, in the control of the Executive, that he might thereby obtain the control of the people themselves.

The justification of this measure, drawn from the example of Mr. Crawford, does not so much as furnish any kind of excuse. In his time, and before, from 1811 until 1816, the public money had been deposited in the State banks, because there were no other banks in existence. Few of those banks, except in New England, paid specie for their notes; and those notes were depreciated from five to twenty-five per centum. The United States Bank was chartered April 10, 1816; and on the 30th of that month, Congress passed the joint resolution, in vol. 6, page 165, United States laws, which may be read in these words:

A resolution relative to the more effectual collection of the public revenue.

Resolved, &c. That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in notes of banks which are payable and paid on demand, in the said legal currency of the United States; and that, from and after the twentieth day of February next, no such duties, taxes, debts, or sums of money accruing or becoming payable to the United States, as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand, in the said legal currency of the United States.

Approved 30th April, 1816.

Here is the legal authority of Mr. Crawford; and all which was done by him was done to bring the public money out of State banks into the United States Bank. What is there in all that effort of Mr. Crawford to draw that money into that bank for safety; which may be compared with this executive whirlwind, raised to tear this money from that place of safety, and scatter it to the four winds of heaven, among those banks, which, by the storms and perils of these times, forced up by this tornado, may, in one year, be in no better condition than those were from which that money was rescued, by the skill and diligence of Mr. Crawford?

Nothing, sir, in the one is like the other, except the time required for the operation. The collecting of this money was nearly finished in one year and a half; and we are told that two and a half will be consumed in completing the scattering process begun last October.

What a labor it is to do any thing in these times! What a duration is required to ripen the new principles planted by the Executive in the Treasury Department! How different from other days! Mr. Gallatin wrote his circular to the collectors of the revenue, on the 25th day of February, 1811, by which he directed them to deposite no more money in the United States Bank after the 3d of March, 1811, because on that day the charter of that bank would expire. At that time, an operation could be finished in six days, which, at this time, we are told will employ all the fiscal wisdom and diligence of the Treasury and the Executive for almost nine hundred days.

Let us not be unjust to the Secretary. He has told us that much of this time will be required to form and establish a paper currency, to take the place of the United States Bank bills, when, at the end of its charter, they will be depreciated, because then they will no longer be receivable for debts due to the Government. This new currency is to be equal to gold and silver, not because it can be, at the option of its holders, converted into equal amounts, in the coined money of those metals; but because it will be made receivable for all sums due to the Government. The Secretary has discovered this new principle, that it is this receivability, and not this convertibility, which makes paper currency equal to coined metallic money. His currency is to be founded on this principle; and, therefore, it may require two years or upwards to bring it into successful operation. Few men, like him, have a wisdom more potent than experience. The old continental currency, the Treasury notes of the last war; and the notes of the Bank of England, when that bank did not pay specie for them, were all receivable for debts due to the Government; but because the holders could not convert them into gold or silver at pleasure, they at once fell below par. It is to be hoped that this new currency of the Secretary and the President may be secured from this casualty, by the distinguished good faith of the Treasury and the Executive.

The Secretary appears very sanguine in this scheme of a currency, founded merely on receivability; for he intimates that it might have been finished in less than two years and a half, when he tells us that he would not have removed the public money quite so soon, had not the bank so curtailed its discounts, and created such distress, that it became absolutely necessary to place the money in other banks, and thereby enable them to extend their loans, and relieve the people from that pressure. It was not intended, by the Secretary or the President, that the bank should have curtailed their discounts; and when they found it doing so, and getting ready for the blow then aimed at the bank, that blow was doubtless hastened, not to relieve the people, but to prevent a more perfect preparation to receive it.

Sir, it was intended that this removal should be an unexpected, and so a fatal blow to the bank. The Executive directors, if not sworn, were charged to secrecy. The presidential agent moved along our maritime frontier with the silence and secrecy of a shark. The presidential tour, if not intended to be so used, was in fact as much a mask for this attack on the bank, as the burning of Charleston, by the British general, was a mask for his attack on our patriot soldiers posted on Bunker Hill. Never before, had an order of removal been sent to the bank without notice. Here was none. The attack was designed to be a perfect powder plot. It did not succeed; but why it did not, seems almost providential. One principle in our nature, conspicuous for its beneficence, seems here to have been illustrated. Human sagacity, when employed in doing evil, is never a match for human sagacity, when engaged in doing good. The Executive purpose, so cautiously concealed, was discovered by the president and directors of the bank. It was ready for the storm. Every sail was secured; the hurricane, raised for destruction, passed over; and this little ship was unharmed; but the blast had settled down, and spread, like the simoon, over the land and is now withering every living thing.

Sir, the presidential experiment, now oppressing the country, and covering with poverty, and desolation, and misery, our places of competence and industry, is supported by political partisans; and is so supported, on the worst principles of the worst times in the worst Government. The war is ostensibly against the bank; but, in truth, it is a war waged against the constitution, the interests, and the freedom of the nation. The assault on the bank is a stratagem, used to mask and conceal the real purpose of the onset; the great object is the conquest of the national treasure; and the placing and the keeping of those spoils in depository State banks under the control of the President.

Every demonstration of the Executive, from the commencement of this conflict up to the present hour, has been political, and calculated to achieve this great final object. The message of December, 1829; the messages of 1830, of 1831, all looked with a steady eye to this. The veto had the same purpose. It was the text-book of the Executive; the great stump-speech of the President, made first, to secure his own election, and after that to wrest from the bank, and place in his own hands, the treasure of the nation. It was, by his partisans, spread over the face of the country, "thick as autumnal leaves."

Last of all the manifesto, read in the cabinet, was produced for political effect on the coming congressional elections. It was so used, and was made a matter of boast, in the Executive gazette of this city, that this singular exhibition of the President had secured the election of members to Congress. For what purpose? To sustain him in his assumed control of the national treasure. Each of these papers was fraught with misrepresentations; and altogether, when united, they formed a stream of corrosive and consuming calumny, poured out upon the legal depository of the public treasure, in such a volume as might reduce that depository to political cinders, and justify the transfer of that treasure to the Executive control.

Was such a war to meet with no resistance? Had the nation placed $7,000,000, and had many people of the nation placed $20,000,000, in the care of the president and directors of the national bank; and was nothing to be done by those men to preserve this national and individual property from the ravages of this unrelenting war? It was expected that they would resist; they did resist; and their resistance has been universally justified by all; but by him and by his, who were engaged in this war of extermination, against the wealth and the prosperity of the people.

In November, 1830, the directors resolved to defend the bank, by publishing such papers as might show to the people the character and conduct of the institution. They republished Gallatin's Essay on Banks and Currency; Smith's and McDuffie's reports; speeches delivered in Congress; reviews of the Bank of the United States; and answers made by eminent men to the presidential veto. This was done to place the great truths contained in these papers, respecting the nature and the transactions of the bank, in the hands of the people; and thereby bring to them a more perfect knowledge of that institution, in which they had so deep an interest; and concerning which they had the unquestionable right to be correctly and fully informed.

The President and his partisans has covered the face of the country with his messages, his vetoes, his manifestoes; and they had done this for political effect; and, as they boast, to secure his election, and the election to Congress of such men as would sustain him in his war on the bank of the people, and in his conquest and control of the money of the people. Shall then the people and their rights, and their institutions, and their money, be left undefended, and without protection, in this Executive war of extirpation?

Sir, this was the exercise of that great reserved right of the people freely, publicly, and fearlessly, both by the press and by the living voice, to examine the character of all candidates before, and their conduct after, election. Have not the people the right to use the press for this great purpose? Has not every man, whether an individual or a national stockholder of the bank, a right to do this? Have not all men, of all employments, as well those engaged in banking as in agriculture, manufactures, commerce, or mechanics arts—have they not the constitutional right to canvass the conduct of those in office, or their character when candidates for election?

Sir, what, then, must we think, what must we say of this outrageous assault, made by the Executive and his partisans in this case, on the freedom of the press and the freedom of elections? We are told that the public money was removed from the bank, because that institution had used, and, by the stockholders, individual and national, had been justified in using its funds to employ the public press to enlighten the public mind by the dissemination of truth; and thereby to raise the public voice against the Executive and his partisans, engaged in destroying the best interests and the best institutions of the people. This money has been removed, and removed for this cause. Not that these publications were not true, but because the people have dared to use the press and the living voice in making them; and have dared to make them against the President and his unconstitutional measures.

Here, without trial, without any of the forms of law, a sentence of condemnation has been promulgated against the stockholders of the bank, both individual and national; not because they had uttered falsehoods, but because they had published truths; not because they had misstated, but because they had truly stated and sent forth to the people the character and conduct of the bank. What has followed this condemnation? A removal, on the 1st October, 1833, from the bank and its branches of $9,865,438, for the use of which the bank had paid to the United States not less than $320,000 a year, until the close of the charter. The loss to the stockholders of this bank is the loss, for two and a half years, of the interest on not less than $10,000,000. This is the fine set on them by the Executive for daring to use the freedom of the press and the freedom of elections. It amounts, in the whole, to $1,800,000; and this punishment has been inflicted, not only without law, without conviction, without trial; but more, it has been done when, on the records of the Treasury, there stands a decision of a fiscal judge justifying the bank and forbidding this removal.

What have the people suffered for daring to exercise their high prerogative of free inquiry and free censure of their public officers, by a free use of the press, and a free expression of mind, made by the living voice of each man in the nation? I will attempt to make no estimation; for none can be made of the amount. We might measure the loss on $200,000,000 of capital thrown out of use; and 1,600,000 people left without employment; but who can reduce to dollars and cents the want, the hunger, the crying distress of millions in our country? Oh, how can philanthropy, how can patriotism, look on the wretchedness of so many of our race; the ruins of such a beloved, such a beautiful country, and not feel the heart die within him at the agonizing vision? Where, where shall the statesman, the lover of liberty, who delighted in the contemplation of the free, the glorious institutions of our country, find shelter, when he sees them all perilled, all falling under the iron hand of a relentless and consuming despotism?

For what purpose is this war against this national institution continued? The conquest of the national money has been achieved. The spoils of victory are carried off from the field. Why this cannonade continued against this plundered institution? Not to demolish it. The Executive and his partisans do not hope for that. Do not hope, sir? They do not wish for it. No, sir; not another shot would be fired, were it not to keep the public eye on the bank, until this public money can be secured in depository State banks; and the control of the President over that, and over the freedom of the nation, fatally fixed, and beyond legal redemption.

Not one allegation against the bank, amounting to a violation of its charter, is believed to be true by those who ring them in the public ear with ceaseless vociferation. If believed here it would long ago have been so reported by a committee of this House. If believed by the President, his duty, his oath imperatively commanded him to order a *scire facias*, to bring the fact to a trial. A jury would try the case in a less time than it could be tried by a committee.

Sir, you give a jury trial to a base forger of a bank for a few dollars; to a vile pickpocket of as many shillings; to a miserable thief, who has plundered your farm-yard of sheep or poultry. Will you deny a jury; will you not put upon their country, this great national institution, conducted, and conducted as it is, and has been, by men of the most distinguished talents, the loftiest integrity?

Sir, you dare not, this House dare not, the President dare not, submit the true state of their allegations to the eye, to the ear, of the country; to a jury, sworn well and truly to try, and true deliverance make, by their verdict, between the Executive and this national institution. I repeat it, sir, you dare not; the people say you dare not; history, all posterity will, with one voice, pronounce that you dare not.

Sir, in this great question the bank has indeed great interests; but those interests are nothing, and less than nothing, when compared with the immense interests of the people. For this question concerns, in the first place, the safety of all the whole national revenues and treasure. It is said this will amount, this year, to $32,000,000. We are told, by a gentleman from Georgia, [Mr. Wayne,] that it must be safe in the State banks; for those banks have a capital of $120,000,000. This treasure is not placed in all those banks; and I presume the gentleman does not intend to say that the banks not made depositories, are to be made sureties for those which receive the public treasure. This would go beyond the New York system of safety.

A gentleman from that State, [Mr. Cambreleng,] tells us that those "banks are the depositories of all the active, commercial capital of the country; a sum more than," as he says, "one hundred times greater than all your annual United States taxes of $32,000,000." That is, as we must understand the gentleman, more than one hundred times $32,000,000; which equals (does it not?) $3,200,000,000. These State banks, whatever the United States Bank may be, are indeed monsters! A capital of $120,000,000, and deposites of $3,200,000,000. It would require the gentleman's whole eight million tons of British coasting navigation, to move a half a dozen of these huge banks with these deposites.

What is a bank? What active, commercial wealth is deposited in any one of them? Take a bank of a million in capital. That capital is loaned, on notes given for it, by its customers. It is loaned to mechanics, to purchase stock; to manufacturers, to purchase raw material; to farmers, to extend their culture over new clearings, or to enrich their older fields; and to merchants, to purchase new ships, ware-houses, and goods for the domestic and foreign markets. All these commodities, purchased and laid in by the mechanic, the manufacturer, the farmer, the merchant, are the great active, commercial capital of the country. These are in the hands of those men, employed in all these several branches of industry. What is in the bank? Sir, just so much specie as will serve for the ordinary purposes of that bank; the other part of the capital is also in the bank, but it is vested in the notes of all its various customers. Are these notes wealth? The answer to that question depends on the ability of all those active, industrious men; the ability to pay those notes; and that ability depends on that prosperity which has been destroyed by placing the public money in those State banks.

There was, before the President took the control of this money, a rule, thought to be a sound one, by which the safety of money in a bank was determined. By that rule, other things being equal, that bank was most safe whose metallic money in the vaults approached nearest in amount to the amount of its bills in circulation. If examined by that rule, what has the public money gained or lost in safety by this change of deposite?

Last September, the capital of all the State banks was - - -	$124,000,000
Their circulation, - - -	68,953,556
Their specie on hand, - - -	10,953,950
The capital of the United States Bank, -	35,000,000

Circulation,	$17,067,444
Specie in the vaults,	9,046,050

By this it is seen that the circulation of State banks was more than six for one in specie; but the circulation of the United States Bank was less than two for one in specie. The treasure of the nation has, then, been removed from a bank where it was more than three times as safe as it now is, in banks where it is deposited. The people must console themselves by calling to mind that, what is lost to them in the safety of their money, is abundantly made up to the President in power and patronage. Why do we talk of safety? The Secretary plainly tells us that safety was not his object in making this removal.

Sir, the people are interested, not only in the safety of their treasure, but also in the safety of the currency. It is the level, the uniform value of that currency which alone preserves its safety. Commerce, all exchanges, like the halcyon, nestles, and broods, and procreates only on a calm sea. Fluctuations destroy the safety of the currency; the safety and productiveness of all commerce. Eighteen millions of public deposites in the United States Bank might have sustained a circulation of $25,000,000. It is withdrawn; State banks must first regard their own safety. If they loan it will be for that purpose. The greater part, if they have received it at all, is withdrawn from circulation by unknown causes, and by that "fear of change" in this mighty shock, given to all the elements of commercial society. The whole quantity of the currency is or will be diminished not less than $25,000,000. It is believed that the whole amount of the currency was, last September, about $90,000,000 in paper, and $10,000,000 in coins. It is now not more than $75,000,000.

The exchanges made in the country must be made with that amount. The great producing classes of the nation must sell for $75,000,000, what, in the level and safe condition of the currency, would have brought to them $100,000,000. Between last September and next June 3 or $400,000,000, in various products, must change hands; this change must be made at a loss to the producers of from 75 to $100,000,000. This will not be the only loss. For another wave, another fluctuation in the currency must follow. The earthquake does not immediately leave the sea at rest. When, by the pressure of the times, banks cease to pay specie, currency will be, as it always has been, increased in quantity; and may rise to 120 or $130,000,000. This will double the loss, and complete the ruin of former sufferers.

Once more, this question concerns the safety of good faith and fair dealing in the nation. When the transgressions of rulers are sustained; when they are approved and sanctioned by the people, they become national transgressions. Although individual perfidy may do but little mischief by example; yet, when men in elevated stations violate good faith, a whole people may be contaminated by the high contagion. The fog of a single morass can blast vegetation around its borders only; but if raised by the sun and spread out over plain and mountain top, it becomes a cloud, and covers a whole region with blight and mildew.

Punica fides, and not the Roman arms, destroyed ancient Carthage. False to her friends—false to her foes—false in her treaties—and false in her own councils, she fell; and while the laws and literature of her great rival are the laws and literature of the civilized world, and the the names of her poets, orators, and statesmen are "familiar on our tongues as household words," all that is left of the once wealthy and powerful republic of Carthage, is Punic faith, the written and spoken by-word of the world for two thousand years; and will, in all probability, so remain, until *fides Americana* shall take its place in the roll of national infamy.

Mr. Chairman of the Ways and Means has given a new dress to this transaction. It had before passed three times through the labors of the Executive toilet. He has, sir, tried his most adroit skill, dressed out this delusion just in the style of his own choice; but, with all his witchery of ornament, he has not made men believe that he placed before their eyes pristine faith; that healthful and modest matron which stood by the side of Washington, and fixed the signet of immortal truth to all the national transactions of his time. No, sir, dress and paint as you will, the meretricious features, the scarlet mantle of this Punic sorceress of the Executive, will show through all your artificial colors and enrobing, and tell the sisterhood of this simulating daughter of frailty.

Sir, if this measure of the Executive shall be sustained by Congress, the public money, the money of the people, will finally be placed in not less than one hundred State banks, from end to end, and side to side, of our whole country. Each of these is organized with one president, one clerk, one cashier, and seven directors.

The number of fiscal agents, now unknown, must be sufficient to satisfy executive patronage, and secure the fidelity of those State banks to the rules of political discipline.

The amount of capital in some of these banks will rise up to $2,000,000; in some, it will fall down to $100,000; but the average will probably be $500,000. This will be divided among stockholders, some great, some small; so that, taking them all on an equality, their stocks may be twenty shares, or $500 each.

The whole capital is $50,000,000; the whole number of owners, 500,000 people; marshalled by 100 bank presidents, 200 cashiers and clerks, and 700 directors. The amount per annum deposited will probably be $9,000,000, or $90,000 to each of these banks. This sum will, in quiet times, sustain a circulation of $36,000,000 of currency. This loaned, at 6 per centum, will give a revenue to these banks amounting to $2,160,000 per annum.

According to the reasons of the Secretary, the Treasury is a part of the Executive branch of the Government. The President is the first great Treasury officer; and he will, therefore, stand at the head of all this array of depository banks.

How has the patronage of this now great banker of the United States been hitherto distributed? To confirm old, and to obtain new friends; and no man on earth, since the days of Sylla, the Roman dictator of the bloody hand, has exceeded Andrew Jackson in doing good to his friends and evil to his adversaries.

This $36,000,000, judiciously put out at interest, on this great party political principle, will bring to all these banks not less than 200,000 customers, dealing from $100 up to $10,000, and averaging not less than $500 each. Will not this money be so loaned?

You all remember the *beau ideal* of a Treasury bank, exhibited to Congress in the presidential message of 1829. This is the reality of that, then deemed a mere scheme of fancy. It is a union of 100 State banks, extending over the whole country; $50,000,000 of capital; 1,000 officers, trained to the service; 500,000 stockholders, receiving annually a revenue of $2,160,000; regulated by 100 squadrons of fiscal agents, with their clerks, messengers, listeners, and runners; and, all together, bringing with them 200,000 debtors, paying a tribute of $2,160,000 to this political institution; and following in the train of this great master of the Treasury, like so many captive barbarians, led up at the chariot-wheel, to grace the triumph of some Roman conqueror.

Sir, will this House, will the representatives of the people, will the people themselves look submissively on, until this gigantic enormity shall have grown into such a form, and acquired such strength as no longer to be controllable by legal or legislative power?

Here the object of executive labor is achieved. The money power and the political power are united; in this race, driven for more than four years, by executive labor, the goal so long struggled after is reached. The control of their whole public money, with so much of their individual money, is intended to give to the President the control of the people themselves.

Executive conception, teeming—

"With all monstrous, all prodigious things, and worse
Than fables yet have feigned, or fear conceived,"

has at length produced and brought to light this gorgon, this chimera, this hydra of a hundred heads, at once to overlook our whole country; and with the breath of absolute power, tainting and making pestilential to freedom the pure, bland, wholesome breeze and current of this our political atmosphere.

This dragon form of a thousand deleterious influences, is now placed at the very root of our national, and once flourishing institution; that there, at the heart of life and vigor, the consuming poison may begin; and finally wither and destroy those branches which have hitherto sheltered the land, while their leaves, pleasant and delightful to the people, brought abundant healing to the nation.

Sir, if we go on to consummate this now incipient, but progressive enormity, as it is proposed by the paper sent to us from the Executive, in the name of the Secretary of the Treasury, we shall place our own necks and the necks of the American people, under the iron yoke of despotism.

You, in this House, who are my juniors, it may be, by a few years; you who have hitherto lived a life of freedom, and whose sun, like mine, now hangs low in the West; you will, we—we shall, unless some benignant power "hurl our days headlong down the hill," we shall die the death of bondmen.

To you, who are now youthful colleagues in this hall: to you, permit one, much your senior, to raise the voice of caution, and warn you against the accumulating evils, gathering in portentous clouds over our country. You all remember what that arch destroyer of his country's freedom, the Roman Augustus, said to the little Marcellus, when he found that favorite child of his adoption reading the life and the eloquent orations of Tully.

To you I will not repeat the words; for well I know you will call them to mind. Should you aid in this scheme of usurpation, you will, when you shall have dragged the weary chain of slavery after you for many a tedious year; and when the little children of your children, while reading to you the debates of these days on this question, when they shall, with infantine voice, and eager curiosity, require of you to tell them who and what were those men, who speak so anxiously, and say so much about liberty and despotism? What will you, what can you say? In the bitterness of regret, you will exclaim—"Oh! my dear children, they were honest men, and loved their country."

Sir, you remember Washington? You must have seen him. My eyes never were, and never will be, gladdened by that delighting vision; unless permitted, by divine mercy, to meet him "among the spirits of the just made perfect."

What was his brightest, what will be his most enduring earthly glory? He rocked the cradle, and nurtured to a vigorous maturity, the liberty of his country. His tomb now stands in his and your own native land. It is a consecrated place; a place of pilgrimage for the pious, the patriotic, the free of our own and every other country.

Sir, permit me to tell you that if this measure shall be justified by this House, it will be the most distinguished deed of your life, that here, in this hall, at that gloomy hour so disastrous to the freedom of the world, when the liberty of your country expired, you presided over this chamber of death!

At some distant day, (and may the day be as distant as your most sanguine love of life can desire,) your tomb also will be raised in the same land. Where, where, in all that now glorious region of liberty, will then be found a freeman? A pilgrim to visit that monument?

The ground will be trodden by none but the foot of the slave; the free, the patriotic, if he see it, will see it afar off; as he, in the Paradise of the divine apologue, looked at the last resting place of his last earthly patron.

If visited, it will be visited by the remorseful, the despairing disciples of despotism, who may come there to sharpen their own scourge of thorns, by looking at such a vision as shall aid them to imagine the eternal gnawings of the worm that never dies.

When Mr. B. had concluded,

Mr. CHILTON ALLAN obtained the floor, when the House passed to the orders of the day.

THE DEPOSITES AND UNITED STATES BANK.

At one o'clock the House proceeded to the consideration of the resolutions reported from the Committee of Ways and Means, together with the amendment submitted by Mr. Wilde, declaring that the reasons of the Secretary of the Treasury for the removal of the deposites are unsatisfactory and insufficient.

Mr. SCHLEY, of Georgia, who had the floor, rose and said:

Mr. Speaker: After the very pathetic and affecting funeral oration which has this moment been delivered over the lost liberties of the country by the honorable gentleman from Rhode Island, [Mr. Burges,] I can hardly expect to command the attention of the House to a dry argument upon the subject of the removal of the deposites.

I will, however, ask the indulgence of the House to make a few remarks upon the report of the Committee of Ways and Means, though I have no expectation that any thing which I can say will have a tendency to change the opinion of a single individual on this floor, who may now think differently from me. Nor have I even the hope that any argument I can offer will confirm the opinions of those who may now think as I do on this all-absorbing question.

But I ask this indulgence in order that I may give to the House, and through the House to my constituents, the reasons which influence my conduct, and the grounds upon which my vote will be given.

And, sir, I would not ask the attention of the House, being, as I am, at all times averse to appearing before a public audience, when I can with propriety avoid it, if it were not for the senseless clamor which has proceeded from this Capitol, and this city, in the form of speeches and letters, and been sent to every quarter of the Union, for the purpose of exciting the passions and feelings of the multitude; and which has been echoed back to these halls in the form of petitions and memorials from certain parts of the nation, and certain individuals and parties, under the influence of a power more potent than the power of reason.

Sir, a sort of factitious importance, by these means, has been given to the whole subject now under consideration, by which it has been magnified to a size more than ten times greater than its natural dimensions, which is intended and calculated to have an effect upon the great body of the people, who have not the means of knowing the truth of the matter, unless this effect be counteracted by presenting the facts fairly before the public. And it is for this reason that I propose to give my views to my constituents.

And why has all this been done? It is because the opponents of the administration believe that the Bank of the United States, by the power of its money, has a hold on the people; and that this power, being made to operate on them, whilst the bank itself is held up here by its friends as "a bleeding sacrifice," will have the effect to bring to the allies now forming the opposition an accession of strength sufficient to recharter the bank, and pull down the powers that be, in order to raise to their places certain persons who, notwithstanding the high character they have acquired among their fellow-citizens for talents, can never be satisfied whilst Andrew Jackson and his principles stand pre-eminent in the affections of a grateful people. These gentlemen exclaim, with Haman, "Yet all this availeth us nothing, so long as we see Mordecai, the Jew, sitting in the king's gate." So long as they see Andrew Jackson in favor with the people, all the honors that can be heaped on them avail nothing to satisfy their inordinate ambition.

My honorable colleague, [Mr. WILDE,] who opened this debate, says "that certain administration orators attribute the distress to the bank speeches;" and asks, "Why the administration speeches cannot allay it." This question is very easily answered. Although it has been said that the President has seized upon the public treasure, and holds it at his own disposal, yet his friends can get none of it to pay for the printing of speeches. Those which they distribute they have to pay for out of their own pockets. But not so with the friends of the bank. Their speeches are printed at the expense of the bank, and furnished gratis to those who will distribute them. I have been informed, and have no reason to doubt the fact, that more than one hundred thousand copies of a speech delivered by an honorable gentleman [Mr. BINNEY] on this floor, have been printed at the expense of the bank, and that more than a hundred reams of paper of the United States have been used to envelop them for exportation, besides some fifty thousand each of several other speeches which have been delivered during this session within the walls of this Capitol; and, in addition to these, a similar quantity of the report of the Committee on Finance in the Senate—the whole cost of which cannot be less than from fifteen to twenty thousand dollars.

If this question could have been permitted to be settled upon its own merits, apart from all extraneous influence and party considerations—if gentlemen had been satisfied to examine and determine the question involved in this debate with that calm deliberation and unbiased judgment suited to the character of legislators, uninfluenced by any other considerations than the honor of their country and the interests of the people, I should have been content to listen to the voice of reason, and to have received instruction from the lips of wisdom and experience. But this was not permitted; and when the whole course of the opposition has been to present the subject to the people in a very different light from that in which I think it ought to be viewed, for the purpose of casting odium on the Chief Magistrate of the Union, and gaining proselytes to the cause of the bank, in order to insure a recharter, I should consider that I was wanting in the duty I owe to myself and my constituents, if I were not to raise my voice, feeble as it may be, against such a course.

A distinguished and talented leader of the opposition [Mr. CLAY] has said that "we are in the midst of a revolution, tending to the concentration of all power in the hands of one man;" that "the premonitory symptoms of despotism are upon us, and if Congress do not apply an instantaneous and effective remedy, the fatal collapse will soon come on, and we shall die, ignobly die, base, mean, and abject slaves, the scorn and contempt of mankind, unpitied, unwept, unmourned." And another distinguished leader [Mr. BINNEY] has declared that "the spirit of party is a more deadly foe to free institutions than the spirit of despotism."

Sir, these are well-constructed sentences, and finely-rounded periods, well calculated to catch the popular ear, and for a moment to inflame the passions; but all sounds do not convey sense or truth.

The tinkling cymbal and sounding brass make more noise than the village clock bell. But while the former passes off, and dies on the ear, without conveying any sensible idea to the mind, or making any impression on the heart, the latter admonishes us of the approach of the noiseless foot of time, and leaves an abiding conviction that we are mortal, and hastening to "that bourn whence no traveller returns."

And so, sir, it is with declamation and reason. The former may for awhile excite the passions; but the latter takes hold of the mind, and binds it a captive to truth. And the great orator himself, aware of this, seems to awake from these idle dreams, and in a moment of patriotic feeling exclaims, "thank God, we are free."

Ay, sir, we are free; and we want no stronger evidence of the fact than the daily application, within these walls and without these walls, and in the streets, of such epithets as tyrant and usurper to the Chief Magistrate of the nation.

The honorable gentleman from Pennsylvania has said that "the spirit of party is a more deadly foe to free institutions than the spirit of despotism." This proposition, to my mind, is a perfect contradiction in itself. Nothing can be a more deadly foe to liberty than despotism. The existence of the one necessarily destroys the other, and both cannot dwell together.

The tomb of liberty is found in the deathlike stillness of despotism, when you hear no cries of party; but it is in the midst of party strife, and party contests, that liberty dwells in security. And when that day shall arrive in which we are all of one party, and there shall be no sentinel on the outer wall to cry "they come," then, and not until then, will your liberty be in danger, and the citadel of freedom be surrendered to the silence of despotic sway.

But, sir, we are in the midst of a revolution; not, however, tending to the concentration of all power in the hands of one man, but tending to wrest from an interested majority in Congress, made up of various minority interests, powers which they have assumed, and which have never been granted them by the people. No one of these interests could at any time have obtained the sanction and protection of a majority of this nation. But when those whose interest it was to obtain money from the Government, for the purpose of constructing internal improvements in their particular sections of the country, were told by the manufacturers that, by joining them in laying on a high protective tariff, a large surplus revenue beyond the ordinary wants of the Government would be brought into the Treasury, and that this surplus could be, with their aid, appropriated to the purposes of internal improvement, a joint stock company was formed, into which it was agreed to receive, as a partner, the Bank of the United States, in order to furnish facilities to carry on the business of the firm. Thus these three interests, neither of which could stand alone, formed, when combined, a powerful phalanx, which nothing could withstand, except the firmness and integrity of the Executive in the exercise of the veto power. And it is for the fearless exercise of this conservative principle in the constitution, in arresting and putting down these unwarrantable assumptions of power, that the President has been so much condemned and abused by those whose interests or ambition have been checked and arrested.

I propose now, Mr. Speaker, to enter upon the discussion of the subject of the removal of the deposites from the Bank of the United States, and shall consider it in the following order:

1. The power of the President and Secretary, under the constitution and laws, to remove the deposites, &c.

2. The expediency and propriety of the act of removal, with reference to the republican institutions of our country, and the general interests of the people.

There is no express grant of power in the constitution to the President, or any other branch of the Government, to guard and preserve the public revenue. It is an incidental power, necessarily growing out of the delegated power in the 8th section of the first article, "to lay and collect taxes, duties, imposts, and excises;" because it follows, as a matter of course, that the revenue thus collected must be preserved and disposed of by the Government to which it belongs. The same power, then, that is, the law-making power, which can "lay and collect taxes," &c., may and should, according to the constitution, provide for the safe-keeping and disbursing of them, when laid and collected. From this proposition, which is too clear to be denied, it follows that this same law-making power, whether it be composed of the President and Senate and House of Representatives, or of two-thirds of each House, without the concurrence of the President, may place the public treasure in such place as it thinks proper, and when so disposed of by law, no other power known to the constitution can change or alter it.

But we will suppose, for the sake of the argument, that this law-making power has neglected or failed to make any provision in regard to a place of deposite for the public moneys, a question then arises, What shall be done with it? Is there no power known to the constitution, which can, *pro tempore*, direct the manner in which it shall be preserved, and the place where it shall be kept? I presume every man, to whatever party he may belong, will answer this question in the affirmative. Where, then, is this power to be found? There are but three departments of Government, the Legislative, Executive, and Judicial. In the case we have supposed, the legislative power has failed to act. The judicial, from its very nature and constitution, is incapable; and, therefore, it necessarily follows that, if there be a power, it is the executive.

The President of the United States is the head of the nation, and the chief executive officer, sworn to see that the laws are faithfully executed. The law-making power has enacted various statutes, by virtue and operation of which, a large amount of revenue has been collected, but no provision has been made by law for the safe-keeping of it, nor any particular place of deposite pointed out. It is in the hands of some ten thousand individual collectors, each one being a branch of this executive power, and the question is, What shall be done with this revenue? Shall it remain in the hands of these various subordinate executive officers? No: because, in that situation, it would not answer the purposes of the Government. Money is often collected at a place where it cannot be disbursed, and needed at points where it cannot be collected. The control, therefore, of the whole public revenue must be in the hands of some power, in order that it may be made available for the public service. The public revenue, then, when in the hands of the various collectors, is in the hands of the executive power; for all these collectors belong to the executive branch of the Government, inasmuch as they form no part of the legislative nor judicial departments.

From this view of the subject, it seems very clear to my mind that, in the absence of any legislative provision pointing out or designating a particular depository for the public treasure, the head of the executive branch of the Government, the subordinates of which collect and have possession of the revenue, has the power and the right to order and direct the place or places of deposite according to his views of their safety and the public good.

But, Mr. Speaker, in the case under consideration, of the removal of the public deposites from the Bank of the United States, we are not left to implication in order to derive the power exercised by the President. The power has been expressly granted to him by a law sanctioned by all the branches of the law-making power. By the sixteenth section of the charter of the bank, it is enacted, "that the deposites of the money of the United States in places in which the said bank (Bank of the United States) and branches thereof may be established, shall be made in said bank, or branches thereof, unless the Secretary of the Treasury shall, at any time, otherwise order and direct; in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order and direction."

By this section, the Bank of the United States is made the depository of the public money, so long only as it may suit the pleasure of the Secretary; and all the power possessed and exercised by the Secretary of the Treasury over the public money, from the first formation of the Government up to the enactment of the bank charter, was, by this section, reserved to him in as full and ample a manner as it was possessed by him before the charter was enacted.

It may not be unprofitable now to inquire into the nature and character of the office of Secretary of the Treasury. The constitution does not point out or designate by name any of the officers of the executive department of the Government, except the President. By the 1st section of the 2d article, it is declared that "the executive power shall be vested in a President of the United States of America;" and by the 2d section of the same article, it is declared that "the President may require the opinion, in writing, of the principal officers in each of the executive departments upon any subject relating to the duties of their respective offices." But these different subordinate executive departments were left to be created by law; and in the first session of the first Congress, four executive departments were created, viz: the Department of State, War, Navy, and Treasury; and the principal officer at the head of each of these was denominated "the Secretary."

The Secretary of the Treasury, then, is the head of one of the executive departments, and by the 2d section of the 2d article of the constitution above mentioned, the President has power to require the opinion, in writing, of this Secretary upon any subject relating to the duties of his office. Why is this power given to the President? We must suppose that it was intended for some purpose. The sages who formed the constitution inserted nothing without a direct and useful object in view. There is but one rational answer to the question, and it is this, that the Secretaries of the different executive departments are subject to the order and control of the President in the discharge of the various duties of their offices; and, therefore, he is invested with the power of demanding their opinions in writing upon any subject relating to these duties; so that, if their opinions should not accord with that of the President, he may cause them to act upon his opinion, and in accordance with his direction; or, in case of refusal, dismiss them and appoint others.

This power of the President, under the constitution and the laws creating the executive departments, is too clear to need further elucidation; and, although the power was denied in the commencement of the debate, I believe no man, having any respect for his character as a constitutional lawyer, now denies it. One of the most talented leaders of the opposition in the other end of this Capitol [Mr. Calhoun] has admitted the power of the President, but calls the act of removal "an abuse of power."

Whether this power has been abused by the President, in causing the removal of the public money from the United States Bank, is a question about which the bank party and the people are not likely to agree. As a matter of course, the bank and its friends will call the act of the President an abuse of power, because it may affect their interest and influence, whilst the great body of the people, on the other hand, will hold it a rightful exercise of power.

I have said that the power over the public deposites was expressly granted to the President by the sixteenth section of the bank charter, because, although the term Secretary of the Treasury is used, instead of President, and very properly used too, as he is the head of that branch of the executive power by which the fiscal concerns of the Government are managed, yet, as he is subject to the order and control of the chief executive officer, by whom he is appointed, and during whose pleasure alone he holds his office, it is manifest that the Congress of 1816 intended to reserve, and did reserve the power over the public money to the executive branch of the Government. And a proper respect for the Congress of 1816 forbids any other construction of the 16th section of the charter, as no other can be given, except upon the assumption that they were totally ignorant of the constitution and laws of their country. That clause of the 16th section which reserves to the Secretary of the Treasury the power of ordering and directing the place of deposite, was inserted on the motion of Mr. Webster, then a member of the House of Representatives from the State of New Hampshire, who was opposed to the grant of the charter, and disposed to vest in the corporation as little power and as few privileges as possible. And who that will attentively investigate the nature and extent of the power over the immense revenue of this nation, heretofore exercised by the Executive, and reserved by the 16th section of the charter to the Secretary of the Treasury, can for a moment believe that this power was ever intended to be vested in the Secretary alone, independently of, and without accountability to, the President? The President is the head of one of the three great departments of the Government. He has been placed there by the voice of the people of the United States, because they had confidence in his capacity and integrity; and it is more reasonable to suppose that they would confide the management and control of their money to him, than to a subordinate officer, not elected by them, nor even by their representatives in Congress. The idea, therefore, that Congress, which is composed of the representatives of the people, and who are supposed, according to the theory of our Government, to carry their will into effect, intended by the reservation of the 16th section of the bank charter, to place the whole treasure of the nation under the control of the Secretary, without accountability to the President, is altogether inadmissible.

Sir, if the doctrine advanced by the friends of the bank be true, what is the situation of the public treasure? Why, sir, it is this: The Secretary of the Treasury may dispose of it as he thinks proper, though such disposition should cause its total loss, and the President must stand by and see him do it without the power to prevent it. And it is no answer to this view of the subject, to say that, by the 16th section of the charter, he is bound to give to Congress his reasons for his conduct, because this is no security, inasmuch as the reasons are to be given to Congress after the act is done. The Congress may adjourn, as it must do every second year, on the 3d March. On the next day the Secretary may order the public treasure to be removed from the bank, and disposed of in such manner as may suit his views, and his reasons for "such order and direction" cannot be given to Congress until the month of December thereafter, a space of nine months; and during the whole of this time, according to the doctrine of the opposition, the public treasure is subject to his entire direction and management, without accountability, and subject to no control.

Let us suppose for a moment that the Secretary was disposed to withdraw the public funds from the bank, in order to gratify some private feeling of enmity, and not with a view to the public good, and the President should prevent him from doing so by dismissing him from office. Would the friends of the bank call this a usurpation or abuse of power on the part of the President? I presume not. This, in the language of the honorable gentleman from South Carolina, [Mr. McDuffie,] would be "as fair a thing as ever was."

The power of the President to control the conduct of the heads of the several executive departments, has never before the present time been denied by any party in this country. This discovery of the want of power in the President, has been reserved for the present day, and the honor of the discovery is due to the bank party. Mr. Crawford was the Secretary of the Treasury from the year 1816 up to the year 1824, and during the whole of this time he exercised the right of removal of the public funds from the Bank of the United States, but expressly asserting that he did so under the authority, and by the approbation of the President. In a letter written by him to the president of the Mechanics' Bank of New York, dated on the 13th February, 1817, is to be found the following language:

"The right to transfer the deposites, with a view to equalize the benefits resulting from them, among the banking community, as the situation of the several banks might require, was expressly reserved." "Believing, therefore, that those banks will receive a fair equivalent for the transfer of the deposites, as proposed by the Bank of the United States, and being instructed to that effect by the President of the United States, I have directed," &c.

In another letter, directed to the chairman of a select committee of the House of Representatives, dated on the 24th of February, 1823, Mr. Crawford, speaking of certain acts done by him in reference to the public deposites, says: "The arrangements proposed were maturely considered and adopted, with the approbation of the President, who was fully sensible of the importance of the crisis which had arrived." And, again, in this same letter, speaking of the determination of the Bank of the United States to receive nothing but its own notes, or gold and silver, upon general deposite, he says: "But that consideration would not alone have been sufficient to have induced the Executive department to have assumed the responsibility of the measure, which was with great deliberation adopted upon the occasion." Many other similar extracts might be made from the correspondence of Mr. Crawford and other Secretaries of the Treasury, to show that the Treasury Department has always been considered one of the executive departments; and like the other executive departments, subject to the control and direction of the President of the United States.

And now, Mr. Speaker, having established the proposition, at least to my own satisfaction, that the power of directing the place of deposite of the public moneys, and of their transfer from one depository to another, as the interest and welfare of the nation may require, is, by law, vested in the executive branch of the Government, I will proceed to consider the second general proposition, which I laid down in the commencement of my argument.

2d. The propriety and expediency of the removal of the public moneys from the Bank of the United States, in reference to the republican institutions of our country, and the general interests of the people.

Between whom, sir, is the present issue made up? The friends of the bank tell us that it is between the President on the one side, and the Congress on the other. They endeavor to keep the bank out of view; and if they were here in the character of mere advocates, they would be right to keep it out of view. But, standing as they do on this floor—the representatives of the people—they should examine this question in reference to their interests, regardless of every other consideration; and in that character I feel it my duty to let the people understand the real issue now pending before us, which is between the Bank of the United States and the people of the United States.

Who, or what, is the bank? It is a body without a soul. A body created by the people of the United States, through their representatives here. Whether these representatives had a constitutional right to create this body, is a question which I shall consider in its proper place. And shall it be permitted that the creature shall rise and make war against its creator?

For what purpose was this body created? Was it for the benefit of the individual stockholders, or for the purpose of carrying on the fiscal operations of the Government? I presume no friend of the bank will be so unwise as to contend that it was created for the benefit of the individual stockholders; because, with such an admission, they would be without even a semblance of constitutional authority to support them. They would not have a hook upon which to hang an argument in its support.

It was then created as a great machine, "necessary and proper," in the opinion of those who made it, to carry into effect some, or all, of the delegated powers in the constitution. Well, sir, we will take it on this ground, for the sake of the argument, and I am sure that the friends of the bank will not dare to put it on any other, and how does the case stand? Let us inquire.

Here is a corporate body, a fiscal machine, created by the Government to answer certain purposes of state policy, about to expire, and the President of the United States, in his annual message to Congress, deems it his duty, under the constitution, to bring the subject of a renewal of the charter to the consideration of that body, and to express his doubts in regard to the power of Congress to create such a corporation. And what course does the bank then immediately pursue?

It commences and keeps up a violent, systematic, and extended attack upon the President of the United States. It uses eighty or, a hundred thousand dollars of the funds of the corporation, one-fifth of which belonged to the people of the United States, to corrupt certain presses, and hire them to abuse and slander the Chief Magistrate of the nation, for the exercise of a constitutional right. It at once makes up an issue between itself and the President, and submits it to the people of the United States, with the hope that, by the aid of its money, it could procure a verdict in its favor; at the same time, extending its accommodations to the amount of twenty-eight millions of dollars more than at any former period. Millions of copies of this issue, with the argument on the side of the bank, were printed and paid for out of the funds of the bank, and, in some form or other, furnished to every man in the United States whose name and residence could be ascertained. I, myself, received several of these papers directed to me, from I know not where. These papers were sent throughout the land from Maine to Louisiana, and from the Atlantic ocean to the Rocky mountains.

And why was all this done? The bank tells us it was done in self-defence and to enlighten the people. How very kind and benevolent! This body must differ from other corporate bodies. It must have a soul, or it could not feel so intensely for the poor, ignorant, and benighted people of the land, and be willing to expend so much of its money for the purposes of charity.

Well, sir; the issue was made up and submitted to the great body of the people of the United States, and they have rendered their verdict against the bank, by electing General Jackson to the office he now holds, by an overwhelming majority, and by the election to this House of a large majority opposed to the bank.

But when we plead this matter, this verdict, the friends of the bank deny the fact; and it is good policy for them to do so, because if it be admitted, it amounts to an estopel. It settles the whole question.

And, sir, has it come to this, that the constituted authorities of the country cannot—dare not deliberate or act in reference to a matter of great national policy, without subjecting themselves to the abuse and vituperation of an institution created by them? Shall the bank be permitted to array itself against any department of the Government, and harangue the people, with a view to give direction to their choice of rulers? Shall this institution be permitted to use the money of the United States to subsidize the press and array hireling editors against the Chief Executive officer for the discharge of a duty devolved on him by the constitution? And can men be found in this republic, in this House, who will tolerate such conduct, and even advocate it?

Sir, such conduct on the part of the bank, is sufficient to alarm every friend of our free institutions, and of unbiased suffrage. And what may not such a power as the bank, with such a disposition, effect, towards the destruction of our free Government, with such a capital, if you give it twenty years more to live and gain strength, and the funds of the Government to use?

The attitude, then, in which we now stand is this: The Bank of the United States against the people of the United States; and we must choose which we will serve. As for me and my house, we will serve the people. In reference, then, to the safety of our free institutions, I view the Bank of the United States as a powerful and dangerous engine, which has been, may be, and will be used to batter down the walls and ramparts of this glorious republic.

I have endeavored to show that the real issue is between the bank and the people. It is a struggle for existence and power on the part of the bank, and for freedom on the part of the people; and so far the people have prevailed. But if, in the present contest, which is, bank or no bank, the bank, by the operation of her screws and pullies, should finally prevail, we will be a poor, paper-ridden, and bank-serving people, with the name and form of liberty, but without the substance. The commercial operations of your country will be regulated by this power. The manufacturing interests will be subservient to it. The value of our property, real and personal, will depend on the will and caprice of this corporation, which, by extending or curtailing its issues and accommodations, can, *ad libitum*, raise or lower the price of all property. And, what is of more consequence than all these, the Government will be controlled by it; the President or some other dignitary will be made by it; the Congress will be ruled by it; and the people will be slaves to it.

The constitutionality of the bank has, in the language of the President, "been well questioned;" and although its advocates affect to consider this a "settled question," they are mistaken. No question of such magnitude as the authority to create a corporation extending its power and influence over the whole Union, in despite of State authority, will ever be acquiesced in as "settled," until those who claim such power show a warrant for it in the constitution.

I admit, that so far as the charter of the present bank is involved in the question, it must be considered as settled, because it has received the sanction of all the departments of the Government, and is therefore the law of the land until it shall expire by its own limitation. But when we are called on, as representatives of the people, to determine whether we will, or will not, grant a recharter, we then act in our original character of law, givers, and must determine the question agreeably to our own ideas of the powers granted us by the people. And every honest man's guide, and only guide, should be the constitution of his country, under such construction as his judgment, governed by his conscience, under the oath he has taken to support that constitution, shall dictate to be right.

It is somewhat amusing to look back to the years 1791, 1811, 1815, and 1832, when the questions of charter and recharter were severally under consideration in Congress, and to observe the various changes of opinion which have taken place in the minds of some of the leading and talented politicians of the day.

In 1791, Mr. Madison was opposed to the charter of the old Bank of the United States, because he believed that Congress had no power, according to the constitution, to grant charters of incorporation; and the argument he then offered in support of his opinion, was a plain, strong, common-sense view of the subject, which, to my mind, has never been satisfactorily answered, and is unanswerable. And yet, when President of the United States, in 1816, he signed the charter of the present bank, not because he had changed his opinion upon the constitutional question, but upon the ground of precedent; adopting the legal maxim, *stare decisis*, and viewing a legislator as standing in the same situation as a judge. With all due deference for the learning and talents of Mr. Madison, I must be permitted to regret that he should have taken such an erroneous view of the subject. I am at a loss to conceive how so great a man could have fallen into such a glaring error as to suppose for a moment that there is any, the slightest analogy between the duties, powers, and responsibilities of these two stations. The maxim of a legislator should be *malus usus abolendus est*, whilst those of a judge are *ita lex scripta est*, and *stare decisis*. A legislator is deputed by his constituents to make laws, such as in his judgment will conduce to the well-being of society, under an enlarged view of the whole subject, looking at the same time to the probable consequences of the act. He is to act upon the dictates of his own judgment and conscience, bound by no precedent, and circumscribed by no rule, except the constitution of his country and the welfare of the commonwealth. A judge, on the contrary, is appointed to expound the meaning of the law, after it is made by the legislator; and when thus expounded by the supreme judicial power of the Government, such decision must be taken as the true construction of the law by all judges, unless manifestly wrong, until the Legislature alter it. And although a judge, who shall be afterwards called on to enforce such decision, may believe it to be wrong, his language will be this: "If I were called on for the first time to expound this law, I should give it a different construction; but the Supreme Court have decided the question, and I have no power to alter it. I am bound by that decision, and to be governed by the maxim *stare decisis*." And why is this the rule of the judiciary? Because, as long as the law exists, it should have one uniform construction, and not be liable to be changed with every change of judges, or of opinions, so that all may know what it is, and by what tenure they hold their property, their lives, their liberty, or their reputations. A judge, then, from the nature of his office, and the consequences of his decisions, must necessarily be bound by precedents, in order that the law may be uniform and do equal justice to all. But a legislator cannot be, and ought not, by the very nature of his office, to be bound by precedent. It is his duty to make, repeal, amend, modify, or alter laws as the public good may require. In short, it is the province of a legislator to declare what the laws shall be, and of a judge to declare what the law is.

Mr. Madison, in giving his assent to the bank charter in the year 1816, made a compromise with his conscience, which I am unwilling to make with mine; and which Mr. Burwell, of Virginia, in his argument against the renewal of the charter of the United States Bank in 1811, believed that Mr. Madison, then the President of the United States, would not make; for, in that argument, Mr. Burwell stated that "he could not suppose that Mr. Madison would use one set of arguments in 1791, and act upon another now."

Mr. Macon called Mr. Burwell to order for using the name of the President in debate. It seems that Congress, in that day, had some respect for the office of Chief Magistrate of the United States. How is it now? Mr. Burwell said nothing disrespectful of Mr. Madison. On the contrary, he lauded him; and yet, it was considered out of order to mention his name in debate. But now, sir, to call the President a tyrant and usurper, to denounce him as worse than Cæsar, and to charge him with having done an act for which a King of England or of France would lose his head, pass for logical argument and classic wit. Sir, if gentlemen have no respect for the patriot who now fills the executive chair, they should at least have some for the office, for their country, and for themselves.

In the Senate of the United States in 1811, Mr. Clay opposed the recharter of the old Bank of the United States on constitutional grounds, and charged Mr. Crawford with having gone over to the enemy's camp, because he supported the recharter. In 1816 Mr. Clay supported the charter of the present bank, because it was constitutional, and grounds his argument upon the necessity of such an institution in 1816, which, in his opinion, was not necessary in 1811. Thus, then, according to Mr. Clay's arguments, a bank may be unconstitutional to-day, and constitutional to-morrow, just as, in the opinion of Congress, such an institution may or may not be necessary. But the great father and champion of the bank of 1791, Alexander Hamilton, rejects this idea when advanced by Mr. Jefferson, and treats it as absurd. These are his words: "The expediency of exercising a particular power, at a particular time, must, indeed, depend on circumstances; but the constitutional right of exercising it must be uniform and invariable, the same today as to-morrow."

Mr. Crawford always held the bank to be constitutional until after the veto message of 1832, when he too, changed his opinion and approved of the veto.

Many other names of eminent statesmen might be added to the list; but these will suffice for my purpose. I no not mention these names and facts for the purpose of charging those gentlemen with inconsistency. No, sir. I have a higher, and a better object in view. I do it for the purpose of showing that, if the power claimed was conferred by the constitution, it is not probable that such men would assert the power to-day, and deny it to-morrow. You would not find Mr. Clay denying the power in 1811, and sustaining his ground by an able argument, and in 1816 claiming the power upon the ground of necessity. You would not hear Mr. Calhoun claim the power to incorporate a bank upon the ground that the constitution vests in Congress the power to regulate the currency, when in point of fact no such word is to be found in that instrument. The only power in regard to this subject vested in Congress by the constitution, is in the following words: "Congress shall have power to coin money, regulate the value thereof, and of foreign coins, and fix the standard of weights and measures." (Eighth section, first article.) This clause is so very clear and explicit, that it seems to me impossible for any one to misunderstand it. By the word "money," is meant a metallic medium; a metal that can be "coined." Who ever heard of coining paper? Congress, therefore, have no power to regulate the value of any money, except it be metallic, which may be "coined." With the currency of the country, therefore, made up as it now is of paper, the Congress have nothing to do, and no right to interfere. But the legal and constitutional currency, called in the constitution "money," which may be "coined," is under the control of Congress. You would not hear Mr. Alston claim the right to institute a bank on that clause of the constitution which prohibits the States from issuing "bills of credit." And, sir, I was somewhat astonished to hear my honorable colleague [Mr. Wilde] express an opinion that, under this clause of the constitution, he considered all the State banks as unconstitutional, because the term "bills of credit," means all species of paper money, and at the same time claim for the Government of the United States the right to issue "bills of credit." Sir, I would be glad to learn from what clause of the constitution, or what political principle, the honorable gentleman derives this power. The fact, that the States have voluntarily agreed not to exercise this power, which, as sovereign States, originally belonged to them, by no means confers it on the General Government. It is not true in point of fact or principle, that the mere inhibition of the exercise of a sovereign power to a State *ipso facto* confers that power on the United States. There must be an express delegation of the power to the General Government, or it must be fairly deducible from a granted power, before they can rightfully exercise it. And in this case, as well as in that of creating corporations, the power was proposed in convention to be given, and refused. (See 4th vol. Elliot's Debates, page 119.) The States are prohibited by the constitution from making any thing but gold and silver coin a tender in payment of debts; but will any one thereby argue the existence of such a power in the Federal Government? And yet these are precisely analogous cases. If Congress have the power to emit "bills of credit" under the constitution, they have the same power to make paper, or any thing else, a "legal tender in payment of debts."

But it is said that many other powers, not specifically granted, have been exercised by Congress; such as erecting light-houses, as incident to the power to regulate commerce; enacting penal laws to punish crimes committed against the Post Office Department, &c. And, because these incidental powers have been exercised by Congress, in order to carry into effect a clearly-delegated power, the advocates of all power to do any thing and every thing, contend that Congress may make a corporation. If gentlemen will view this matter through a proper medium, they will discover too strong reasons in favor of the exercise of these powers, and against the incorporation of a bank. In the first place, light-houses are absolutely necessary, in order to carry on the operations of both foreign and internal commerce; and therefore the erection of them is only the exercise of a power "necessary and proper" to carry into effect a delegated power. So, also, the enactment of penal statutes to punish violations of the laws relating to post offices and post roads, is only a sanction given to those laws, and are part and parcel of them, without which those laws would be altogether nugatory. It would be absurd to say that Congress shall have power "to establish post offices and post roads," and then deny them the power to punish those who should violate the laws made to establish them. Secondly, no man, nor party of men, during all the strife of party contests in the nation, from the foundation of the Government to the present day, has ever denied these powers to Congress. And when the whole nation, and all parties at all times, agree to the exercise of a power, there is nobody to object to it, and therefore it must be admitted to exist. But when a power is claimed by some, and denied by others—when, at one time, one-half of the nation assert the power, and the other half deny it —when one political party holds the existence of a power, and is driven to a course of abstruse and metaphysical argument, in order to deduce it from the constitution, no two, even of the same party, agreeing on the clause or article from which they derive it; and the opposite party totally deny its existence, and call on its advocates to put their finger on the section of the constitution which confers it, either directly or indirectly, and they cannot do it—and when, at another time, you see these men and these parties change places, by a counter-march, what idea, I ask, can a plain honest man, unlearned in the arts of political tactics, form of the constitution of his country? Now, sir, I beg leave to ask gentlemen what sort of a constitution this is, which is so extremely accommodating as to suit any construction that the interest, the caprice, or the ambition of men and parties may choose to put on it?

The great body of the people, who have no sectional interests or political views to subserve, look on this almost sacred instrument as a chart, by the directions of which any honest and skilful pilot can navigate the great vessel of state into a safe harbor. And, sir, it is a safe chart, which, if the pilot will follow, he may easily avoid the whirlpool of Charybdis on the one hand, and the rocks of Scylla on the other. But, if he disregard it, and set all sail to the breeze, without compass and without chart, he need not be surprised to find himself in the wide ocean of uncertainty, the sport of the winds and waves, and finally shipwrecked on some inhospitable shore, far, far from the desired port. And, sir, are we not now in this tempestuous sea of troubles, verging on to shipwreck, because we have disregarded our chart, and lost our compass? Yes, sir, and here we find ourselves stranded on a bank—not of gold nor silver; but a bank of paper, and of corruption; and it will require all the virtue and energy and patriotism of the captain and the crew to extricate us from our perilous situation.

I have been endeavoring to show that the reasons heretofore advanced by the friends of the bank in favor of its constitutionality, are not sound; and that none of the grounds upon which they have placed their arguments are tenable. If I can now show, as I believe I can, that no warrant is to be found in the constitution for the exercise of the power claimed, and that instead of the power having been granted, it was expressly refused, I will have done all that is necessary to prove that Congress, in the passage of the bank charter, assumed a power never conferred on them by the people.

I lay down this general proposition as true in reference to our form of government, which, I am sure, no friend of State rights and constitutional liberty will deny, viz: The General Government never had, and does not now possess, any original, inherent sovereignty, and therefore cannot rightfully exercise any power not specifically granted to it, except such as may be "necessary and proper" to carry into effect some one or all of the delegated powers. But the State Governments, being originally and inherently sovereign, have the power to do any thing which is not morally impossible, or prohibited by the constitution of the States or of the United States.

The creation of a corporation is an act of sovereignty which the States may individually exercise, because they are inherently sovereign, and have not been inhibited from the exercise of this orginal power by the constitution of the United States, nor by their own constitution. But this power not having been delegated to the Government of the United States, either expressly or by fair implication, cannot be exercised by the Federal Government, except by usurpation. This power, instead of having been given to the General Government, was expressly refused, when it was proposed in the federal convention. On the 18th August, 1787, it was proposed in convention to vest in Congress the power to "grant charters of incorporation," "to establish a university," "to establish public institutions, rewards and immunities, for the promotion of agriculture, commerce, trades, and manufactures." These, and other propositions submitted on that day were referred to the committee of five who had been appointed to consider of the constitution; and, at a subsequent day, Mr. Rutledge, the chairman of the committee, reported sundry amendments to the House, taking no notice of the above propositions. Afterwards, on the 14th September, 1787, when the report of the Committee of Revision, as corrected and amended, was taken up, it was again proposed to add this clause, "to grant letters of incorporation for canals," &c. which was lost by the following vote: Yeas, Pennsylvania, Virginia, Georgia, 3; Nays, New

Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, North Carolina, South Carolina, 8. It was also proposed to add this additional clause, "to establish a university," which was lost by a vote of yeas 4, nays 7. (See 4th vol. Elliot's Debates and Illustrations of the Federal Convention, pages 139, 147, 148, 199.) And yet, notwithstanding this authority to make corporations was expressly refused to the Federal Government by the people, and that the whole theory and principles upon which the federal compact is based are directly opposed to the exercise of such power, you see and hear statesmen claiming and acting upon it as a matter settled and conceded upon the ground of precedent. But, what answer do gentlemen give to the fact, that the power was proposed to be given in convention and refused? The only one which I have heard is this, "that the convention would not incorporate it in the constitution, because they feared it would endanger its adoption by the people, who were opposed to granting such power." Well, sir, does not this answer give up the whole argument? Is it not a frank acknowledgment that there is no such grant in the constitution? And this answer was given to me by one of the ablest advocates of the power of which the bank can boast, and proves the old adage, "that drowning men will catch at straws."

Upon the whole, then, Mr. Speaker, and after a laborious and critical investigation of the subject, my mind has been brought to the conclusion, that the charter of the United States Bank was granted without constitutional authority in Congress to do so. And, holding this opinion, I cannot give my vote to recharter that institution, nor to charter any other corporation, except it to be located within the District of Columbia. I am also of opinion, that a large majority of the people, and of the representatives of the people on this floor, believe as I do in regard to this question.

If this be true, and that it is we have full proof in the triumphant election of the President, and in the manifestations of opinion already exhibited in this House; then, I ask every candid man to answer this question—"What is the proper course for me to pursue under this state of facts?" The answer will be, "You ought to sustain the President and Secretary in the course they have pursued, and refuse to return the public deposites."

But, we hear gentlemen on this floor, and on another floor, declare themselves opposed, upon constitutional grounds, to this, or any other Bank of the United States, and yet advocate a return of the deposites; and what reason do they give for their course? Why, that the faith of the nation is pledged by the contract with the stockholders.

Upon this subject, sir, I must ask gentlemen to forget for a moment, if they can, their hostility to the President, and look at this case as it really is, without regard to the one party or the other; and if they will do so, they will find it to stand thus: The charter is a contract between the United States and the stockholders, and each party is, in good faith, bound by the terms of the compact. By the 16th section of the bank charter, the public moneys of the United States are to be deposited in the Bank of the United States and its branches, "unless the Secretary of the Treasury shall at any time otherwise order and direct." The whole power of controlling the deposites, as far as the bank is concerned, is, by the very words of this section, and by the consent of the stockholders, and of Congress, who were the contracting parties on this occasion, conferred on the Secretary of the Treasury. No particular cases or circumstances are specified, upon the happening of which he may or may not remove the public moneys, or direct them to be withheld. All power in regard to this subject is vested in the hands of the Secretary, to be exercised by him according to his own judgment, and even his own caprice, if gentlemen should prefer that word. But when he shall think proper for any cause to exercise this power, he is bound to give to Congress his reasons for "such order and direction." It is to Congress that he is answerable for his conduct, and it is Congress alone that has any right to approve or disapprove of his act. The bank has no right to complain, and ought not to be heard in this matter; and yet it has most insolently sent a manifesto to both Houses of Congress, in which it claims redress for the injury done it by the Secretary, and in which also it compares the President of the United States to the issuers of false notes. No wrong has been done to the bank—no part of the contract has been violated, and the bank ought not to be a party to this issue; and yet it has forced itself upon the record, and the whole influence of its immense power is brought to bear upon the question. And does any one doubt this fact? Look upon your table, sir, at the numerous petitions for a recharter of the bank. Whence do they come? They purport to come from the free people of the nation. They are signed by persons in the large cities, of all trades and professions, from the shoe-black up to the portrait-painter. Does any man believe that all these people desire a recharter of the bank upon principle, and because they are convinced of its utility and propriety? Sir, there are thousands and tens of thousands of these subscribers who know nothing and care nothing about this bank, except as they are made to believe that their happiness and prosperity are connected with its fate. Those who cannot be persuaded, are constrained by the fiscal power of the bank, either directly or through its friends, to sign these memorials, and they are sent here as the expression of public opinion, in order to have an influence on the vote of this House. Here, then, is a high-handed attempt, on the part of the bank, to overawe us, and to force from our fears what cannot be obtained from our judgments. And shall we submit to such dictation from an institution created by us? If we do, sir, we have descended to a state of degradation that I never expected to witness.

Well, sir, the deposites have been removed by the Secretary, and, as I believe, in perfect accordance with the laws and constitution of the country, and with the contract between the Government and the stockholders; and who now has control of them? I answer, Congress—and a control which it had not, and could not have, before the Secretary exercised his power under the charter. The people's money, then, is brought back, by the act of the Secretary, under the control of the representatives of the people, where it always ought to be, and from which it ought never to have been taken, and the question now is, what will you do with it?

But it is denied by my honorable colleague [Mr. WILDE] that Congress gave up the control over the deposites by the sixteenth section of the charter. He says that legislative power is inalienable, and that the Secretary involves himself in an absurdity when he makes this assertion, and at the same time declares the charter unconstitutional? Who denies that legislative power is inalienable? I do not, the Secretary does not, and no one that I know of has advanced the idea that Congress has alienated any part of its legislative power. But this is very clear, that Congress has contracted that the public revenue shall be deposited in the bank and its branches, "unless the Secretary of the Treasury shall otherwise order and direct"—and all the departments of the Government have declared that Congress had a right to make this contract. Now, what difference is there between Congress and an individual in regard to the obligation of a contract between them? Is not Congress as much bound by its contract as the bank? Has not Congress, in this very contract with the bank, promised and contracted that it will not grant any other charter of a bank for the space of twenty years—that it will not exercise its legislative power (if it ever had any) to incorporate a bank until after the expiration of a term of twenty years? And yet I have never heard that either of these stipulations in the charter amounted to an alienation of legislative power.

But the Secretary says the bank is unconstitutional. Does the honorable gentleman understand the Secretary to say that the charter is not to be respected, because he believes it unconstitutional? I hope not, for Mr. Taney says no such thing, and thinks no such thing; because all the departments of the Government having declared it to be constitutional it must be considered the law of the land, until it ceases by its own limitation. My honorable colleague also says that, if the Secretary be right in saying that Congress had no right to withdraw the public deposites, then it has no right to return them. This, in my humble apprehension, does not necessarily follow. The public money, as I said before, is now, by the action of the Secretary, brought back under the control of Congress, and it may dispose of it in such manner as in its judgment may be right.

This is now an original question, standing on its own merits, without reference to the United States Bank or any other bank, and Congress has full power to make any disposition of it that may be compatible with the public interest.

What then, sir, will gentlemen do with the public treasure? Will they place it in a bank which they believe to be unconstitutional, and thereby increase its chances for a recharter? Will they again place this money beyond the control of Congress, until the last moment of the existence of the bank, before they begin to provide a new, and safe, and constitutional depository? I hope not. And, if this hope be not delusive, if there be, as I think there is, enough of firmness and virtue in this House to resist the efforts of the bank, and sustain the course of the President and Secretary in the act of removal, then it will be incumbent on us to make some provision for the future safe-keeping of the public treasure. As, however, that subject is not now properly before the House, I will defer any remarks I may have to make on it until it shall be presented for discussion.

The honorable gentleman from Pennsylvania [Mr. Binney] admitted in the course of his argument, that unless this bank is to be continued, or some other supplied, or a control devised to prevent the State banks from shooting out of their orbits, no good could result from returning the deposites. And the honorable gentleman from South Carolina [Mr. McDuffie] admitted that if the bank is not to be rechartered, the act of the Executive in the removal of the deposites, had only accelerated the distress which must occur on the expiration of the bank. With these admissions from the strongest and most talented advocates of the bank, I am at a loss to conceive any adequate motive in those gentlemen who are opposed to a recharter, for voting a return of the deposites.

Mr. Speaker, I propose now to say a few words in regard to the expediency of a Bank of the United States, and upon the cause of the distress which is alleged to exist in the nation.

The honorable gentleman from Pennsylvania [Mr. Binney] has made an able argument in favor of the expediency of such an institution, as a fiscal agent of the Government, and to carry on the commercial operations of the country. But, if we view this subject in all its bearings and consequences, I am not prepared to admit even the expediency of a bank. And if I were, as expediency and constitutionality are not convertible terms, I should still be opposed to it.

If the corporation could be carried on by some other sort of machinery than that of human heads, and hearts, and hands, which could not be operated on by those motives which usually actuate men, I might be disposed to admit its expediency. But as it is an association of men having like passions and prejudices with ourselves, and actuated by similar motives, I am unwilling to place in their hands a power and influence dangerous, as I believe, to the best interests of the republic. These men will have an eye single to their own interests, political and pecuniary, and, when it shall suit their purpose to join a corrupt and ambitious administration, if this nation should ever be cursed with such a one, to put down the liberties of the people, the great pecuniary power they possess, joined to the political power of their ally, will easily effect the object. Or, on the other hand, if it should be their interest or caprice to join their power to the power of an ambitious and reckless leader of the opposition to a virtuous and patriotic administration, they could do much to subvert the free institutions of our country, and raise a despotism on the ruins of the republic.

But there is another objection to the expediency of a bank, and it does not rest on speculation. It is the power which such a corporation holds over all the interests of the nation, whether commercial, manufacturing, or agricultural. Of this we have abundant evidence sent here by the bank itself in the shape of petitions and memorials from sundry individuals of all trades and professions, who happen to be located within the influence of the noxious air of the marble palace. That there is some distress in certain parts of the country no man will doubt. Has there ever been a time when there was not some in the large cities? Is it greater now than it has frequently been on former occasions? I believe not. But if it be, the bank has caused it, and then very coolly tells you that Andrew Jackson has produced it by the removal of the deposites. Sir, does Mr. Biddle believe this? Does any man in his sober senses, and who has any competent knowledge of the subject, believe it? I presume not.

I have said that the bank has caused this state of things, and I will now prove it by evidence which I am sure some gentlemen on this floor will not attempt to controvert. Mr. Biddle himself, sir, shall be my witness, and shall tell you how he did this thing. In the year 1828, a sudden and alarming scarcity of money was felt in the large cities, and great distress was the consequence; and that it was owing to the operation of the banks nobody doubted. No other cause could be assigned for it. And Mr. Biddle, the president of the United States Bank, published an essay in the National Gazette on the 10th of April, 1828, in which he gave the following elegant and lucid exposition of one of the causes of the evils the community was then suffering. I ask the indulgence and attention of the House whilst I read this essay, because I am sure that they will be both pleased and edified by it:

"The question (says Mr. Biddle) is, What is the cause and the nature of the present scarcity of money? The answer is easy. The currency of the United States consists of coin and of bank notes promising to pay coin. As long as the banks can always pay the coin they promise, they are useful; because, in a country where the moneyed capital is disproportioned to the means of employing capital, the substitution of credits for coins enables the nation to make its exchanges with less coin, and, of course, saves the expense of that coin. But this advantage has by its side a great danger. Banks are often directed by needy persons, who borrow too much, or by sanguine persons, anxious only to increase the profits, without much pecuniary interest or personal responsibility in the administration. The constant tendency of banks is therefore to lend too much, and to put too many notes in circulation. Now, the addition of many notes, even while they are as good as coin, by being always exchangeable for coin, may be injurious, because the increase of the mixed mass of money generally occasions a rise in the price of all commodities. The consequence is, that the high price of foreign productions tempts foreigners to send a large amount of their commodities to us, while the high price of domestic productions prevents these foreigners from taking in exchange a large amount of our commodities. When, therefore, you buy from foreigners more than they buy from you, as they cannot take the paper part of your currency, they must take the coin part. If this is done to a considerable extent, the danger is, that the banks will be obliged to pay so much of their coin for their notes as not to leave them a sufficient quantity to answer the demand for it, in which case the banks fail, and the community is defrauded. To prevent this, a prudent bank, the moment it perceives an unusual demand for its notes, and has reason to fear a drain on its vaults, should immediately diminish the amount of its notes and call in part of its debts. So, on a large scale, when the banks of a country perceive such a demand for coin for exportation as diminishes too much the stock of coin necessary for their banking purposes, they should stop the exportation. This they can always do, if their affairs have been well managed; and here lies the test of bank management."

"The law of a mixed currency of coin and paper is, that when, from superabundance of the mixed mass, too much of the coin part leaves the country, the remainder must be preserved by diminishing the paper part, so as to make the mixed mass more valuable in proportion. It is this capacity of diminishing the paper which protects it. Its value consists in its elasticity, its power of alternate expansion and contraction to suit the state of the community; and when it loses its flexibility, it no longer contains within itself the means of its own defence, and is full of hazard. In truth, the merit of a bank is nearly in proportion to the degree of this flexibility of its means. If a bank lends its money on mortgages, on stocks, for long terms, and to persons careless of protests, it incurs this great risk, that on the one hand its notes are payable on demand, while on the other its debts cannot be called in without great delay—a delay fatal to its credit and character. This is the general error of banks who do not always discriminate between two things essentially distinct in banking--a debt ultimately secure, and a debt certainly payable. But a well-managed bank has its funds mainly in short loans to persons in business, the result of business transactions, payable on a day named, which the parties are able to pay, and willing to pay at any sacrifice, in order to escape mercantile dishonor. Such a bank has its funds, therefore, constantly repaid into it, and is able to say whether it will or will not lend them out again."

"A bank so managed, if it finds too much demand for its coin to go abroad, begins by not lending more than it receives every day; and then goes farther, by not lending as much as its income, declining to renew the notes of its debtors, and obliging them to pay a part or the whole, making it a rule to keep its discounts within its income. The operation proceeds thus: by issuing no new notes, but requiring something from your debtors, you oblige them to return to you the bank notes you lent them, or their equivalents. This makes the bank notes scarce; this makes them more valuable; this makes the goods for which they are generally exchanged less valuable—the debtor, in his anxiety to get your notes, being willing to sell his goods at a sacrifice; this brings down the prices of goods, and makes every thing cheaper. Then the remedy begins. The foreigner, finding that his goods must be sold so low, sends no more. The American importer, finding that he cannot make money by importing them, imports no more. The remainder of the coin, of course, is not sent out after new importations, but stays at home, where it finds a better employment in purchasing these cheap articles; and when the foreigner hears of this state of things, he sends back the coin he took away. He took it away merely because your own domestic productions were so high that he could not make any profit in his country by taking them. But when the news reaches him that his productions are very cheap in our country, he will also learn that our productions are cheap too, and he sends back the coin to buy these cheap productions of ours. We therefore get back our coin by diminishing our paper, and it will stay until drawn away by another superabundance of paper. Such is the circle which a mixed currency is always describing. Like the power of steam, it is eminently useful in prudent hands, but of tremendous hazard when not controlled; and the practical wisdom in managing it lies in seizing the proper moment to expand and contract it, taking care, in working with such explosive materials, whenever there is doubt, to incline to the side of safety.

"These simple elements explain the present situation of the country. Its disorder is over-trading, brought on by over-banking. The remedy is to bank less and to trade less.

"The directors of the Bank of the United States, as was their natural duty, were the first to perceive the danger, and the bank was immediately placed in a situation of great strength and repose."

Here, then, Mr. Speaker, we have the strongest possible evidence of the real cause of the great distress which prevailed in the year 1828. It was caused by the banks, which, by "over-banking," furnished facilities for "over-trading," and then, in order to save themselves, and "place themselves in a situation of great strength and repose," called in their issues, by "obliging their debtors to return the bank notes they lent them, or their equivalents." And in this way, and by this process, the community was pressed and distressed to an alarming degree. Where were the public deposites then? Had they been removed? No. Had the President then usurped the sword and the purse? Oh no! There was no such miserable, pitiful subterfuge, then to resort to; and hence Mr. Biddle told the plain, naked truth, that the distress was occasioned "by over-trading, brought on by over-banking." During that year (1828) the public deposites in the Bank of the United States varied from six to ten millions, and averaged, for each month in the year, eight millions of dollars. And what was the situation of the bank during that year? It had in its vaults $5,933,171 29 cents in specie, $11,630,281 15 cents of bank notes in circulation, and the whole amount of its notes and bills discounted was $35,279,115 76 cents, whilst it had, as above stated, an average of eight millions of public deposites. And, with the bank in this situation, Mr. Biddle acknowledges that it had aided to produce the distress of that year, "by over-banking, which had caused over-trading." What has been the situation of the bank since that period? "On the 31st December, 1830," says the Secretary of the Treasury, "the aggregate debt due to the bank was $42,402,304 24, and that on the 31st December, 1831, was $63,026,452 93; being an extension of its loans, in a single year, of twenty millions of dollars." "And on the 1st of May, 1832, while its petition for the renewal of its charter was yet pending before Congress, they amounted to $70,428,070 72, being an increase of $7,401,617 79 in the four preceding months, and making altogether an increase of $28,025,766 48, in the short space of sixteen months, on its previous loans." When the bank commenced these extraordinary extensions of its loans, in December, 1830, it had of the public money only $5,813,610 30; and in May, 1832, when it had extended its loans to the enormous amount above mentioned, it had public deposites to the amount of $10,785,886 41. Now, by a comparison of these sums and dates, the following facts and results will appear, viz: In the year 1828, when the bank had throughout the year an average of $8,000,000 of the public money, its loans amounted to only $35,279,115 76; and this Mr. Biddle considered as "over-banking," which brought on "over-trading," and caused the distress of that period. On the 31st of December, 1831, the loans of the bank amounted to $63,026,452 93, and it had of the public deposites the sum of $8,857,700 20—very near the same amount it had when its discounts were only thirty-five millions and a quarter. And on the 1st of May, 1832, when the loans of the bank amounted to $70,428,070 72, it had public money to the amount of $10,785,886 41—only $2,785,886 more than in the year 1828; and yet it had doubled its loans to the community; for in 1828 they amounted to only $35,279,115, and in May, 1832, they had increased to $70,428,070. If, now, the ground assumed by the bank and its friends here be true, that it had discounted on the deposites, and that they were necessary in order to enable it to accommodate the people, then they must admit the fact that on $2,785,886 of public deposites, the bank had discounted or loaned to the community the sum of $35,148,955. I will now ask Mr. Biddle, and the friends of the bank, whether, if loans to the amount of thirty-five millions of dollars in the year 1828, with eight millions of public deposites, were considered "over-banking," what they would call loans to the amount of seventy millions in the year 1832, with ten millions of the public money? Is not this "over-banking," and has it not caused "over-trading," and have not these caused the "disorder?" And what is the remedy, according to Mr. Biddle's prescription? It is "to bank less and trade less;" and, accordingly, Mr. Biddle "placed the bank in a situation of great strength and repose," by "obliging their debtors to return the bank notes they had lent them, or their equivalents;" for in the space of one year and five months, from May, 1832, to October, 1833, it called in ten millions, and from October to December, only two months, six millions and a half more, making, in the whole, sixteen and a half millions of dollars.

But the bank, knowing and fearing the effects which the facts disclosed by Mr. Taney, showing the rapid increase in the loans of the bank, must have upon the public mind, endeavors, in its manifesto sent to us, to do away its force, by saying that "the true comparisons must be between January and January, or May and May." I have not the statement of January and January, but I have of December, 1830, and December, 1831; and it stands thus: In December, 1830, the amount of loans was forty-two millions, and in December, 1831, the amount was sixty-three millions—making an increase, in one year, of twenty-one millions. In May, 1831, the amount was fifty-nine millions, and in May, 1832, the amount was seventy millions—making an increase, in one year, of eleven millions. So that, even according to the bank's own rule, it is evident that the increase was rapid, not warranted by any former practice, and, as a mere financial operation, clearly contrary to sound policy and the public good. It must have been foreseen, by a man of Mr. Biddle's knowledge and penetration, that the day would come when such conduct must necessarily produce distress. The events of former periods, and particularly of the years 1819 and 1820, and 1826 and 1828, could not have been forgotten by him, who had in a public journal so rationally accounted for the distress in 1828, when this same bank, with the same capital, and nearly the same amount of public deposites, had only thirty-five millions loaned to the people. What, then, I ask, under all this evidence, could have been the moving cause of this extraordinary and unprecedented expansion of bank loans? Can any other answer be given, than that which Mr. Taney has stated? "That the bank was seeking to obtain political power." Is it not evident that the object was to control the election of the President, and to defeat the present incumbent, because he was opposed to a recharter.

But we will return to these cries of distress contained in the petitions and memorials for a recharter now on your table. Has there never been any distress in the nation before? We have seen that, in the year 1828, it was very severe; and, if we will go back to 1819, we will see in Nile's Weekly Register of the 10th of April of that year, the following picture: "From all parts of the country, we hear of severe pressure on men in business, a general stagnation of trade, a large reduction in the price of staple articles. Real property is rapidly depreciating in its nominal value, and its rents or profits are exceedingly diminishing. Many highly respectable traders have become bankrupts, and it is agreed that many others must 'go.' The banks are refusing their accustomed accommodations; confidence among merchants is shaken, and three per cent. per month is offered for the discount of promissory notes which, a little while ago, were considered as good as 'old gold,' and whose makers have not since suffered any losses to render their notes less valuable than heretofore." And on the 7th of August, 1819, Mr. Niles says: "It is estimated that there are twenty thousand persons daily seeking work in Philadelphia. In New York, ten thousand able-bodied men are said to be wandering about the streets looking for work, and if we add to them the women who desire something to do, the amount cannot be less than twenty thousand. In Baltimore, there may be about ten thousand persons in unsteady employment or actually suffering, because they cannot get into business. We know several decent men, lately 'good livers,' who now subsist on such victuals as, two years ago, they would not have given to their servants in the kitchen."

In 1820, a director of the United States Bank, writing to a friend in England, uses the following language: "Our difficulties in commerce continue without abatement. A long continuance of distress in the commercial world has had a bad effect on the morality of the country. Men fail in parties for convenience. The vast number of failures takes away the odium, and the barriers of honesty are broken down by a perpetual legislation suited to the condition of insolvent debtors."

What caused the distress at these periods? The deposites had not been removed; there were three millions then in the Bank of the United States. Improvident men and imprudent banks could not then resort to the despicable subterfuge of imputing their misfortunes, or follies, or frauds, to the action of the President or Secretary; and therefore the country was not convulsed to its centre, as it now is.

Mr. Speaker, if the alleged distress does actually exist, and I am willing to admit that in some degree it does, there must be an adequate cause for it. The friends of the bank tell us it was caused by the removal of the deposites. If this be so, I will thank gentlemen to tell me how it operated. Did this act of the Executive department force the bank to call in so large a proportion of its debts as to create this alleged distress? The bank says no, and gives us a statement in the National Intelligencer of the 8th instant, to show that it had curtailed only about four millions of dollars from the 1st of October to the 1st of March. Could the withdrawal of this amount have produced the effect? Every body answers no. How, then, could the removal of the deposites have produced the distress? Mr. Webster had said that the removal of twice the sum could not, *per se*, have done it, but that it is owing to the panic and want of confidence which that act has produced. How is it possible that the act of removal could have produced a panic, when it is admitted that it caused no diminution of any consequence in the accommodations of the bank? And if, at the first moment of the act, a fear of bad consequences created this panic, there has been sufficient time to recover from it, when the evidence produced by the bank itself has proved that the removal has not caused it to oppress the community. But it is well known to all that the removal of the deposites did not create this panic immediately, because they were ordered to be removed on the 1st of October, and yet the whole country was quiet until after

Congress met, when, for the first time, we heard this cry of panic from these halls, which has since been echoed back. Although the bank may have drawn in only four millions of her debts from the 1st of October to the 1st of March, it must be recollected that she had previously drawn in sixteen and a half millions, which, added to the four millions, make an aggregate of twenty millions and a half in the space of one year and nine months. This sum is sufficient to produce the distress complained of in the commercial community; and, when this is added to the attempts made by the bank and its friends to create a panic, we can be at no loss to account for the alleged distress. But, it is also said that the act of the Executive has caused "a want of confidence." In whom? In what? Not in the bank, for its friends have always said that public confidence is as strong in that as it ever was, and that it is in a state of "great security and repose." Is it loss of confidence between man and man? If so, how could the removal of the deposites have produced this effect? I confess my inability to comprehend how it could have done so.

Mr. Speaker, I'll tell you the secret of this panic and want of confidence. It is the panic which seized the stockholders and friends of the bank, upon their loss of confidence in obtaining a recharter. This panic they have endeavored to spread throughout the nation, in the hope that, under its influence, the people would force their representatives to grant a recharter. Look at the proceedings that have taken place in New York, Philadelphia, and Baltimore. Can any man doubt the object and the motive, when we look at these?

Sir, the conduct of the bank and its friends on the present occasion is a second edition, considerably enlarged and improved, of the convulsive throes of the old Bank of the United States in the year 1811. The same cries of panic, and dismay, and loss of confidence, were then heard, and the same awful predictions of ruin and distress were sounded in the ears of Congress. But they were all then, as they will be now, ineffectual to obtain a recharter. And did these awful consequences follow? Were these predictions fulfilled? The following facts will answer these questions: "Trustees were appointed, and proceeded so rapidly in winding up the concerns of the bank, that, on the 1st of June, 1812, they paid over to the stockholders seventy per cent. of the capital stock, and eighteen per cent. more on the 1st of October. This was a rapid collection of the debts due to the institution, inasmuch as it enabled the trustees to pay eighty-eight per cent. of the capital stock in about a year and a half; but it did not produce the universal ruin with which the country had been threatened." (Gouge on Banking, 2d part, page 41.) "Many persons," said Doctor Seybert, writing in 1816, (Statistics, page 522,) "viewed a dissolution of the late Bank of the United States as a national calamity; it was asserted that a general bankruptcy must follow that event. The fact was otherwise: every branch of industry continued uninterrupted—no failures in the mercantile community were attributable to that occurrence."

I have no fears that the dissolution of the present bank will produce the disastrous consequences now predicted. It cannot, *per se*, do so; and if distress and embarrassment should follow it, it will be owing to the criminal conduct of those who manage it, for the purpose of compelling the community to grant a recharter.

Mr. Speaker, I have now closed my argument upon the main subject of the debate; and will conclude by making a few remarks upon the opprobrious epithets which have been so courteously heaped upon the President and the Secretary of the Treasury.

The President has been denounced here and elsewhere as a tyrant and usurper, for having seized the sword and the purse, and for having done an act which, in England or France, would have brought the head of the King to the block.

Mr. Speaker, is Andrew Jackson a tyrant? Are we slaves crawling to the footstool of power? Is not the fact that gentlemen can stand on this floor, and, unawed, make these assertions, the strongest evidence that we are free, and that these extravagant denunciations are more the effect of an over-heated imagination, than of the temperate exercise of right reason? Did Andrew Jackson act the tyrant at New Orleans, when, in the midst of an armed soldiery, fresh from the spoils of victory, a thousand swords would have leaped from their scabbards to defend him at his bare nod, he submitted to a sentence from a civil tribunal, imposing on him a heavy fine for doing an act which, though unlawful, saved his country from the unhallowed tread of a foreign foe? What was his language and conduct on that occasion? The judge was intimidated at the sight of the army, and was afraid to pass the sentence. General Jackson perceiving this, called to him in this language: "Pass your sentence, sir; you shall not be molested. The same arm which has saved your city from an invading foe, will protect the civil magistrate in the discharge of his duty." The sentence was pronounced, and the general paid it; and, in the face of these facts, this man is called a tyrant. Comment is unnecessary.

Sir, Andrew Jackson stands in no need of a vindicator or apologist here. His acts speak for themselves. His deeds of glory are recorded on the pages of his country's history. His virtues are embalmed in the affections of a grateful people, and his name and fame will descend to posterity engraven on pillars more durable than brass or marble.

One word, sir, as regards the Secretary. He has been denounced here as a sycophant and tool, and virtually called a liar. Why is he called a sycophant? Is it because he accepted the office from which Mr. Duane was removed? Sir, Mr. Taney could not have refused this office with justice to the President and honor to himself. At a time when he believed that Mr. Duane would comply with the wishes of the President, he had given an opinion in favor of the removal of the deposites, without the slightest wish or expectation of holding his present office. But Mr. Duane refused, and was therefore removed. The President, then, requested Mr. Taney to take the office, and act in accordance with his previously expressed opinion. Could he, under such circumstances, have refused? Could any honorable man have refused? I think not.

Personally, sir, I know very little of Mr. Taney. I never saw him until this session. But I have long known his character for virtue and talents by the report of one, very nearly allied to me by the ties of consanguinity, who has known him long and intimately, who admires him for his virtues, and feels grateful to him for his kindness.

Sir, Mr. Taney is a man of the most delicate sense of honor—of high qualifications for usefulness—of the purest patriotism—the soundest morals, and the keenest sensibility, benevolence, and philanthropy. And can this man be a tool, a sycophant? No, never.

Sir, the bank may draw her bow and discharge her arrows at the President and the Secretary. It will be labor in vain. These arrows will never reach the one nor the other. They stand on an eminence too high for the flight of such missiles, and on a rock of integrity which all the powers of the bank and hell combined can never shake.

When Mr. SCHLEY had concluded,

The floor was obtained by Mr. **ELLSWORTH**, who moved that the House adjourn.

The question being taken by yeas and nays, the motion was negatived, yeas 64, nays 66.

Mr. **CLAYTON** moved a call of the House, upon which motion, **Mr. EVANS** demanded the yeas and nays, which were ordered.

Mr. McCOMAS moved that this House do now adjourn.

On this motion, **Mr. GILLET** demanded the yeas and nays, which were ordered.

Mr. ELLSWORTH rose to explain that he had moved an adjournment, after obtaining the floor, because, not expecting to speak to-day, he was not prepared with the papers which he should have occasion to use in addressing the House.

Mr. HARDIN said he had voted against the adjournment, and he wished to give a reason why he should now change his vote.

The **SPEAKER** decided that no explanations were in order.

The question on the motion to adjourn was taken by yeas and nays, and decided in the affirmative, yeas 70, nays 62.

The House then adjourned.

Thursday, March 27.

PUBLIC DEPOSITES.

The resolution of Mr. Mardis, on the subject of the public deposites, being the unfinished morning business—

Mr. CHILTON ALLAN addressed the House in opposition to the resolution, and continued to speak till the hour expired, when his remarks were suspended, and the House passed to the order of the day.

The House then resumed the consideration of the resolutions reported from the Committee of Ways and Means, together with the amendment offered by Mr. Wilde, declaring that the reasons of the Secretary of the Treasury for removing the public deposites, are unsatisfactory and insufficient:

When **Mr. ELLSWORTH** took the floor, and addressed the Chair as follows:

Mr. Speaker: When the letter of the Secretary of the Treasury was under discussion, some weeks since, upon the question of reference, its merits were elaborately examined, both the nature of the power of the Secretary, and the reasons assigned for its exercise. The letter was presented to us, because, by the charter of the bank, it is the duty of the Secretary so to do. It was the pleasure of the House to refer the letter to the Committee of Ways and Means, and, along with it, a memorial from the Bank of the United States, complaining of the act of the Secretary as a violation of the charter, and appealing to us for redress. This letter and memorial are returned to the House by the committee, with a report discussing at large the nature of the power of the Secretary, and approving his conduct. Certain resolutions are reported for the action of the House, that the bank ought not to be rechartered; that the future deposites should be kept in State banks; and that a committee be raised to inquire into the cause of the present distress. But, sir, there is no resolution touching the subjects referred; the letter and memorial are passed silently by; and, though the committee have expressed their sentiments, they seem not to be willing that Congress should express theirs. Had the committee scrupulously labored to divert us from the true question, they could not have done it more effectually than by presenting the resolutions under consideration. The gentleman from Georgia, [Mr. Wilde,] by his proposed amendment, brings us to the true question; when we have voted upon this, the country will see whether we sanction the conduct of the Executive, or censure it. Sir, we must meet this issue; the country, the bank, the President, the Secretary, all demand this of us. By the charter, in case of the removal of the deposites, Congress is made the court of ultimate appeal; that appeal has been made, and justice to the bank requires us to pronounce judgment, and to carry it into effect. Do not the friends of the distinguished Chief Magistrate feel it important that Congress should approve of his conduct, and acquit him of the usurpation charged upon him? Were I of that number, and conscious of the injustice of the charge, as they say they are, I would hasten to such a vote; and it should have been the first of those reported by the committee, instead of being wholly avoided. The country is convulsed; thousands upon thousands are petitioning for redress; the President is accused of rashness, vindictiveness, oppression, and tyranny; and it is proposed we vote upon certain abstract propositions, not involving the point in issue. The resolutions of the committee are all prospective, and do not glance at the past, while that, and that alone, is the true object of our inquiry. For myself, I do not feel called upon to vote upon the question of rechartering the bank; and it is more than possible that, before we are called upon to settle that question, new light may break in upon us, too clear and overpowering to leave a doubt in any mind.

I propose, sir, to confine myself chiefly to the conduct of the Executive. Without meaning to question the motives of so exalted an individual, it shall be my purpose to show that he is embarking in a course of measures unwarranted and calamitous. As the President openly avows the measures pursued by the Secretary to be his own, and actually removed the incumbent, that he might meet with no obstruction from that quarter, I shall speak of the removal of the deposites, and all succeeding acts, as the President's.

Now, sir, the removal of some eighty millions of dollars is by no means the engrossing feature in this scheme of the Executive. We see, here, his determination, as the mere executive organ of the Government, to break up the existing relation between the bank and the Treasury; to change the established policy of our fiscal relations; to put down the only universally accredited bank in this country, and drive out of circulation its bills, and bring in those of local banks, if not finally to overthrow all banks, and introduce a metallic currency. This is his undertaking; this the experiment now in progress; and this is the true source of the troubles we now feel, and of an apprehension of greater ones in reserve. Says the President, "I will try the experiment for two years, and, if it fails, the wisdom of Congress will then provide; I will give the country a better currency than the bills of the Bank of the United States."

This favorite object is avowed by the President and Secretary in their official and unofficial communications, and not only avowed, but strenuously advocated, as the better policy; as most congenial to the republican feelings and institutions of the people.

This object, too, is distinctly stated in the celebrated paper read to the cabinet. In the instructions given by the President to Mr. Kendall, when he was sent to negotiate with the State banks, you will see that the first of some nine proposals by him to be made, is, that the "President considers that one bank shall be selected in Baltimore, one in Philadelphia, two in New York, and one in Boston, with the right to add a few others, each becoming responsible for the whole revenue received by all," in order to carry on his favorite scheme. So, all the propositions evince a like determination in the President to assume the future control and legislation over the Treasury, not in order to rescue the money of the people from threatened danger, and keep it for them, to be taken care of by their representatives, when they shall assemble in Congress, but to enter upon his scheme at once, and, by a sort of executive legislation, subject the country and its treasury to his future dictation. Sir, I was amazed at this bold measure of the Executive. Mr.

Kendall, in his letters to the different banks, and especially to the president of the Bank of Maryland, says the President of the United States is aiming at the object above specified, and the contracts finally closed between the President and the local banks, prove his object is mainly prospective and legislative. Some of those contracts could not take effect before the meeting of Congress, and some have been made since Congres convened. The Secretary, too, in the letter before us, says, if the bank had conducted ever so fairly, he should have felt it to be his duty to do as he has done. The conclusion then is inevitable, that the Executive, in himself, and of himself, within what he claims to be the range of executive power, has resolved, at all hazards, without the participation of Congress, to change the hitherto settled policy of the country.

In contemplating this movement of the President, the first consideration which presses upon my mind is its importance. It is a revolution in the currency, property, and labor of the entire country; not affecting merely the Government over which the Chief Magistrate presides, but the interests of the States; their public works, their private pursuits; and all the people, rich and poor, active and retired. Enterprise already meets invincible obstacles every where; the channels of business are deranged; confidence fails; the relations of business between remote parts of the country no longer exist, and every body and every thing is affected, and deeply affected. The people must seek a new currency, and new channels and other means of enterprise.

The boldness of the experiment, too, is remarkable. To involve the country in this revolution would have been bold, even with the consent of Congress; but that the Executive should attempt it alone is doubly bold, if not presumptuous. Let us remember that the country had no notice to prepare; that the experiment was against the voice of the cabinet, and especially the protestation of the Secretary of the Treasury, the only officer who could consent to the attempt, and who, for his conscience and his patriotism, was ejected from office, and is now daily assailed, under the eye of the Chief Magistrate, by a hireling press. Sir, are we sure there is not a charm about bold and daring deeds, which, in a military mind, silences the dictates of judgment, and the remonstrances of faithful advisers? Do we not see in this unexampled contest between the Executive of this great nation and the president of the bank, the military chieftain animated by the boldness of the attempt, and burning with the thirst of conquest and spoil?

The experiment was wholly uncalled for. Would the country have suffered if the President had delayed sixty days, when Congress would have assembled? Do any of the reasons urged by the Secretary prove the necessity of immediate action? Were the funds unsafe, or the bank inefficient in the discharge of its duty? No. Does the fact that its charter would expire in four years, or that it had published speeches and reports in vindication of its conduct and charter, or that it had claimed of the Government damages on a protested bill, evince any such necessity? No, sir: no. We must seek a more hidden spring of action.

The experiment is forbidden by law. The President, by his Secretary, has entered into a league with State banks to discharge the fiscal duties of the Treasury. But, by a law of Congress approved the 1st of May, 1820, it is provided "that no contract shall hereafter be made by the Secretary of State or the Secretary of the Treasury, except under a law authorizing the same, or under an appropriation adequate to its fulfilment."

Another thing to be observed in this movement is, that the President has embarked in it alone, without the advice or participation of Congress, and against its judgment, solemnly pronounced.

Congress certainly has not participated in it thus far. The President covets the whole glory for himself; and, if he will make it fruitful in all the blessings he promises, and fruitless in the calamities we fear, I, for one, will award him the glory; but, should his efforts prove abortive, he must prepare himself for a different result, be it what it may.

In nearly all the annual messages delivered during the five years of the President's elevation, he has called the attention of Congress to the bank. At the last session, he particularly invited us to examine into its condition; and we did do it, through the agency of a most intelligent committee. The result was, that, after investigation, Congress, by a vote of three to one, decided that the deposites were safe, and, virtually, at least, that they should not be removed. What effect did this produce on the President? Did it satisfy him then, or has it stayed his progress since? Finding that the deposites could not be thus taken, he now declares that Congress has no power to take them, but that it has delegated the power to the Secretary of the Treasury, and that he may take them, as the President directs; and so they are taken, without further delay, and without ceremony.

What are we to infer from the fact that the President would not delay sixty days for the assembling of Congress? Why, that he had not confidence that they would co-operate with him. Would he not have waited, had he believed Congress would aid him? He is a military man, and moves rapidly: he has entered the breach himself, and, like a favorite general, appeals to his followers if they will see their commander destroyed, though his undertaking may have been bold and reckless. There is sad evidence that this appeal will not be ineffectual.

The power exercised is prospective and legislative, and not properly executive.

The argument of our opponents is, that the power of removal being vested in the Secretary, who is said to be but the arm of the President, it is vested in him so that he may do it. I do not assent to either the premises or conclusion, but shall not, after so much has been said on these points by other gentlemen, enlarge upon them; for, if true, they do not justify the conduct of the Executive. Whatever was the power of the Secretary, before the bank was chartered, to designate the depositories of the public money, his power was then limited, and he had thereafter no right to change the established depository, except for good reasons, and these subject to the approbation of Congress. The revenue, it was then seen, would increase, and it has increased to $30,000,000 a year. A safe depository was necessary, and the vaults of the bank were made the treasury of the country. The power to change was left with the Secretary, as a high and independent individual, to rescue, if necessary, the public money from imminent danger, but not at the mere discretion of another. Here is the wrong done. The President believes the bank is unconstitutional and dangerous. Congress will not aid him in its destruction; he casts about, and finds a provision in the charter that the Secretary may remove the treasury; he assumes the power as his own, seizes the treasury, and bears it off, to put in progress his favorite policy. The treasury is secure where Congress placed it, and Mr. Duane remonstrates against its removal; but it is in vain; the safety of the treasury is not the object, and the firmness of the Secretary is gotten rid of by dismissing him from office. I do not say the President will waste or misuse the money, but I assert that the treasury is in his hand, and that with it he is trying experiments of the gravest importance. Is the treasury in any known depository? Is it guarded by any known securities? Can any man tell me where our money is, or where it may be a week hence? An honorable gentleman from Indiana, [MR. LANE,] some days since exclaimed, with exultation, that the treasury was found. But, sir, where is it? I cannot find it. And how much may our anxiety be well increased, when we learn the principles upon which executive power is legislating over the treasury. The President has made himself the conservator of the "public morals, the press, and the elective franchise;" and, to keep these in a healthy state, he has seized and now sits enthroned on the treasury. The interest of the Government is not the sole object, as it should be; but other interests, not intrusted by law with any man, are to be fostered by the people's money, according to the partialities of the President.

It is said that the President is to see the laws executed, and hence has a right to control the Secretary and his trust. This is truly a broad power. If he may seize the treasury to enable him to execute the law, he may take the army and the navy, and unite in himself at once all the powers of the constitution. The gentlemen who urge this argument deny, and justly deny, that the words "general welfare," in the constitution, give any specific power to Congress.

The objections to this executive interposition are not less striking, when we turn our eyes from the constitution, to survey the effects of measures now in progress. Every material change in the policy of a republican Government must begin with the people, and not in the executive branch. This will insure to the subject the experience and wisdom of the representatives of the people, who best know, and are ever vigilant to defend the rights intrusted with them. And what an illustration have we before us of the truth of the position. Had the President consulted Congress, how quickly would he have been informed that the country, unapprized as it was, was unprepared for the experiment? It is impossible for the bank to wind up its concerns without some other in the place of it, at any time, without producing a shock in the community. How shall the body politic endure a complete depletion, or even a change of all its blood, without feeling it throughout. The bank expires in two years, with two years more to close its business; the debts due to it are about $54,000,000; this sum must be collected; it amounts to more than $1,000,000 a month. While the bank refuses to discount anew, and is collecting in this proportion, the local banks cannot discount, for they will become too much indebted to the Bank of the United States; and when the four years have expired, there must be in the vaults of the bank, for the stockholders, the capital of $35,000,000 in specie, or the bills of specie-paying banks, some 8 or 10,000,000 of which is to go out of the country to the foreign stockholders. The experiment, under favorable circumstances, would distress the country greatly. But, sir, the country was eminently unprepared; its business was never more extended; our exports, the last year, were $90,000,000; our imports $109,000,000; our coasting and inland trade never so great; enterprise had been allured into every field, and industry had every where found an ample reward; manufactures had received a new impulse in the adjustment of the tariff; agriculture and the mechanic arts were extending on every side; and States and individuals, without fear or cause of fear, were pressing on in works of public and private interest. There might have been some over-trading, but, if so, the President was bound to know this fact. The banks, too, were vastly extended; they had felt the stimulus of general prosperity, and had discounted freely and without fear; and, in my opinion, their unpreparedness for the experiment has most materially contributed to increase its evils. The State institutions cannot stir a step; they well know they are unable to meet their issues. Taking all the banks together, there is not one dollar in coin for eight in paper now in circulation, and some banks have not one for fifty. Sir, we live in a day of deep interest, as it relates to our paper currency; and bold, indeed, is that man who makes war upon it by destroying the Bank of the United States. Well, sir, while all was peace, prosperity, and security, in a moment, as if a clap of thunder, at mid-day, had broken upon our ears, a war of extermination is proclaimed against the bank; it is put on the defensive; it knows not the place, nor manner, nor violence of the assault, nor the forces which can be marshalled against it. This was the beginning of the sorrows of the country, and it is my firm conviction that her troubles are but begun; a dense cloud hangs over us, replete with the elements of misery and despair, and it must, sooner or later, break upon us. Had the bank been permitted to expire by the efflux of time, the country and its local institutions would, at least, have had notice, and prepared themselves for the event as much as was in their power.

Again, sir, if changes in our policy do not begin with Congress, we have no promise that they will be permanent and satisfactory. Here we are, in the midst of the experiment; and what is the plan matured? Congress is invited to legislate on the subject. This is just where the matter should have begun. Legislation now comes too late, except it be to save ourselves from the ruin which threatens us. The President and his friends are not agreed in any plan. Some wish to put down the Bank of the United States; others would go farther, and restrict and ultimately put down all banks: some wish to abolish commercial credits; others to introduce, exclusively, a metallic currency. Nothing is matured. The theories and schemes of gentlemen are as confused and unsettled as are the affairs of the country. In the mean time great distress is pervading the whole land.

Suppose we settle upon a plan, will it be such as the State banks, having the deposites, will accede to? What if we should exact interest, as we did in the late recharter of the bank in 1832, in the form of a bonus of $3,000,000, and, as I hope, will be done again, will the State banks keep the deposites? Do we in fact know what progress has been made in the experiment, or where our funds are to be finally lodged? The President and his advisers seem determined to bring the country to a primitive metallic currency: first, destroy the bank and its currency; then the State banks; then business done on credit, until every thing is transformed and made new.

Let me ask honorable gentlemen who is the adviser of the President in this enterprise. Not his cabinet; for they opposed it: not Congress; for they decided against it. Who then? Hear Mr. Duane.

"My commission bore the date of May 29, 1833, and on the 30th I reached Washington. After waiting upon the President, on the next day I went to the Treasury Department, and took the oath of office on the 1st of June. On the evening of that day, Mr. Reuben M. Whitney called upon me at my lodgings, at the desire, as he said, of the President, to make known to me what had been done, and what was to be done, in relation to the United States Bank. He stated that the President had concluded to take upon himself the responsibility of directing the Secretary of the Treasury to remove the public deposites from that bank, and to transfer them to State banks; that he had asked the members of the cabinet to give him their opinions on the subject; that the President had said, 'Mr. Taney and Mr. Barry had come out like men for the removal;' that Mr. McLane had given a long opinion against it; that Mr. Cass was supposed to be against it, but had given no written opinion; and that Mr. Woodbury had given an opinion, which was 'yes' and 'no;' that the President would make the act his own, by addressing a paper or order to the Secretary of the Treasury; that Mr. Amos Kendall, who was high in the President's confidence, was now preparing that paper; that there had been delay, owing to the affair at Alexandria; but no doubt, the President would soon speak to me on the subject: that the paper referred to, would be put forth, as the proclamation had been, and would be made a rallying point; that he (Mr. Whitney) had, at the desire of the President, drawn a memoir, or exposition, showing that the measure might be safely adopted, and that the State banks would be fully adequate to all the purposes of Government. He then read the exposition to me; and, as I desired to understand matters so important and so singularly presented to me, I asked him to leave the paper with me, which he accordingly did. He also read to me divers letters from individuals connected with State banks. The drift of his further observations was to satisfy me that the Executive arm alone could be relied on to prevent a renewal of the United States Bank charter.

"The communication thus made to me created surprise and mortification. I was surprised at the position of affairs which it revealed, and mortified at the low estimate which had been formed of the independence of my character. I listened, however, respectfully to one who gave such evidence of the confidence reposed in him, and awaited the explanation which he intimated the President would give.

"Soon after this interview, I took occasion to express my mortification at my position, to the member of the Cabinet who represented the President in asking me to accept office.

"On the next evening (Sunday) Mr. Whitney again called on me, in company with a stranger, whom he introduced as Mr. Amos Kendall, a gentleman in the President's confidence, and who would give me any further explanation that I might desire, as to what was meditated in relation to the United States Bank, and who then called on me because he was about to proceed to Baltimore. I did not invite nor check communication. Very little was said, and perhaps because I could not wholly conceal my mortification at an attempt, apparently with the sanction of the President, to reduce me to a mere cipher in the administration.

"The next morning, June 3, I waited upon the President, and, as I had been apprized by Mr. Whitney would be the case, he soon introduced the subject of the bank. I stated that Mr. Whitney had made known to me what had been done, and what was intended, and had intimated that his communication was made at the President's desire. The President replied, in a tone of dissatisfaction, that it was true he had conferred with Mr. Whitney, and obtained information from him as to the bank, but that he was not his confidant, nor had he told him to call on me. I enumerated the representations which Mr. Whitney had made, and their correctness was admitted. I said I feared that I should not be able to see the subject in the light in which the President viewed it. To which he remarked that he liked frankness; that my predecessor and himself had sometimes differed in opinion, but it had made no difference in feeling, and should not in my case; that the matter under consideration was of vast consequence to the country; that unless the bank was broken down, it would break us down; that if the last Congress had remained a week longer in session, two-thirds would have been secured for the bank by corrupt means; and that the like result might be apprehended at the next Congress; that such a State bank agency must be put in operation before the meeting of Congress, as would show that the United States Bank was not necessary, and thus some members would have no excuse for voting for it.

"My suggestions as to an inquiry by Congress, as in December, 1832, or a recourse to the Judiciary, the President repelled, saying it would be idle to rely upon either; referring, as to the Judiciary, to decisions already made, as indications of what would be the effect of an appeal to them in future. After mentioning that he would speak to me again before he departed to the eastward, he said he meant to take the opinions of the members of the Cabinet with him, but would send them to me from New York, together with his views, and would expect me, on his return, to give him my sentiments frankly and fully."

Had the President consulted even the intelligent merchants of the country, they would have told him the issue, and we should have been saved from the present distress; they know well the channels of trade and the nature of attacks on the currency; they tell the President, and they tell us, they are ruined, and that the country is ruined, if the experiment be persevered in. Your table, sir, is literally covered with touching representations and appeals from all classes of our citizens, and no one denies the truth of these memorials, to a great extent, at least. But the merchants, alas! they do not deserve the attention of the President. See how they are passed off under one sweeping denunciation in the paper which has the confidence of the President, and daily passes under his notice. I read from a communication in the paper of the 27th February, 1834, which, as it is not disapproved of by the editor, is either his or has his sanction: "The merchants have never entitled themselves to any thing but bare justice from the democratic ascendency of this country. In the late war they deserted that very administration which their own clamors had goaded into hostilities: and since that time they have always been found arrayed on the side of the enemies of the people. Is it any wonder that a democratic administration will not sacrifice its millions of friends to a handful of enemies?"

Sir, these very merchants have paid into the Treasury, on duty bonds, more than $700,000,000, and on all their bonds there has not been lost to the Government one-half of one per cent. But alas! our merchants are corrupt, and our professional men and newspaper editors, who are not servile to the administration, are bought by the bank. Indeed, it would seem that there are no honest men in the community except office seekers and office holders!

Our situation is beginning to be known, and though gentlemen differ somewhat in the cause to which it shall be ascribed, its reality is undubitable. What, then, is to be done? Shall we adjourn without any legislation? The people will not be satisfied if we do. I will remain during my commission, before I will leave the Treasury in its present condition. It is a sacred treasure which we must look after. We must give it some local habitation and laws for its security. I am becoming more and more convinced that it is now unsafe. It is not only subject to the judgment and views of one man, but by him, not superintended upon financial, but political principles. In looking into the bank returns recently laid on our tables, it will be seen that the deposites are rapidly accumulating in the State banks, and already some of them have more than the amount of their capital stock: they have from one million to twice that sum, and more, and have loaned it under the instructions of the President, to accommodate merchants. These deposites cannot at once be collected; and the President, at this moment, as it were, by a thread, holds these banks at his pleasure; he can break every one of them if he please, though I have no reason to believe he will. But what vast power is centring in him, and how close is becoming the moneyed and political power of the country. On the 13th of December last, the Secretary wrote to the Bank of Natchez, which had a deposite of nearly one million of dollars, belonging to the Government, that he should order a removal of some portion of it to New Orleans, to which he received a reply from which I read all that is important to my present purpose.

"PLANTERS' BANK,
NATCHEZ, *January* 25, 1834.

"SIR: We have been appointed by the board of directors of the Planters' Bank to communicate with you in relation to the public deposites.

"We are requested to say that the bank will use every exertion to meet the wishes of the Government, and facilitate its operations; and no considerations of interest shall prevent it from meeting promptly all legitimate calls made on it.

"We, however, will request the most liberal indulgence extended towards us which is compatible with the public interest; which we are induced to ask from the nature of our engagements with the Treasury Department, and the communications we have received from it, the situation of our bank, and the great moneyed pressure existing in this section of the country.

"This bank agreed, upon reasonable notice, to pay out or transfer the deposites made in it, according to the warrants or transfer drafts of the Secretary of the Treasury; and in the letter under date 9th October, 1833, notifying the bank that it was selected as the public depository, and enclosing the terms of the contract, the inducement held forth for its acceptance was expressed in the following explicit language:

"'The deposites of the public money will enable you to afford increased facilities to the commercial and other classes of the community; and the Department anticipates from you the adoption of such a course respecting your accommodations, as will prove acceptable to the people and safe to the Government;' and, in the same package, instructions were enclosed to the bank, to be forwarded to the officers at the different land offices in this State, &c., directing them to make deposites in this bank.

"The object of the Department in this appears to have been, that the bank should be compensated by the use of the deposites for the expenses and disadvantages it must incur, in collecting and transmitting such funds as would answer the purposes of Government, and performing such other duties as the United States Bank had been accustomed to do, and the people of the State benefited by the increased facilities which the bank could extend to them.

"Under this view of the case, the directory, anticipating the amount of deposites which would in the course of two or three months be placed at their disposal, expecting that they would receive them in available funds, and being much pressed by the necessities of the country, proceeded to discount much more freely than they otherwise would have done.

"Under these circumstances, you may readily suppose that we were somewhat startled at the purport of your communication of the 13th December, giving us notice to hold ourselves ready to meet the warrants or transfer drafts which the Department may direct to our bank for payment.

"We were not prepared to receive a general notice of the kind, especially at so early a period, when we had hardly received the deposites, much less had time to discount on them, and call in our discounts so as to meet the warrants or drafts."

I wish not to speculate unnecessarily upon the stability of the State banks; they are so thoroughly inwrought in our system that their failure would desolate the country, and I would create no unnecessary alarm; but they are very numerous—nearly five hundred, and rapidly increasing; and the belief that the United States Bank will not be rechartered is pushing them up by scores in the States; the specie in the country does not exceed $24,000,000, while the bank issues are not less than $200,000,000. How tender is the system, then? What danger of explosion on any untoward event? What a voice of alarm do we, by the mail of this morning, hear from the great State of New York, in the message of Governor Marcy? The State is summoned to interpose her credit, by issuing and selling stock to the amount of several millions, to sustain her banks. This, above all things else, will shake their credit, while it evinces their desperate state, and the pressure upon the people. I do feel concerned for the treasury of the United States; nor will my fears be removed until I see it restored to a bank like that of the United States.

After all, sir, the experiment of the Executive cannot succeed. Is there any thing in the past to justify such an expectation? When did a deeper darkness reign over the Treasury than the seven years when we had no national bank? Read the history of 1790, '91, and of 1812, '13, '14, '15, and '16. Many who rejoiced in the expiration of the first bank in 1811, were strenuous for the chartering of the second one in 1816; and even Mr. Madison, ever before opposed to a bank, invoked Congress to create it, and put his own name to the charter, for reasons too obvious and pressing to be resisted. That period gives us a vivid picture of the "enormous multiplication of local banks, the suspension of specie payments, floods upon floods of paper trash, tender laws, relief laws, stop laws, old and new courts, insolvency, bankruptcy, the verge of civil war, the institution of a new Bank of the United States with a capital of thirty-five millions instead of ten." Will our confidence gain strength by surveying the present? Is there not a kindred darkness beginning to settle upon the land? Do we not see in their incipient stages the evils of 1816 rushing upon us with a certainty and fearfulness which none can mistake? Alas! it is too true that individuals learn wisdom by experience, but communities never.

The President is mistaken; local banks cannot give a universal or an equal currency to this country; they are too limited in their capital and credit; their charters, their directors, their policy, and their management and condition, cannot be known abroad. Can the banks of Alabama furnish a currency for Connecticut, or Maine for Missouri? State banks may furnish a local currency; but their bills will depreciate just in proportion as you recede from the place of emission. Each State, and each district in each State, will have its own peculiar currency; and then farewell to business, and farewell to prosperity.

But a new era is opening upon us. We are to exchange this paper currency for gold and silver. I have read, in the essays of theorists, arguments for such a change; but never did I expect to hear statesmen, on the floor of Congress, gravely contend for it. To a greater extent than now exists, gold and silver, I agree, should be introduced, as may be done, if banks will cease to issue notes of small denomination, and Congress pass a law to raise the value of gold to the standard which prevails elsewhere. By the act of April 2, 1792, it was fixed at the rate of one of gold to fifteen of silver, while in South America and Europe it is as one to fifteen, though in England it is a little more. We have hitherto legislated in reference to our coins, both gold and silver, so as to send them out of the country. During the last year there was coined at the mint in Philadelphia, of these metals, $3,737,550, little or none of which remains in circulation, except the half dollars and smaller pieces. But the idea of banishing altogether bank bills is too chimerical for serious argument. This, however, is the design of some gentlemen in the administration, if not of the President himself. Let me allude to some of the difficulties. 1st. There is not coin enough in the country, nor do I see how, where, or when, it can be obtained. One hundred millions would certainly be the lowest quantity necessary. France has two hundred millions; and when we consider the extent, enterprise, and habits of the people of the United States, the above sum would not, in my opinion, be equal to the demands of the country in all its business transactions. We have not at this time more than twenty-four millions. 2d. We could not collect even our revenue, of some twenty-five millions, without bank paper. 3d. We could make no considerable progress in the experiment before a revolution among the people would force us to retrace our steps. We should meet in the contest against us all the moneyed institutions and capitalists of the country—all the debtors, all the owners of property, and all persons engaged in business: for you perceive the condition and relations of all such would be greatly changed. 4th. We have no control over State Legislatures and State banks, except in the collection of our revenue; and should we require that in specie, it could not, to any considerable extent, drive out the paper of State banks. 5th. The habits and genius of this people have been formed upon different notions, and cannot be changed. 6th. The country is young and enterprising, and needs every facility in getting capital; and nothing contributes more to this object than banking, with its attendant auxiliary, credit. It was a prominent consideration with Mr. Hamilton, in recommending a bank in 1791, that the capital of the country would be increased. It is held to be safe in Europe for a bank to issue three dollars in paper for one of silver; and in this country the proportion is vastly greater, perhaps eight to one, and in some States far beyond that, and doubtless too far; but, with its evils, it has conferred upon us incalculable good. How has it advanced us in commerce, manufactures, agriculture, public and private works, and knowledge? Our progress has been unexampled, and our attainments beyond the most sanguine expectation. The East and the West, the old States and the new, have felt its vivifying power, and are alike monuments of its beneficent influence.

One word on the constitutionality of a national bank, though this is not the subject of the amendment under consideration. The President proposes, for the present, to employ State banks, and this he must do; for, when the United States Bank is gone, we must depend on them to issue a currency, not only for the country, but to enable Congress to collect, transmit, and disburse its revenues. The President has accordingly entered into a league with a number of them; and such is the nature of the league, that they constitute an executive bank, obnoxious to every objection of a constitutional or political character which can be urged to a national bank. And why not create ourselves all necessary agents in our fiscal concerns, who shall act by our power and under our circumspection, and not lean on others beyond our control? The question, after all, is one of policy only. In any other Government, the practice of forty years, and the reapeated concurrence of each of its departments, would have settled the question; but here, it is our calamity that the very first principles of the constitution are not settled, and the great interests of the country are built up and put down, according to the notions of the dominant party.

But a national bank is dangerous, and the cry of monopoly, aristocracy, and corruption, is raised. Impassioned appeals are made to us: we are implored, in the name of liberty and patriotism, to rally to the deliverance of our country; to put on the armor of war, and take our stand in this last, this great struggle for freedom. Sir, it is amusing to hear such appeals made in this House; they might be expected in the harangues of an electioneering campaign, or in the columns of a partisan press; but they do not sound well here; it is declamation, it is fiction; it is a fancy-piece, devised by an over-heated or deluded imagination. Sir, these are appeals to the poor against the rich, and to their worst passions too. Has the bank hitherto injured the country? Which of all her interests has she trampled on? What is the response of commerce? It is not I. Of manufactures? It is not I. Of agriculture? It is not I. Of navigation, the mechanic arts, and learning? It is not we; no, no. I hold gentlemen bound to designate where we shall find a blight produced by the bank. It is easy to exclaim monopoly, monster, corruption, aristocracy, and the like; but where are they evinced? In truth, must not honorable gentlemen admit that prosperity has smiled upon us universally? And that neither our free institutions, nor any one of our great interests, have suffered from the bank? And it is quite certain they never will; the interests of the country are the interests of the bank, and of all banks honestly conducted. No two objects are more intimately and naturally allied; it would be suicide for the bank to rise against the country; the alliance is founded in selfishness, the strongest and surest of the human passions. A great deal of the clamor against the bank is not honest, and I am confounded when I see honorable men sanction it. She has not used her power oppressively; for, since the commencement of this unnatural and exterminating war against her, while she has had it in her power to crush the State banks, she has not, between the 1st of October, when the deposites were removed, and the 5th of March, reduced her accommodations quite $4,000,000, while more than $8,000,000 of deposites have been withdrawn from her; and in the city of New York, where the pressure has been the greatest, she has not diminished her loans at all, but increased them. Let gentlemen remember that character is valued by this corporation and its managers, as by ourselves; and why should it be held so cheap and valueless by its enemies, and the basest motives perpetually ascribed to all its movements and purposes? But, after refutation upon refutation of the charges upon this institution, the enemy is not disheartened; he knows the magic of the words monopoly, bank, aristocracy, and renews, with louder clamor, the alarm for liberty. Why, sir, how is liberty to be assailed by the bank? The history of banks, of commerce, and commercial credit, is the history of liberty the world over. Follow the banking system from Venice, where it originated, to Genoa, thence to Holland, to Hamburg, to England, to the United States, and you will see no traces of slavery, oppression, or tyranny, but a growing knowledge of the rights of man, and of boldness to assert them. It was the spirit of commerce which, after liberalizing and enlightening, awoke the nations of Europe from the slumbers of the middle ages, burst the bands of feudal vassalage, kindled the light and love of knowledge, and fired the soul with an unconquerable love of freedom. How then is liberty endangered, and where? Has she suffered in the Eastern States, the cradle of her infancy? Or is her spirit vigorous as at the first? In the West or the South? Or is not the love of country and of republican institutions there, and every where in the land, as youthful and as healthful as ever? Let me direct the fears of gentlemen to a truly dangerous foe to liberty, to our liberty—the executive bank—millions under the President's guardianship and distribution—and this, too, upon the principles of "preserving the morals of the people, the purity of the press, and the freedom of the elective franchise." Here is an enemy upon us. Such a bank, administered on such principles, combined with the appointing power of the Executive, and his enlarged and sleepless veto power, is a vast stride towards the demolition of our democratic institutions.

I cannot conclude without informing the House of the extent and seriousness of the evils of the experiment upon my constituents; and I speak, in some measure, from observation, for I have recently visited them. The active, enterprising portion of them are greatly perplexed and distressed; large establishments are reduced and entirely closed; the usual channels of business with the South and the West are broken up; the risk of loss, the uncertainty and difficulty of remittance, and the difference in the local currencies, exceed the profits of business; acceptances upon consignments to the large cities are stopped; and the local institutions can give but little relief. They are not bankrupt, but they know not what to expect from the future, and will not invest more of their capital or labor when they see no prospect for selling. Their business is at a stand, and laborers, with their families, in many instances, are turned penniless into the cold world.

This is truly their condition; nor will it be materially relieved until the Executive shall cease his hostility to a national bank, and to the employment of foreign capital, which is receding from the country, because of his declared enmity to it, and the violence of his measures over its investments.

Thus, sir, I have endeavored to show that the Executive has exercised legislative power in violation of the constitution, contrary to the determination of Congress, and to the consternation and distress of the country. I flatter myself I have not wholly failed.

To palliate this interposition of executive power, the President has placed himself in the judicial chair, and pronounced the charter of the bank forfeited, and has proceeded to execution without trial, judgment, or warrant. For his military promptness the process of the law is too slow and weary, and its principles and rules too narrow and technical. To his experiments, the experience of others and of other times is inapplicable or fallacious; and the wisdom and advice of Congress too cautious and short-sighted.

Sir, with all the responsibilities of my station upon me, I declare that, if Congress shall sanction this conduct, and these principles, the constitution lies at the feet of the Chief Magistrate, and its provisions are no longer effectual for our protection.

When Mr. Ellsworth had concluded—

Mr. CHOATE, of Massachusetts, obtained the floor; and the House adjourned, (by yeas and nays,) 85 to 69.

Friday, March 28.

Mr. J. BOULDIN, the member elect from Virginia, in the place of his brother, the late T. T. Bouldin, appeared, was sworn, and took his seat.

Mr. ADAMS asked leave to offer the following resolution:

Resolved, That the Secretary of the Treasury be directed to lay before this House, copies of the charters of all the banks selected by him as depositories of the public moneys in the place of the Bank of the United States and its branches, together with the names of the presidents, cashiers, directors, and stockholders in the said selected banks, with the amount of stock in said banks, held by each stockholder, and the amount of debt due by each president, cashier, and director of each of the banks to the said bank, at the time when it was selected as a depository, and at this time.

Mr. POLK objected, because the information called for was already on the tables of members.

Mr. ADAMS said the gentleman was mistaken; the document on the tables did not contain all asked for in this resolution. He therefore moved for the suspension of the rule.

Mr. WILLIAMS demanded the yeas and nays.

Mr. POLK said, if the document on the table did not furnish all the gentleman wanted, he would withdraw his objection.

Mr. SPEIGHT wanted to know what the resolution called for which was not in the document.

Mr. EWING, alluding to the cry which had been raised on the subject of bank attorneys and bank fees, offered an amendment to the resolution, calling for the names of the lawyers and solicitors employed by each bank. He hoped the mover would accept this as a modification of his resolution.

Mr. ADAMS said he had no objection.

Mr. WAYNE observed that the resolution must lie one day, and then it would be open to amendment.

Mr. ADAMS said that he must then move for the consideration of the resolution now; for he had once before succeeded in introducing a resolution which had to lie one day, and it lay two months.

Mr. WAYNE observed, he had never resisted any call for information which the gentleman had made, nor did he desire to do so. If the gentleman would only wait till to-morrow, he would then unite with him in voting for the resolution.

The CHAIR said, if any gentleman objected, the resolution could not now be considered.

Mr. WILLIAMS said he should then move a suspension of the rule, to allow of its consideration.

After some further consideration, Mr. ADAMS consented that the resolution should lie on the table till to-morrow.

PUBLIC DEPOSITES.

Mr. Mardis's resolution on the subject of the deposites, coming up as the unfinished business of the morning—

Mr. CHILTON ALLAN resumed the floor in opposition to the resolution, and continued to speak until the expiration of the hour, when the House proceeded to the special order of the day, being

THE DEPOSITES AND THE UNITED STATES BANK.

The House resumed the consideration of the resolutions reported from the Committee of Ways and Means, together with the amendment offered by Mr. Wilde.

Mr. CHOATE, of Massachusetts, then rose and addressed the Chair as follows:

It has seemed to me, Mr. Speaker, throughout the whole of this very able discussion, that it is not the removal of the deposites, but their restoration; not the reasons of the Secretary of the Treasury for what he has done, but the prompt undoing of what he has done, which should engage the attention of Congress in the circumstances in which it finds itself and sees the country. I have thought too, perhaps very presumptuously, that there is a point of view, in which, if the administration majority of this House themselves would look at the argument for the restoration of the deposites, even they might think it fit to be reconsidered. To that majority, therefore, sir, I beg leave to address myself; and I ask them whether, if I should concede, for the sake of a more amicable and more narrow discussion, somewhat, the main positions on which they have been insisting in this debate, it would not be, upon their own grounds, a clear case of expediency and duty to restore the custody of the public moneys to the Bank of the United States, as a measure merely of immediate and great relief to an anxious, agitated, and suffering, but wholly innocent community.

Gentlemen on that side of the House, and the Committee of Ways and Means in their report, now more immediately before you, have addressed themselves very much to those more exciting and broader topics which have been pressed into this discussion. They have argued that the President of the United States had the legal and constitutional right to compel the late Secretary of the Treasury to remove the deposites against his own judgment and sense of duty, and to dismiss him from office for refusing to do so. They have argued that the present Secretary has not at all exaggerated or misconceived the power over this subject reserved or granted to him by the charter of the bank. They have argued that the misconduct of the bank is at least a technical justification of the removal, sincerely as, for the most part, they regret the removal; and, finally, they say that the charter of that institution is not to be renewed.

I ask you, sir, whether, if all this be even so, it is not yet just, wise, merciful, and expedient in a very high degree, to give back this money, not so much to the bank as to the people, during the residue of the term for which the charter has to run?

I assure the House, therefore, in the outset, that I do not intend to touch at all those more exciting, and now quite exhausted topics, on which this debate has thus far chiefly turned. I have nothing to say of the right of the President to interpose his own will in the place of the will of the Secretary of the Treasury. I have nothing, or not much, to say of the nature and limits of the power over the deposites, reserved or granted, to the Secretary or the Executive, by the charter of the bank. I shall not meddle with the reasons of the removal, as reported to us by Mr. Taney; and I mean to proceed throughout upon the supposition that the charter will not be permanently renewed. My sole purpose is, to suggest a reason or two which should weigh, I think, with those who hold against my friends on these questions, to overlook them, in this hard season, altogether; to consider the restoration of the deposites exclusively in its aspect of a measure proposed *bona fide* for relief against great and unforeseen suffering; and to exhort them to seize on and appropriate to themselves, what no power can wrest away—the merit and glory of giving back to trade, to currency, to credit, and to labor, this life-blood which we all see and feel they cannot spare.

I know, sir, how far within the perfectly legitimate limits of the entire great subject before the House, I confine myself by the course I have thus indicated. I appreciate the vast importance of those questions which I have told you I do not mean to discuss. I feel, as others feel, for the constitution violated; the Executive department of Government morbidly enlarged; the Legislative department depreciated and dishonored; a charter broken by the nation that gave it; private property invaded, and a corporation, an American citizen, punished without judicial process; for the spectacle, strange and full of terror, of the currency, business, credit, and labor of a whole country, and that a free country, deranged, embarrassed, and broken up, by one supreme inflexible will. I hear, as others hear, the voice of the people, as of a rushing mighty wind, filling all the place where we sit, exhorting us to assert their rights, our own, and the majesty of constitutional government. But in that voice of the people, that loved and honored voice, whencesoever it comes to us, there is to my ear a prevailing tone of sadness. The first, the loudest, the universal prayer, is for relief; and while I shall vote undoubtedly for the restoration of the deposites in part as the only mode of vindicating the constitution and the law, of asserting the just prerogative of the legislative department, and of redressing the outraged rights of the bank, I beg to press it upon you here and now, in its other, not less important, perhaps less obnoxious, character of a measure for the immediate relief of the people.

Sir, the leading consideration to which I would ask your attention is this: that the laborious, trading, and business portions of the community stand, at this moment, in urgent need of all the aids which the public deposites can, in any way, be made to afford; and that those deposites can in no way and nowhere be made to afford the requisite and immediate aids, but by being restored to the Bank of the United States, and there employed again as the basis of loans, of exchange, of currency, and of that vast entire system of credit, and confidence, and accommodation, direct and indirect, which, as the event proves, they have there heretofore helped to sustain. I go on the plain, narrow ground, that the public needs and has a right to the use of its own money; that it must have it, or our men of business are, for the most part, undone, or driven out of business; and that whatever you think of the Bank of the United States; however you may fear or hate it for its particular conduct, or on a general principle of liberty or currency; however fixed your determination now that it shall not be permanently rechartered, and that no similar institution shall rise in its room; that still, by the force of circumstances which you cannot control, to which you are bound to adapt yourselves, it so happens that the public cannot have that use of its own funds without which trade and labor are paralyzed and perishing, unless they are replaced in that bank to the end of its charter, thence to flow forth again in a thousand shapes and streams of diversified and general utility.

There is nobody now in this House who does not admit and lament the existing distress. There is nobody here who would not leap to relieve it, if his personal exertions and personal charities could do so. Nobody blames the public which suffers, or would prolong those sufferings an hour for his life, to try any experiment in politics or currency. We differ enough about the President, the Secretary, and the bank; but I am sure we agree in a true and deep sympathy with our unfortunate constituents and countrymen, our great seats of trade and manufatures, our thousands of merchants, and men of business, and men of labor, whose cries have come up hither. Now, sir, is it not possible that, without any considerable sacrifice of our main opinions upon currency or politics; without committing ourselves at all, if non-committal is more agreable, upon the ulterior and totally distinct questions of bank or no bank, of paper, metals, or the constitution, that we may concur in returning the deposities as a measure of relief against suffering, not foreseen, certainly not intended by the author of the removal, but the proofs of which overwhelm us? Is it not possible that we have varied, endangered, and obscured the real question by hanging too much other matter upon it? Is it in any sense true that the comparative advantage of a bank and no bank; of a metallic currency and a paper currency; of a paper currency made up wholly of State bank notes, and a paper currency partly of such notes and partly of national bank notes; is it true that any of these things are necessarily involved in this deliberation? Is not this the only question—in what way will you dispose of the public deposites for the two years to come, so as most effectually to relieve the existing public distress, and meet the existing public wants? Sir, I know no other question: and on that I yet hope the House may generally concur in opinion.

That the removal of the deposites is the first cause, the first in the order of causes, of all which this country now suffers, is, in one sense or another, admitted by every body. Why that measure was followed by such consequences? What are the precise consequences which followed it? and in what way those consequences resulted in this wide and severe distress? are questions on which there is more diversity of opinion. We see the removal of the deposites at the beginning, and a universal and extreme embarassment, depression, and suffering, at the end of this rapid series of cause and effect; but the intermediate processes, the *modus operandi*, are a little less palpable. We heard the report, and we see that the victim is fallen, stunned, and breathless, yet not ceasing to live; but whether the wind of the ball, or the direct blow, struck him down, demands a closer inquisition. But, sir, adopt what theory we will on this part of the subject, the restoration of the deposites presents itself as the appropriate, and, in the circumstances in which Congress finds itself, the only practicable remedy.

The view which I take of the question before us renders it unnecessary to speculate very much on the precise manner in which the removal of the deposites has operated to produce the existing acknowledged condition of the country. It seems to me, however, that one great peculiarity in our condition may be said to be this, that the public deposites do not perform their accustomed functions in the world of trade. They do not give that support to general business; they do not supply that active capital; they do not sustain those loans; they do not effect those exchanges; they do not uphold that vast complex system of confidence, credit, and accommodation, which they did before their removal. In this respect, our ancient and wise policy, in relation to the public money, is suddenly departed from. Heretofore our policy has been, and all the calculations of our business have proceeded confidingly upon it, that the public money, in the interval between its collection and its expenditure, should be given back to the people who paid it. Our policy has been, instead of hoarding it out of sight, instead of locking it up behind the iron doors of a custom-house, to place it in a bank, generally a national bank, sometimes in State banks, or partly in each, not merely for safe-keeping and prompt transmission to the order of Government, but to the end that it might there, and from thence, feed the thousand fertilizing streams of currency and credit running every way through the land. Sir, it was a wise policy. I was surprised to see, the other day, that a member of the Senate, from a Southern State, was reported to have said that the people have no right to, and ought not to have, this use of their money. The gentleman from Georgia, on my left, [Mr. Gilmer,] who addressed you a short time since, I am happy to say, holds no such opinion. Yes, sir, it was a wise policy. In this way an additional compensation, over and above the ordinary blessings of good government, was made to the people for the expenses of Government. In this way its cost was lessened, and its burdens lightened. Taxes, in this way, never a blessing, were rendered something less an evil.

Now, I think, sir, that I describe one of the leading peculiarities in our condition, when I say that this policy is suddenly departed from, or, rather, by the force of circumstances, is altogether frustrated. This great source of supply to the business and the calculations of the community is suddenly cut off. Sir, the people have no longer the use of their own money. These great funds of trade are suddenly made and held wholly unavailable. The Bank of the United States, losing the deposites, and involved in a struggle of life or death, can no longer afford, or thinks it can no longer afford, the loans, make the exchanges, allow the credit, extend the general accommodations, which it did before. A thousand cruel circumstances concur to prevent other capitalists, whether banks or individuals, from filling the tremendous void. In the hands of their new depositories the public moneys, for the first time in our history, fail to fulfil their accustomed offices. There is as much blood in the system as ever, but it is congealed there; there is not strength enough to send it along the channels of life. I will not embarrass myself, as I easily might, by an attempt to explain the manner in which this has happened. I stand upon the broad, palpable, practical result; and that is, that the removal of the deposites has, unexpectedly, annihilated them, for the uses of business, as completely as if they were cast into the sea; and the whole body of business accommodations, which rested upon them, has gone down too.

I know very well that this is but a small part of the evil. Not only are the public deposites rendered unavailable to the uses of business, but all capital, every where, is, to an extraordinary degree, also rendered unavailable. They who have it, whether corporations or individuals, no longer use it as they formerly did, nor trust it as they formerly did, to those who have it not. They who have it, hoard it or put it to usury; they contract their business, dismiss their workmen, fold their arms, and stand gazing on the signs of this strange sky. They who have it not, find, for the first time, that, in the loss of credit and confidence, there is to them a loss of every thing. Then, sir, the whole of what has happened, in the order of it, is this: the removal of the deposites destroyed them instantly to the Bank of the United States. By the destruction of this portion of the means on which it used to give credit, that bank, and, subsequently, all banks, and all capitalists, incorporated or unincorporated, have been led to refuse to give, and do now refuse to give, that various, indispensable, customary expected credit which is the life of the world.

I am aware that, while we agree upon the fact, we differ in the explanation. Some gentlemen believe that neither the Bank of the United States nor any other bank is in fault for what has happened. Others hold that, but for the unwarrantable conduct of the general bank, the public deposites would afford the same aids to the public where they are, that they afforded before. Some ascribe it to panic-makers. Others are eloquent upon the proverbial sensitiveness of capital and the effects of an overstrained state of credit and trade. Differing about the explanation, however, we agree in the fact. The people have no longer the use of their own money. We agree, too, that the removal of the deposites was the first cause of all the difficulty. What prevents our agreeing that their restoration is a proper, needful, and, for the present, sufficient remedy?

Do you say that the State banks will be able, sooner or later, when the present panic shall have subsided, to let the public in again upon their accustomed uses of the public money, and thus afford the requisite relief? Sir, is not the practical question this: In what way can you soonest, most effectually, with the least possible intermediate disarrangement and suffering, restore the former condition of things?—by continuing the deposites where they are, and by continuing to turn the angry countenance of Government upon the national bank; or by restoring the deposites, the future deposites, to that bank, and re-establishing, temporarily, friendly relations with the expiring institution? Remember, sir, that the cries of those even now ready to perish are in your ears. What we do must be speedily done, or it is done in vain. It is not a question about what may be four or two years hence. It is a present, great, and every moment increasing crisis we have to deal with. How can you do the most immediate good? How can you prevent the most immediate mischief with the public deposites? That is the question.

Then, sir, contrast, for a moment, keeping this single question in your view, the probable consequences of a restoration of the deposites with the consequences of continuing them where they are.

The effect of a restoration of the deposites, or of a legislative order that they shall hereafter be made in the national bank, would be immediate and great. It would remove the first cause of all the evil, and, therefore, probably much of the evil itself. To some extent, certainly, I can see and feel my way. In the first place, it would increase the means of the bank in hands which could use those means. It would transfer funds from places where they cannot be employed to places where they can be employed. It would unlock—it would thaw out this congealed and petrified treasure, and bid it flow again, to some extent, through a parched land. That would be an immediate and palpable effect.

But it would enable the bank to wield these means, and to wield all its capacities, and it would enable all other holders of capital to wield their capacities for the public relief, on another principle, and in another way. It would proclaim a temporary armistice between the Government and the bank. It would indicate to the bank a purpose of Government not to recharter it, not necessarily to recharter it, but to permit it to bring to a close its vast and complicated business, as an expiring commercial institution should do, in the free use of its own means, in the free exercise of its own discretion, unforced, unterrified, gradually and peaceably, with the least possible shock, exhaustion, or panic to the community. It would show it that the Executive no longer intended to hang upon its retiring and diminished force, piercing its retreat with ten thousand arrows, as if it were a routed army running out of an enemy's country. The restoration of the deposites would not commit Government to this bank, to any bank, to any course whatever in relation to the currency hereafter. It would be absurd for the bank or the country to take it so. But I will tell you what they would infer, and would be rejoiced to infer, from it. They would infer that Government, made aware at length of the delicacy of the operation of bringing the business of such a corporation to a close, had determined to co-operate with it, to accomplish that result with the least possible inconvenience to any body. I should expect a great deal from this discovery alone. It would enable the bank to extend its credits; to resume to some extent its former business of loans and exchanges; to relax its pressure, if that is believed to be too severe, on the State banks; to settle its relations with those banks; to come to an understanding of amity and co-operation with them; and then to disengage itself easily and slowly from that great community, with all whose business and interest its own are interwoven in so many directions. It would enable it to make its will, appoint its executors, distribute its assets, provide for calling in its debts liberally and indulgently, and die something like a Christian.

In this way the people of this country would be as well prepared as they can ever be for that great change in their monetary system, which, as gentlemen will have it, awaits them. The transition will be less abrupt, and painful, and violent. The national senses would accommodate themselves to it, in some measure, as we went along. It would be to imitate a little the workings of the mysterious energies of nature, by which light is melted into darkness, and autumn into winter, so silently and gently that we are unconscious of pain, or contrast, or change itself, as the process goes forward.

So much for the effect of a restoration of the deposites. It applies the appropriate remedy to the specific mischief; it commits you to nothing beyond; and it is all you can now do. I know very well it cannot remove the whole evil. The past certainly is beyond your power, and beyond all power. The consequences of the executive experiment, so far as it has been tried, the losses already actually sustained by bankruptcies, by the depression of stocks, and of all prices and all property, by the interruption of private enterprise and public works, by the suspension of occupations, the rise of interest, and the fall of wages, the individual suffering, the general evil, can neither be computed, nor prevented, nor paid for. Whether, too, the mere restoration of the deposites, unattended with a prevailing expectation of a renewal of this charter, or the establishment of a new bank, would bring out the whole capital and the whole energies of the country to their accustomed activity and boldness, may be a matter of doubt; but because we cannot be sure we shall accomplish every thing, we are not therefore to do nothing.

You see the effect of a restoration of the deposites. I ask now if any gentleman thinks he sees the same chance of an equally speedy and effectual relief to the money market, with as little intermediate disturbance and distress, in continuing the deposites where they are, and in keeping up the war upon the Government bank for the residue of the term of its charter? The State banks do not, and cannot now relieve the community. Many gentlemen, and of them my friend from Connecticut, [Mr. ELLSWORTH,] who addressed the House yesterday, have expressed a decided opinion that they will never be able effectually to do so. They argue, and to my mind with irresistible force, that, from the limited and local nature and reputation of those banks, and their legal and actual state of disconnexion from each other, they could not, if they held a mint-full of deposites, furnish such a currency as your recent currency, nor conduct the exchanges of the country in so economical and stable a manner as the national bank has conducted them; nor uphold so steadily the pillars of that vast fabric of commercial credit, whose fall would bury beneath it half the accumulations of twenty years of peaceful national industry. But I do not touch that topic. All the ground I mean to occupy is this: that the State banks cannot now nor soon relieve the pressure upon the community. Their energies are paralyzed by the force of the times. By the force of the times they are obliged to regard every man who holds one of their bills, every depositor, private and public, every creditor, every other bank, local or national, as so many enemies let loose upon them. They are afraid to trust their oldest favorite customers, or they have not strength to trust them. They are fain to look mainly to their own preservation. It is right that they should do so. Some of them have great reason to do so. The same shaking of the earth which brings down merchants, tradesmen, and manufacturers around them, menaces some of them with a similar overthrow. The recent news from the city of Baltimore, the still more recent news from Albany, communicated in the somewhat unusual, but undoubtedly very authentic form of a proclamation by a governor, may well excite a fear that "the great storm which blows upon the coast will cast the whales on the strand as well as the periwinkles." A cautious, contracted, not to say selfish policy is forced on them by the crisis; but such a policy necessarily renders them unequal to the necessities of the business world.

How long this state of things will continue, if you do nothing, it is impossible for any one to be certain that he knows. It will continue probably not merely to the end of the charter of the national bank, but until all its dues from the community are called in. It will continue while the present relations continue between Government and that bank, keeping up its relations to all banks and all capital and credit. I do not look to the importation of specie for the local banks as promising any thing very effectual or seasonable. It will continue as long as your present policy of infatuation and passion continues, by which the national bank is regarded as a wild beast to be hunted into the woods, and thus made alternately the pursued and the pursuer. It will continue till many, very many, of this generation of men of business are driven from business, involving, of course, the loss of employment and the fall of prices to those who depended in any way upon their customary enterprises, or until they are themselves swallowed up by an unsparing and universal bankruptcy.

Then, sir, the question which I stated is answered. By restoring the deposites to the bank, and re-establishing relations of amity with it until it shall have called in all its debts and quietly expired, you mitigate, greatly and immediately, for the present, at least, the existing distress. By refusing to do so, you prolong and heighten it. If, then, we do not choose to embarrass ourselves by irrelevant or conjectural matter, how plain is the path of our duty. If, as you say, you are determined that the bank shall not survive the present charter, how indispensable to co-operate calmly with it, in bringing to pass that result with as little inconvenience as practicable. If this great banking agency and institution is an evil to be got rid off; if it be, indeed, what the excited language of the day has called it, an excrescence, a tumor on the surface, striking beneath the surface, impairing beauty, exhausting strength, endangering health—how much wiser to eradicate it by a gentler, longer operation, than to tear it off by a sudden wrench, which will bring flesh and blood and all away with it.

I know, sir, how this view of the matter will be answered. Gentlemen admit the importance of bringing the concerns of the bank to a gradual and easy close; but they say that, for that very reason, they removed and withhold the deposites, and create or permit the existing distress. They admit that, if the deposites were restored, the bank would give relief; but they say that the effect would be temporary only, and it would make the ultimate operation so much the more severe. To enable it to give relief, they argue, the bank would extend its credits; and the consequence would be, that, at the expiration of its charter, the community would be so much indebted to it, would hold so much of its currency, and would be so immediately dependent on its various accommodations, that its sudden withdrawal from the field of business would create great inconvenience. It is said that the bank could not prevent this if it would, and would not if it could. Nay, it would intentionally produce that state of things, in order to force a recharter. Government, therefore, with a wise and merciful forecast, removed and withholds the deposites, in order to lessen the force of the final shock, or, as the Committee of Ways and Means say, to divide the shock. It is the chastening of love we suffer under, after all! The object is distress now, that there may be the less by and by. You refuse to cure the patient, because he may hereafter fall sick again.

Sir, there is a plausibility in this, which, however, can impose upon nobody. I admit that it may be sometimes the painful duty of Government to subject a community to a present temporary inconvenience, in order to avert a future certain greater evil. It is good sense to take off a limb to save the body. But before the Executive could resort to such policy, supposing him to have the constitutional power to act at all for such a purpose, which I wholly deny, it was incumbent on him to show that this future greater evil would certainly happen but for this preventive policy of distress by which he hoped to anticipate and prevent it. If he could not show this, he was bound--Congress itself, in the same circumstances, would be bound--to let things take their course. "Sufficient unto the day is the evil thereof," would be the language of good sense, with permission of the gentleman from Georgia, [Mr. Jones,] as well as scripture, in such circumstances.

Now, I say, sir, that I have seen no proof, and no intelligible argument, to show that this measure and this day's sufferings, or any degree of them, are necessary in order to lighten the force of the final shock which must attend the winding up of the bank. One ground taken is this: that if the deposites are restored, and the desired relief is given, the bank will become so largely the creditor of the community, that the sudden withdrawal of its credits hereafter will more than renew the existing distress. Sir, let this matter be examined. It may be admitted that, at the expiration of the charter, the community will be largely indebted to the bank. They will be so, whether you do or do not restore the deposites. But, in the first place, it is by no means clear that the bank will hold the community in its debt and in its power for one dollar more at that moment, if you restore the deposites, than it will if you do not. You will enable it, indeed, to extend its credits, and in the first instance it will do so. But it does not follow that it will go on extending them to the end of the charter. It does not follow that it will not gradually and greatly contract them afterwards, and towards the expiration of the charter. In the renovated and improved condition of things to which I look forward, it will be practicable for the bank to do so without a renewal of the embarrassments and sufferings of this day. The restoration of the deposites, and the re-establishment of friendly relations between the Government and the bank, changing its relations to other banks, would enable them to wield their nearly-paralyzed energies for the public relief. It would bring out all capital from its hiding-places to something like its usual healthy boldness and activity. Confidence, which comes to life as suddenly and mysteriously as it dies, would awake from its temporary trance, and credit again reanimate the world. In that ameliorated condition of things, it might be within the ability of the bank, having taken off the sharper edge of the general sufferings, to resume the operation of a gradual close of its business, so as actually to have a smaller outstanding demand against the country at the end of the charter if you restore the deposites, than it will if you do not; and this without any revival of the distress, from which its first expansion and operations, after receiving the deposites, will have given relief. It would be able to contract its business in its own way, in the unembarrassed use of its own means, and its own discretion, and without communicating a general shock to confidence and credit, and the whole market of money; whereas this forced, artificial, violent, executive operation is attended by all these mischiefs. I say, sir, I think the bank would be able so to contract its business. I may add, that I think it would incline to do so, because it would perceive that its interest required it. The professional skill of that board of directors is not questioned by those who deny them all other praise. They desire, of course, a recharter of the bank; but they see, what I deeply regret to see, that the chances are a thousand to one against it. They are not quite so weak as to infer that a restoration of the deposites, a measure for which many gentlemen will vote, and vote consistently, who yet believe a bank unconstitutional, will of course lead to recharter, as we have over and over again been told it will; and, although their right is clear and sacred to continue their business to the full measure of their capacity to the last hour of their legal existence, yet I suppose they would see that their interests required a gradual contraction of it as that last hour approached.

But suppose the result is otherwise, and that the credits of the bank against the country will probably be larger at the end of the charter, if you restore the deposites and afford the desired relief, than they will if you do not: what then? You are bound to show that the withdrawal of those credits must necessarily produce such a deep and general distress, that you are compelled to continue the sufferings of this hard season, as the only means of preventing the greater evil to come. But who will venture to say this? The bank, they tell us, will distress the community to extort a recharter! Sir, it is an extravagant and unwarranted apprehension. It could do no such thing without the most tremendous pecuniary sacrifices, and without overwhelming itself beneath the just and universal indignation of the public. The bank will be the great creditor of the community, and cannot collect one-half of its immense outstanding credits by any policy but one of the utmost good nature, liberality, and discretion. I rely on its own instinct of self-interest to prevent such foolish and unprincipled conduct. Did the bank which expired in 1811 distress the community to force a recharter? Or were its deposites removed beforehand, to disarm it of the power of doing so?

But more than this, sir. If, at the expiration of the charter, it should appear to a just, wise, and parental Government, that the time allowed by that instrument for winding up the affairs of the bank was too short, how easy and obvious, by the intervention of trustees, or by prolonging the charter for that purpose alone, to allow a few years more! This would extend the operation over space enough to make it as tolerable as it can be made to every body. The struggle for recharter would then be over; the doom of the bank would have been sealed and known to it; and it could have no conceivable inducement but to retire from business with as much character and as much money as it could earn by the best possible behaviour. This would enable other proprietors of capital, banks and individuals, to fill the void as fast as it should be created. It would convey this rare and precious liquid from one vessel to the other, without spilling a drop of it. It would bring into use your improved currency and improved fiscal machinery as fast as the old was laid aside, and something faster than any wise or honest man, I suspect, will wish to see it. It would put it in the power of the people once more to reconsider the all-important subject of a national bank with the requisite degree of care and calmness.

Do not refuse, then, to give the relief for which the whole mercantile, trading, manufacturing, and mechanical interests of this country are anxiously waiting before your doors, on the pretence or in the belief that they know not what they ask; that it is good for them to be thus afflicted; that it is necessary, in order to spare them a future greater affliction, and to secure their final effectual rescue from the blandishments and violence of the enchanter who is folding them in his arms. Think better, more justly, more humbly, of the nature and business of human legislation. Do not say, because relief will be temporary only, that therefore you will withhold it. Be it that it is temporary—yet it is all clear gain. Do not, above all, incur the guilt or the suspicion of having precipitated and aggravated the suffering unavoidable upon the closing of the concerns of this institution, by an ill-judged, however well-meant, attempt to scatter and break its force. Because the natural death of the bank, four years hence, or six years hence, may probably occasion some inconvenience, will you therefore knock it on the head over night? Sir, I see that in certain resolutions adopted in Faneuil Hall, in Boston, (not yet presented here, I believe,) the bank is called the evil spirit in possession of our institutions! Even so, I doubt the wisdom of tormenting him before his time; giving him an occasion and pretext, by our clumsy, violent, unblessed exorcisms, to rend the body as he leaves it.

Strange as it might seem, the Committee of Ways and Means put forward the removal of the deposites as a part of the plan devised by the Executive for bringing the Bank of the United States to an easy and gradual close, with the least possible inconvenience to the community. Sir, let me say that, throughout the whole of that well-considered plan, I remark one great oversight. It overlooks altogether, or it slights, the vast importance of so conducting this most difficult operation, as in no stage of it to destroy general confidence, dry up the springs of credit, drive other capital from its ordinary uses, and throw the money-market into confusion. It overlooks, or it slights, the indispensable necessity, to this end, of keeping up all the while the most friendly relations between the two agents of the people, the Government and the expiring institution. Sir, I hold that the re-establishment of those relations, solemnized and proclaimed by the restoration of the deposites, is all-important for the very purpose the Executive has in view. I would order the future deposites to be made in that bank from this moment, if for nothing else, for the precise reason which the Executive gives for the removal—to aid it, for the benefit of the country, in its closing operations. Let me say, moreover, that the whole policy of the Executive towards the bank, ever since the veto, including the removal of the deposites, has been calculated, in a remarkable degree, to cripple its capacities for doing good, and to call into dangerous activity its capacities for doing mischief; and to this policy, more than to any thing else, is all we suffer properly to be attributed. The Executive is determined that this charter shall never be renewed. Well, of that I say nothing. But the misfortune which I may presume to lament is this: that instead of holding himself ready, calmly and inflexibly, for the exercise of the veto power, whenever this Congress or another should send him a bank charter, his view of his duty induces him to attempt to forestall the action and opinion of Congress and of the public upon the matter; to make assurance doubly sure against the bank; to engage in a most dangerous, most destructive experiment, to show the people they can do without it; to throw doubts on its responsibility; to abridge it of its means; to threaten to exhaust its specie by turning back its floating checks; to involve it in a quarrel with the world of business; to hold it responsible for the consequences of his own unadvised experiment, and thus make sure of the great work to which perhaps he considers himself, under Providence, appointed specially. The consequences of this policy are around us and upon us; and they belong, for praise or blame, properly and exclusively to the author of it. A gentleman from New York [Mr. CAMBRELENG] took occasion to refer to the conduct of the bank which expired in 1811, as presenting a contrast very unfavorable to the present bank. I submit to you that the conduct of Government, at that time, presents a contrast with its conduct now, quite as remarkable. Perhaps one may explain the other. If we go back for any part of the example, let us take the whole together. Look upon that picture and upon this! Mr. Gallatin, then at the head of the Treasury, appreciated perfectly the delicacy of the operation of closing the concerns of even a bank of ten millions. He was of the democratic party; the directors were federalists; and they were vehemently suspected by his friends of actively participating in the stormy politics of the time. There were those then, too, no doubt, as there are now, and of his friends, who were willing to plunge the country into something like the embarrassment and suffering of this day, for the purpose of breaking down the bank, and the party which controlled it, and bringing into disfavor all paper money and all banking establishments. Happily, Mr. Gallatin took a different view of his duty in that crisis. He remembered, happily, that he had the currency, credit, business, and labor of a great country to sustain, as well as a bank to wind up. He thought that co-operation, amicable, frank, enlightened co-operation with the closing institution, was the true policy of Government. I remember no doubts cast by him on its solvency; no denunciations by him of its politics; no removal of its deposites; no threats to exhaust it of its specie; no Treasury drafts drawn without notice; no assaults in the dark; no warfare, by daylight or dark. The Legislature alone, according to the constitution, determined the question of recharter; but the whole Government co-operated in a series of parental, temperate, calm, and wise policy, with an ardent desire to carry the people through that vast change of their monetary system, if it might be, without the sacrifice of a single private fortune, without breaking so much as a young tradesman just starting in life, in part upon borrowed capital. Yes, sir, look upon that picture and upon this. If the history of the year 1811, and of the four or five years following it, do not teach us its proper lesson, to keep the bank alive, at least let us learn from it the next most useful knowledge, how to let it die.

Before I pass from this topic, I cannot help pausing to remark, that while the Secretary of the Treasury, and the majority of the Committee of Ways and Means, are both, of course, clearly of opinion that this early removal of the deposites, independently of any supposed misconduct of the bank, was an excellent thing for the public, they do not seem to agree why it was so excellent. The Secretary puts it on two reasons. In the first place, he thought the deposites would be unsafe if they remained in the bank till the end of the charter. I need say no more about this, sir, than that it is now abandoned by every body. The Secretary himself, in his annual report, informs you that there would have been no deposites left in the bank, safe or unsafe, at the end of the charter, even if he had not removed them. I do not remember that any gentleman here, or in the other House, has affected to agree with him in this most extravagant suggestion, that the deposites, whether more or less of them should remain till the end of the charter, would be insecure there. The Committee of Ways and Means certainly say not one word about it from the beginning to the end of their report of one hundred and forty pages. The history of the close of the former Bank of the

United States, is a perfect answer to it. So much for his first reason.

But hear his second and main reason, and behold the daring disrespect with which the majority of the committee have treated that also. The deposites were removed between two and three years before the end of the charter, he says, because all that time, or at least a very long time, will be necessary in order to give to the State bank notes that superior credit every where which will enable them to fill the vacuum in the currency occasioned by the withdrawal and depreciation of the general bank notes. Well, how is that superior credit to be given to them? Why, he tells you, sir, by passing a law making them receivable for all debts due the United States. Nothing more is necessary, on his own showing; for he expressly says that the notes of the general bank derive their superior credit solely from their legal quality of receivableness for all debts due the United States; and that if you give the same quality to State bank notes, you give the same credit to such notes. You see, therefore, that the Secretary removed the deposites two years and a half before the end of the charter, to enable or to induce Congress to pass a law making State bank notes receivable for debts due to Government. Now what say the Committee of Ways and Means to all this? Why, sir, in substance, first, that no such law ought to be passed; that no such credit, by such means, or by any means, ought to be given to State bank notes; that no attempt ought to be made to give those notes currency in place of the national bank notes; and, second, that if it were expedient to attempt to substitute those notes for the others as a circulating medium, a law making them receivable for debts to Government would have that effect immediately; and that, therefore, such a law need not be passed until just before the end of the charter. Yes, sir, he removes the deposites to enable Congress to legislate State bank notes into a universal circulating medium, and the committee tell him Congress ought to do no such thing. He thinks you could not invest those notes with the quality of credit which will carry them every where in less than two years and six months; and the committee say that a single law of Congress would give them the necessary credit "immediately."

Undoubtedly, sir, the committee are right, and the Secretary is wrong. "It is well understood, (he says, in his report, page 5,) that the superior credit heretofore enjoyed by the notes of the Bank of the United States was not founded on any particular confidence in its management or solidity. It was occasioned altogether by the agreement, on behalf of the public, in the act of incorporation, to receive them in all payments to the United States; and it was this pledge on the part of the Government which gave general currency to the notes payable at remote branches. The same engagement in favor of any other well-managed institution would give its notes equal credit, and make them equally convenient for the purposes of commerce." How long would it be, then, after making such an engagement by law, before the notes thus accredited would become current every where? Hear the committee. "The provision which has made the national bank notes current every where, is the clause in the charter which compels the Government to receive their notes in payment of all debts due the public; and a similar provision in favor of the State banks which might be selected as the depositories of the money of the United States would immediately make their notes equally current, and insure for them equal confidence in any part of the United States." And yet the Secretary removes the deposites two years and a half beforehand, to give time for bringing these notes into circulation, and the committee sustain him. Disallowing, refuting even, the reason he acted on, they permit the bitter consequences of the act to be poured out without limit and without mixture on the people, while they torture their faculties for other and less absurd reasons.

And what are some of them?

There is a floating and vague desire, or pretence of desire, in certain quarters, to abolish paper money. The image of a universal metallic currency is played before the eyes of the people, to dazzle them and to divert them from the true questions which ought to engage their exclusive and profoundest attention. What the reformers of currency would have, how they mean to be understood, supposing them in earnest, it is not very easy to make out. Some tell you they wish to enlarge the specie basis. Others say small bills are dangerous to the republic. Others admire the example of commercial France, where the currency is all pure, precious metal, and contrast it with the bank notes and floods of negotiable paper which have kept England so unenterprising and unprosperous. With no intelligible or precise statement or conception of what they aim at; in different modes of expression, all evasive and deceptive, you get from them, one and all, (and it is all you can get,) that they are for a metallic currency, and against a paper currency. Very much as Pistol has it:

> "A foutra for the world and worldlings base,
> I speak of Africa and golden joys."

Now, sir, not to go into the merits of this proposition of a radical change of the currency of the twenty-four States of this Union, does not every gentleman see that he does not practise on, nor forward, his particular opinions in favor of a metallic medium of circulation, by continuing the deposites in the State banks, any more than he would by restoring them to the Bank of the United States? If you continue those deposites where they are, you apply them to the manufacture and circulation of State bank paper. If you restore them, you apply them to the manufacture and circulation of national bank paper. Either way you make them into paper money. Either way you do nothing to bring in the *saturnia regna*, the golden age and golden joys, which you long to see and feel. Sir, in the report of one of those committees of their fellow-citizens, whom we have seen thronging to the executive mansion to pour into his ear the complaints of a ruined people, it is stated that the President thought it desirable that the State banks should abandon the circulation of small notes, in order to fill that space with specie. To induce them to do so, he suggested it might be expedient to make the deposites in such only of the banks as would relinquish this portion of their currency. But when asked, in the same interview, how soon it was proposed to act on that suggestion, he said, promptly, "not until the expiration of the charter." So, you see, neither his opinions and purposes, nor those of any body else, so far as I know, on the subject of the metals, stand at all in the way of the restoration of the deposites as a measure of present relief. The truth is, that the questions of bank or no bank, and of the comparative advantages of metallic and paper currencies, do not touch the matter before you. You commit yourselves to nothing by restoring the deposites. You may restore them, you may stay this plague, you may hush these cries which pursue you waking and sleeping, and then set yourselves at your leisure to the work of devising and introducing any more permanent scheme of currency whatever to which your several opinions may incline you. I think still, in the midst of these new lights, that a paper money, issued in moderate quantities, not going, if gentlemen please, to the lowest denominations, convertible practically, at all times, into the metals, is the best currency, the cheapest, most convenient, most vivifying, that ever was; and that our present or recent system of State banks and a national bank, each in their place and order, after the more glorious pattern of our political system, is the wisest contrivance we shall ever see for furnishing such a currency. On that basis, through that instrumentality, with that leading principle in view, I would have all reform, if reform is desirable, conducted; but I have not supposed, and do not believe, that the restoration of the deposites (a measure of mere relief to the money market) would have the weight of a feather in determining that ulterior and distinct question of currency, as a permanent policy, with which it is sought to be confounded.

Gentlemen oppose the restoration because the bank has misconducted itself. It treated the Government directors discourteously. It was a little too greedy for damages on the dishonored bill of exchange. It is against the President in politics. It tries to impress the people with a conviction of its own utility. Nay, sir, the Committee of Ways and Means are of the opinion that if only one more investigation could be had, one more search of books and papers, one more cross-examination of the president and directors, there is absolutely no knowing what the bank might not be found to have done! Ay, sir, but what have the people done that they should be deprived, in this hard time, of the use of their own money? We are this day selecting an agent to hold for two years to come the public money, in trust for the public that owns it. The choice is between the national bank and the State banks. It so happens, you might wish it were otherwise, but so it is, that one of the candidates can perform the trust to the full measure of the necessities of the party beneficially interested, and the other cannot perform it at all. In this view of the comparative grounds of choice, shall I suffer my pride, my passions, the infirmities of my temper, my personal likes or dislikes, or any recollections of an old grudge, to come between the people and the object of their most ardent and most reasonable desire? Sir, if this were a question between Government and the bank, or the conduct of the bank, as affecting itself alone, I should feel it my duty to declare the grounds of my decided opinion of the utter insufficiency of the reasons of the Secretary, drawn from the conduct of the bank, for the act he has done. But that is not the question, or it is not the whole question. The question is, whether the bank has behaved so badly, that the people, who have not behaved badly at all, shall lose the present use of their money? I do not meddle, therefore, with the charges of the Secretary against the bank. I am sure he makes out no such case, whatever else he does or does not make out.

Let me say, however, that there are two other grounds upon which I think I may fairly decline to touch those reasons of the Secretary, which are drawn from the alleged misconduct of the bank. In the first place, as I construe the sixteenth section of the charter, he had no right even to order future deposites to be made elsewhere, for such a class and description of reasons as he reports himself to have acted on, although the reasons were founded in fact. The removal was a violation of law and of the charter, and a usurpation upon the prerogative of the legislative department, whatever you think of the reasons. I do not propose to go into the argument at large, on the meaning of the sixteenth section. I will say, however, that I adopt the construction which most narrows the power of the Secretary; which restricts his right of interfering, to the smallest number and description of cases, consistently with the language of the section; to cases where the deposites are insecure in the bank, or not promptly transmitted to the order of Government, and the like; and I do so for this general reason, among others, that this construction is better calculated to secure the execution of the main intent of the Legislature, in this section, both as it regards the place where the public money ought actually to be kept, and as it regards the department of Government which ought to determine that place. The section has been recited so often that you have it by heart: "The deposites of the money of the United States, in places in which the said bank or branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct, in which case, the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order or direction." Now, sir, assuming for the present, that the removal was the free, unforced, unbought act of the Secretary alone, according to the spirit of the law in that regard, and waiving the inquiry, for the present, whether that officer is in our system the servant of the President, or the agent of the Legislature, see what is the extent of his power. The Committee of Ways and Means tell you that this section leaves the power of the Secretary precisely where it stood before; in other words, for such and so broad, they say, was his power before, it leaves him the power of placing the public money, as it falls in, just where he pleases, for just such reasons as he is pleased to act upon. Congress, they say, could before, by law, remove the money from the places selected by him, and that is all they can do now; they could examine his reasons before, and they can do no more now.

Sir, if I concede to the committee that, before the passing of this law creating the bank, the Secretary of the Treasury had habitually exercised all the power which they claim for him, there is still in the argument by which they attempt to show that he has the same power since, this great fallacy: They allow no weight in construction to the most important circumstance that the Legislature, in this section, for the first time in the history of our legislation, designate a place for the safe-keeping and use of the public money. They overlook the circumstance that the language of the section, the order of the language, the novelty and the arrangement of its provisions, and all which we know historically on the subject, decisively prove that the main, paramount, controlling intent of this section was to declare the legislative will that the public money should, as the general rule, and permanently, be kept in this bank. The main intent was to enact that, whatever had been the power or the practice of the Secretary before, in the absence of legislative provision, henceforward, for grave and general reasons, the deposites should be made and continued in a place ascertained by law, instead of floating, as before, with the discretion of any one officer, to whatever department of the Government he may belong. If this were not the main intent of the section, will learned and honorable gentlemen tell us what is? Was the section inserted here mainly to declare and confirm the absolute power of the Secretary over the place of the public money? Was it to enact that, whereas he had always had, and was still to retain, that power, now, if he should forget or decline to fix any place, the money should go into this bank? Was it to intimate a modest legislative request that he would be pleased to deposite it in this institution, as far as should be consistent with his undoubted right and good pleasure to place it elsewhere? No, sir, the whole structure of the section, and all our historical information about it, conclusively indicate that the main design was to provide a place where the deposites should be made while it continued safe, and promptly answered the drafts of the depositor, with an auxiliary, subordinate provision for an occasional right of interfering in the Secretary, on emergencies, given him, if I may say so, in trust for the benefit of the main design, and to be so constructed as to give the largest and fullest operation possible to that main design. Sir, we know historically, why the Legislature deliberately chose this place of deposite. They thought the public money would be safer in it than elsewhere. They thought it would be more economically, promptly, and securely transmitted to the various points of disbursement. They thought it would do more for business, credit, and the currency, more for the money market, more for the people who owned it, there than elsewhere. Every argument in favor of a national bank was an argument for putting the public money in it. I see, then, sir, that the leading purpose of this section is to make known a legislative selection of the place of deposite. I see, also, that a narrow construction of the power of the Secretary is most consistent with, most effectually aids, that leading purpose, because it removes one obstacle out of its way; that is, the uncontrolled power of the Secretary to frustrate that purpose; and, therefore, I adopt that construction. Before the passing of this law, the Legislature had manifested no choice on this subject. By this section they expressly manifest a choice; and yet the committee say that makes no difference! I hold that it makes all the difference in the world. It is absurd to suppose, and so is the construction which leads to it, that the Legislature, having deliberately, and on general considerations connected with currency, exchange, credit, and the fiscal uses of the bank, ordered the public money to be placed in it, should, in the same breath, put it in the power of the Secretary of the Treasury, in five minutes after the law was made, to revise the work, to set his own will up against the legislative will, and, on a different view of the same considerations on which they acted, to reverse their deliberate decision.

I have thus far considered this section merely as a part of a law. But, when you reflect that it is a contract also, that the whole charter is a contract, whereby the Government, for valuable consideration, conveys rights and privileges, and a legal term of corporate existence, to those who paid or guarantied the consideration; and that, of these rights and privileges, the use and administration of the deposites is one, the argument is greatly strengthened. It, then, becomes inconceivable that either party should have been willing to repose in a Secretary of the Treasury, or in any third person, the right capriciously and arbitrarily to disturb or impair the value of the contract to him who bought and paid for it over and over again. I can conceive that the Legislature should reserve to itself the power by law to remove the deposites, and that the corporation should be willing to cast itself so far upon the justice and wisdom of the whole law-making branch of Government. But the construction which would make the Secretary every thing, and the Legislature nothing, and the rights of the corporation nothing, and clothe him at once with the double and anomalous power of repealing law, and of invading private right, solely because the act would have, in his opinion, "some degree of tendency to promote some degree of public good," is an impossible construction, if the language leaves you any escape from it. Surely no lawyer will question that the intent of this section was, in part, to give and to acquire a privilege believed by both parties to be worth something. Such a privilege, I shall presume, was supposed on all sides to have some of the qualities, and to be protected by some of the securities and the sanctity which surround all property in a land of law. It is a kind of tenancy, as between the Secretary and the bank; not altogether at will, but for a prescribed time; determinable for cause; determinable, not for general bad conduct, but for bad husbandry, or waste, or non-payment of rent. It is a bailment to the bank, in trust for Government and itself, for a stipulated term, on a consideration; liable to be reclaimed within the term, not for the bad politics of the bailee, but for his failure to perform the specific trust on which he holds it. This view of the right of the bank, and the power of the Secretary, is consistent with the language of the section, with its main intent, with the whole scope of the entire charter, with the legal character, and duties, and powers of a Secretary of the Treasury in all other cases, with the particular powers given him in other parts of this law, with the general law of contracts, and the general spirit of our constitutional, legislative, and administrative system. It reduces the head of the Treasury to his proper dimensions. It secures the safe-keeping and use of the public money. It removes the corporators of the bank—American citizens all, or foreigners, whom the fame of your good faith has invited hither, and who come under the national license—beyond the reach of the caprice, jealousy, and tyranny of a more subordinate department of administration.

There is another reason for which I think gentlemen who believe (I am not one of them) that the Secretary of the Treasury is a mere servant of the President, and that President, by him and through him, presides over the Treasury, and is clothed with the power reserved and granted by this section, of removing the deposites, such gentlemen ought to adopt this narrow construction of the reserved or granted power of removal. In their view of the constitution, it is a power reserved or granted directly to the executive department, and to the President, who is at the head of that department, in rank and name; and so the Congress which passed the law, must be presumed to have understood it. Now I shall presume that, in framing this section, the National Legislature intended to perform its great constitutional duty of determining where the public money should be kept in the interval between its collection and its disbursement, the hands which should hold it, the uses it should be put to, instead of leaving this to be determined by the Executive; and I shall adopt the narrow construction on which I have insisted, as more consistent with this intent also. I have already said that the Legislature would not probably leave a capricious and wide discretion to the Secretary, because it would put it in his power to defeat its declared policy with regard to the particular place chosen. I now submit that it would probably leave him no such discretion, because it had the power, and because it was its duty to fix that place, and those hands and those uses, as far as possible, beyond the reach of presidential and executive discretion, and I shall presume that it intended to exert that power and perform that duty. Sir, that the power of determining who shall hold the public money after it is collected or secured by bond, and before it is disbursed, where and to what uses, whether banking or other uses, it shall be holden, belongs exclusively to the legislative department, is not denied by the most unflinching champions of executive power. It belongs to the department which collects and appropriates revenue, and regulates commerce and currency. This is admitted by every body. The Secretary himself says "the power over the place of deposites would seem properly to belong to the legislative department of Government." A distinguished gentleman, recently, but not now, a member of the Senate of the United States from Virginia, asserts the same proposition. Indeed it is too plain to dwell on. What the executive power, as wielded by the President, might do, or ought to do with the public money, in the absence of express legal provision, is nothing to the purpose. The true question is this, Would a law placing the deposites in the Bank of the United States and reserving to Congress alone the right of removing or touching them, trench at all upon any constitutional power of the President? Nobody will say that. Then the power is legislative.

But if the constitution gives this great power to the Legislature, it makes it necessarily the duty of the Legislature to exercise it; to leave it to be caught up as derelict by no other department; to leave as little of it as possible to any other department. It is the duty of each department to cover its whole, and no more than its whole, constitutional ground of right and rank. Especially is this the duty of the Legislature as against the other departments. If it permits another to grasp but a handful of what belongs to itself; if beyond the limit of a strict and plain necessity it calls in the aid of the Executive to the discharge of its own appropriate functions, for so much it disturbs and alters the constitution. Every argument for any constitutional separation of departments at all, is an argument for a punctilious observance of the actual separation made by the constitution. I am not quite of the mind of those who think that this Government, against the people, should at all times exert all the powers which a majority might think granted to it. A wise discretion may, here and there, as times change, permit one of them to lie for a space unexerted. But whenever this Government acts at all, it must act just as the constitution directs, through such a one, or such a union of the departments as the constitution directs, or it violates the fundamental law.

Then, sir, I hold that it was the duty of the Legislature, in framing this section, to give as little power to the Executive as possible, to intrude upon a legislative function, and I shall presume the Legislature was not unobservant of this grave duty. If they understood the Secretary of the Treasury to be the mere servant of the President, and that it was to the President they were giving the power of disposing of the public treasure, they must have meant to confer such power on such an officer very sparingly. A narrow construction of the power brings the law nearest to the standard of the constitution, and is, therefore, the true construction. The question of constitutionality, may be sometimes one of degree. Of two laws on this subject, that which should give the least of this kind of power to the Executive, best satisfies the spirit of the constitution. Of two constructions, that which brings the law nearest to the constitution, is the sound and most respectful construction. As between Government and the people, let a statute be interpreted liberally for the people, strictly against Government; but as between different departments of Government, let it be interpreted liberally for the legislative, strictly against the executive department. I throw out this rule of construction to the respectful notice of all republicans who believe that the President has in himself not only all the powers expressly conferred on him by enumeration in the constitution, but that he has also directly, or by the implied right of removal, all the executive power which can exist under our system in any body.

I have thought it unnecessary, therefore, particularly to consider the charges of the Secretary against the bank, because he had no power under the law, or after the law, to remove the deposites for such reasons, if they were well founded in fact. But more than that, sir, I will not examine them in detail, because I have an unconquerable suspicion that they were not the real causes of the removal. The removal would have been ordered, had no such reasons existed or been suspected to exist. It was foreordained, as an operation in that system of exterminating warfare, to which one branch of this Government may seem to have bound himself as by oath at the altar. It was resolved on to insure the defeat of all attempts at renewing the charter; to bring out a State bank paper currency, and a State bank fiscal machinery in place of that established by law, and thus to teach the people that they did not need a bank established by law; to wean their attachments from it, to stir up jealousies against it, to procure a certain desired state of public opinion in relation to it, to punish and to crush the monster who dared to rear himself against the President. No man acts, it is said, on a single motive; that this act was done on some or all of these, I cannot doubt. Mr. Duane's letters seem to prove it conclusively. He almost draws into suspicion the good faith of the report of the Secretary. He satisfactorily shows that the removal had been determined on in May, and yet the Secretary puts forward certain disclosures made to him for the first time on the 19th of August following as part, and a very influencing part, of the evidence which at length compelled him to act.

Holding this opinion of the real causes of the removal, I am less inclined to trouble you with an examination of the pretexts. If the act were the act of the Secretary alone, I say first, that the class of reasons on which he reports himself to have done it are not sufficient in point of law, if they were true in fact. I say, next, that they were not the real reasons which have led to the removal, although they may have had influence with the individual Secretary. I say, lastly, that the removal was the act of the President indirectly, but really; and that, unless all the executive agency which the constitution and the laws can call forth must vest in him, notwithstanding the Legislature may intend to confer a part of it on others, and unless he can constitutionally exert executive agency for the purpose of putting down one kind of currency and one kind of bank, and putting up another; for the purpose of preventing a bank from lending money and the people from borrowing it; for the purpose of creating one state of public opinion towards the bank and preventing another; for the purpose of punishing a corporation for presenting a doubtful demand against Government; or for too much enlarging or too much contracting its business; unless he has all executive agency, and can exert it for such purposes as these, his act was illegal and unconstitutional, however pure and elevated the motive it sprang from, and ought to be reversed by this great court of the last resort. In this view of the subject it were something much worse than a waste of your time to pause upon the particular pretexts assigned for an act, the whole scope, aim, and character of which are against the constitutional law of the land.

There is one charge, however, against the bank, of which, according to my own view of this matter, I ought to take a different notice. You hear it said that the bank intentionally and unnecessarily creates the existing distress, in order to force from you a recharter and a restoration of the deposites. Now, sir, I do not wonder that they who sincerely believe the bank guilty of such unprincipled and malignant selfishness as this should be indignant at it. I do not wonder at the strong language of gentlemen, although I do not adopt it, that they would rather credit, commerce, currency, and the banking institutions of the States, should perish together than submit to this tyranny of "associated wealth." I do not wonder that they would rather the country itself should suffer, through a long and bitter season, than obtain relief for it by purchasing the mercy of the bank.

But before I can feel myself at liberty to indulge the indignation natural to such a suspicion, I know it is my duty to be made sure it is well founded. Every thing depends on this. A mistake here is full of danger and mischief. It is a mistake which not you, not your constituents, not the bank only, but the whole country, must expiate in the denial of the relief it asks, in the continuance and increase of the sufferings which are goading it almost to madness and convulsion. I say, sir, before I can act on this suspicion I must know it to be just. I see the general distress. I know that the restoration of the deposites will relieve or mitigate it. It is my plain duty then to make that restoration, and give that relief, unless I have certain knowledge, firm assurance, on grounds which I can clearly see and comprehend, that the bank produces the one in order to extort the other. If I saw the proofs of such conduct, I confess I should doubt the policy of rewarding it, although I thereby gave relief to my suffering countrymen, and could do it in no other way. In the absence of such proofs there is no doubt about my duty; it is to give the relief.

Now, sir, a word only on this. It is admitted, on all sides, that the removal of the deposites, and the change in the relations of Government to the bank, demanded some corresponding change in the administration of the bank. It compelled it to hoard its specie, withdraw its credits, contract its business of loans and exchanges, to some extent. The Secretary of the Treasury will not say, the Committee of Ways and Means will not say, that this effect, to some extent, was not expected and intended. The only doubt is, whether the bank has not gone too far in that direction in which you admit it ought to have gone some way. The question is this, Has the bank gone so far beyond any opinion, which it could have honestly and reasonably entertained of the necessity of the case, as to convict itself before the country of palpable bad faith? Unless you show this you show nothing. You took your risk of every thing else; of the sensitiveness of credit, the timidity of capital, the possible mistakes, the exaggerated apprehensions, the embarrassed, hesitating, fluctuating purpose and action of persons, in the situation in which you designedly placed the bank. Unless you show this, every thing that has happened may literally be said to flow directly and necessarily from the act of the Executive.

Now, I cannot speak for others, but I have never seen the proofs of such bad conduct on the part of the bank, as should bar the public of the relief it seeks. I have no practical knowledge of banking; in that particular no doubt every gentleman here has an advantage over me; but it is my decided opinion, sir, that if you could bring together one hundred bankers, the first of that profession for skill in the world, and put this great problem to them; explain to them the precise condition of the bank, all its strength and all its weakness, its resources, its debts and credits, its circulation, its amount of specie, its distribution into branches, widely scattered over a vast country, well enough posted for a peace establishment, but not very well posted to receive a charge of the bayonet, its customary business, its relations to the trade, credit, and capital of the country generally; and then make them comprehend the belligerant attitude of Government towards it; let them see and hear the pelting of the pitiless storm that beats on it; fathom and unveil that executive will; show them what a party is organized to break it down; how it is wielded, and who are its leaders, and what its aims; read to them the daily denunciation of a portion of the public press; put into their hands Mr. Duane's letters, and the reports of the committees of Baltimore, New York, and Philadelphia; and then ask them how they would perform this great trust; in what way, how fast, on what points they would so contract the business of this bank as to carry it safely through this unheard-of crisis, you would have as many different answers as there were bankers consulted; varying with the more or less sanguine temper, and the intellectual and business habits of the men themselves. Some would go farther than the bank; some not so far; and there would be as many one side of the line as the other. The truth is, it is a matter of science, of skill, of professional judgment; a matter full of intrinsic, and, in this instance, of extrinsic difficulties, on which different minds would judge and act very differently. I feel, most sensibly, that I have no right, upon the information before me, to denounce, as selfish and tyrannical, that policy of the bank which, for aught I can see, for aught you can see, may be the result of the purest good faith and the soundest discretion, acting in circumstances of exampled embarrassment. I know, at all events, that I have no right to refuse relief to my suffering countrymen, on any such imagination.

I have supposed, sir, that you should take the opinion of one hundred bankers on this point. To pursue that thought a little further, I suspect that, while they might differ about the details of this business, there is a general principle or two in which they would all concur. They would agree, and every fair mind here will agree with them, that the removal of the deposites has severed the connexion between Government and the bank, disencumbered it of its political character and duties, transformed it into a mere expiring commercial institution, and made it the first duty of the directors to take care of the stockholders. They would agree, too, that while the directors are bound, undoubtedly, so to perform this duty as not unnecessarily to embarrass the community, yet that they ought to be allowed, on every principle of agency, the most liberal and freest discretion in their attempt to reconcile these conflicting obligations, and that in all cases of conflict and in all cases of doubt, they are bound to take the safe side, the side of the stockholders. Yes, sir, I think they would tell this "Admiral Biddle," as he has been called in another place, that, instead of endangering his own safety, by sending off boats to the relief of the small craft or the large, who are foundering under his lee, that it was his business to take his own ship through the gale of wind, without the loss of a spar or an inch of rope, "though the strained mast should quiver as the reed;" but then how he should do this; whether he should shake out a reef more or less here or there; whether he should lay his ship's head to the storm, or scud before it, or bring her up with best bower, and small bower; why, sir, these are points of seamanship about which every master of a vessel will hold his own opinion.

I had almost forgotten that the Committee of Ways and Means, by their fourth resolution, recommend an inquiry into the conduct of the bank. Let me say, sir, that I shall go, in the first instance, against that resolution, because I think it the duty of Congress now, as the case stands before us, without such inquiry, without reference to any results reasonably to be anticipated from such inquiry to order the immediate restoration of the deposites to the bank. I dare not refuse to give relief to the people while your committee of investigation were executing such a resolution as this. I expect no new revelations of bad conduct on the part of the bank. At all events, I will not consent to postpone immediate remedial action, upon the suspicion of the Committee of Ways and Means, or of any body. If the reasons of the Secretary, as reported to us, on which alone he did this thing; if the whole conduct of the bank, as known then, and known now to you and to all the world, do not make out a justification, shall we suffer the consequences of the act to be poured out in this unsparing storm upon the country, while we seek to justify him *ex post facto*, by hunting after matter on which he never acted, which he never suspected to exist, of which neither he then, nor you now, nor any body any where knows any thing? No, sir; if this measure, on the whole broad ground, as we see it, is indefensible, let us make haste to replace every thing "*in statu quo ante bellum;*" restore possession to the party who held it by an apparently good title; vindicate the law, the constitution, and the supremacy of the Legislature; and then as many inquiries as you please, in reference to future original action; to forfeiture of the charter, to renewal of it, to the issuing of *scire facias*, to impeachment, or what you will. As to the suggestion in that resolution, that it is proper to examine, by a committee of investigation and a search of books and papers, into the agency of this bank in producing the distress of the country, I hold that such an inquiry, in that mode, is wholly needless and wholly useless. We have all the facts before us on which to judge of the conduct of the bank in this respect. We know how fast and far it has contracted its business; and we know that now and then, and here and there, it has occasionally expanded itself, and given local and temporary relief. We know perfectly the severity and peculiarity of the crisis it is struggling through. Its acts are before you. The intention is matter of inference, on which a committee of investigation can throw no light. What would gentlemen have of the books of the directors? To inspect the records of the votes under which these alternate contractions and expansions of loans have been made? But to what purpose? You see the act, judge of it for yourself. Does any body expect to find confessions there? You suppose the bank contracted its business at Pittsburg, for instance, to create a panic. Do you expect to find that purpose spread upon the record?

I approach with reluctance the great practical difficulty in the way of the restoration of the deposites. Their removal was an executive measure. Yes, it was the avowed and favorite measure of the Executive, and his the original and tremendous responsibility under which it was ventured upon. I know how much is comprehended in this. I know how much we ask for trade, for credit, and for labor, of the friends of the Executive, when we invoke their aid on this occasion. Yet we do invoke it. I wish I could add that I see the slightest chance of obtaining it.

Sir, if I were a political adherent (as I am not) of the Chief Magistrate, I would have hastened to say for him, three months ago, on this floor, that the consequences of this act have utterly surprised and disappointed him. Surely his friends will not admit that he did the act foreseeing the consequences? They will not admit that, when he ordered the removal of these deposites, he intended their entire practical annihilation to the uses of business? He did not intend to say, did he, sir, that the people should no longer trade on their own funds? He did not intend to destroy confidence and credit, depress property, embarrass business, or break the heart of the humblest in the vast society he presides over? Then the event has disappointed him. That which, in the lights by which he did it, promised some good, turns out unmixed and tremendous evil. It is dreadful, sir, it is dreadful, that he or his friends here, should prefer, I do not say an obstinate, but an inflexible, adherence to what we all see and feel to be error; "holding fast the pride of an ignominious consistency," to a rational adaptation of policy to the new lights, cast by a bitter experience on the often difficult path of public duty.

Let me say, in a somewhat different tone, that they who, with the lights now shining around us, shall still sustain this measure upon these reasons, assume, by so doing, a vast and indiscreet responsibility to public opinion, which surely will not sleep forever. Sir, the sufferings which we bring upon the community will at least have this ultimate salutary effect: they will arouse them to an unusually severe scrutiny of the courses of public men. Those now more painfully and exclusively engrossed by the bearing of our measures upon their business and credit, will begin to reflect with terror upon their political and constitutional character and tendencies. Certainly, there is wherewithal to alarm all thinking men in that reflection. They see here, I do not say the beginning, or middle, or end of a revolution; but they see a sharp and eventful struggle between executive and legislative power, or rather between executive power and all other power under the constitution. They see the President of the United States asserting a right of control over a subject, the public money in the national bank, which the letter and spirit of the law had committed exclusively to another functionary of the Government, the agent of the Legislature. They see him, for the purpose of actually grasping that control, exercise the odious power of removal against a high officer, for daring to think for himself; guilty of no fraud, or negligence, or incompetence to the general duties of his station. They see him, through the successor of the dismissed Secretary, of congenial opinions with himself, and raised to office because he was so, bear away the public treasure from the place where the law had deposited it, for reasons on which the law never intended that he should act or judge, cognizable from their nature by the legislative department alone. They see him refusing to submit a judicial question to the Judiciary, because he distrusted that department. They see him forestalling the action of Congress, because he feared that Congress might be corrupted by the bank. They see him asserting the right to determine the will, and to control the discretion of every executive agent in our whole constitutional and legal system. They see executive power forerunning, anticipating, superseding the free, healthy, and ordinary course of legislation. They see him sustained throughout on this floor. They see an attempt actually now making here to place the whole accruing treasure of the country, for two years to come, in the hands, and under the control of the Executive, to be kept by him, in the interval between its collection and disbursement, just where he pleases, removable when and for what reason he pleases, uncontrolled by law, uncontrolled by any thing but his own discretion, seeking to promote the public good according to his own view of the public good and of the best modes of effecting it. Sir, do I state this too strongly? Is it not perfectly clear, that unless we put back the public money into the Bank of the United States under the law, we shall not, by law, place that money any where? We put it, at once, into the keeping of the President. We shall not designate the State banks or the individuals who are to hold and use this money. We do not intend to do it. We cannot do it. How can we? Are you preprepared to distribute it among the whole number, perhaps five hundred, of State banks, with no more than your present knowledge of their several conditions in point of solvency? Can you infer anything about their condition from the amount of their capital paid in, some how or other, years ago, according to the suggestion of a gentleman [Mr. JONES] from Georgia? If you are not prepared to distribute the public treasure among them all, in any proportions, are you prepared to select from among them all? Which are your depositories; and how, upon what evidence, upon what rule of choice, did you select them? No, sir, you propose to refer this whole vast agency directly to the President. Every thing proves it. A gentleman from Alabama [Mr. MARDIS] some time since introduced a resolution which employs an hour's debate every morning. As he first presented it, it ran thus: "*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of designating by law the future depository of the public moneys of the United States, and also the expediency of defining by law all contracts hereafter to be made with the Secretary of the Treasury in relation to the safe-keeping, management, and disbursement of the same." This, you see, contemplates a legislative selection of the particular banks to be employed. We were to do it all ourselves. This looked well and sounded well; but a night's reflection or consultation satisfied the honorable mover that, by great bad luck, it was totally impracticable. He accordingly modified his resolution, and here it is, as you now have it under discussion:

"*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of reporting a bill requiring the Secretary of the Treasury to deposite the public moneys of the United States in the State banks; and also as to the expediency of defining by law all contracts hereafter to be made under the Secretary for the safe-keeping, management, and disbursement of the same."

So the Secretary of the Treasury is to select the banks after all. And who is the Secretary of the Treasury in the creed of those who support this resolution? The servant of the President—bound to execute his individual will in the selection or change of a depository—rightfully removable from office if he refuse to do so. What say the Committee of Ways and Means in their third resolution? "That the State banks ought to be continued as the places of deposite." What State banks? All of them? No. Those actually selected? No. Such as Congress shall select? No. They mean to say such banks as the Executive shall select. They recommend legislation, indeed; but they intend, all intend, so far as I can see, I repeat, to cast this whole vast trust directly upon the present President of the United States.

Now, sir, I do not say that this will make the President what James the Second aspired to be, independent of Parliament and the people. I do not say that it unites the purse and the sword in the same hands, in the proper sense of that expression, if it had any very definite sense originally. I am sure I should lose more than I should gain by exaggerating any thing, if I were disposed to do so. But I do say that it confers a real, great, and dangerous power on the President. It is against the spirit of the constitution; it is against the general principles of liberty, according to our system of liberty; it is against the judgment and temper of the American people; and the politicians who advise it act, I think, under a severe responsibility to that people. Yes, sir, there is no doubt that the constitution, which authorizes the Legislature alone to collect and expend revenue, and regulate commerce and currency, gives to it alone the power to determine who shall hold that revenue, and to what uses it shall be applied, after it accrues, and before it is laid out. In the performance of that duty, we, the Legislature, must do the greater part. We may call in the aid of the President ministerially, a little way here and there. But if, passing beyond that, we clothe him with the substance of the power; if we clothe him with so much of it as thereby to make a real and considerable addition to his effective patronage and prerogative, we abandon our constitutional duties, and degrade ourselves from our constitutional rank. Now, that the manner in which we propose to confer this agency on him does add directly and palpably to his official means of strengthening his hold on the people, for good or evil, is too plain to be argued in this House. Vast interests will become competitors in the Executive presence, for the privilege of holding and trading on this money. Five hundred State banks, with their circles, widening one without the other, of directors, stockholders, and customers, will become competitors in that presence for that privilege. Whole masses of people will learn to scorn the weaker, and worship the stronger department of Government. "Where the treasure is, there will the heart be also." The Executive will distribute the deposites as a recognised, and not unimportant part of his official patronage. He may, I do not say he will, but you authorize him to bestow them here to purchase, and there to reward subserviency; he may give or withhold them, to depress or favor a particular branch of industry or section of country; to affect a pending election; to bring the successor he likes best to the presidential chair. Nay, sir, I see nothing to prevent him from taking into his head (my respected friend from Georgia [Mr. Gilmer] would be sure to regret this) that the public money ought not to be employed as the basis of loans, exchanges, credit, and currency; and thereupon ordering it locked up on special deposite in the vault of a State bank, changing the policy of the country of almost half a century.

My friend from Connecticut [Mr. Ellsworth] last evening animadverted on the boldness of the Executive. It struck me, painfully and forcibly, as he went along, that there was quite as much boldness on our part in thus consenting, in conniving at these successive transfers of power from the legislative to the executive department; morbidly enlarging the one, degrading and depreciating the other. I remembered, indeed, that public men in this country have sometimes overleaped the letter of the constitution, and the people have forgiven it. The transcendent utility of the act diverted the national mind, perhaps, from its doubtful lawfulness. The purchase of Louisiana has been mentioned as an illustration. But here, sir, what do we do? We violate the constitution to oppress the people. We buy suffering by breach of charters! We bring our tradesmen to bankruptcy, and take bread from the mouth of labor; and we do so by a rare and happy boldness, in dishonor of the legislative department of Government, and in violation of the heretofore unstained, never but once stained, faith of America!

We presume greatly, indeed we do, on the American people. We presume on the effect of party discipline, and the popularity, high and well earned, of distinguished public servants. Sir, all may fail us. The deliberate judgment, the settled prevailing temper of the people of this country, in their sober senses, are against these undue developments of executive power. They may love, and honor, and bear with a particular executive Chief Magistrate; but that is not their favorite department of Government. In a conflict of the departments, in the long run "their flag is here—their flag is here!" This sentiment of distrust of the executive, of attachment to the legislative preponderance in the political system, is wrought deep into the national character. The colonists brought it from the native land of representative freedom at first. The whole splendid history of Enligh liberty before they came, and after they came, deepened it more and more. It gained strength through the whole ante-revolutionary period. It is recorded forever and ever in the declaration of independence. In the convention that framed the constitution, in all the conventions that adopted it, through all the written and all the spoken discussions of the time, you see breaking out in a thousand directions the jealousy of a free people of this branch and portion of the Government, restrained and guarded as it was supposed to be. The sentiment was carried to a passion. The very "likeness of a kingly crown" terrified and roused them. It was almost the foible of the popular character. Whatever the examples of other free states, ancient or modern; whatever the history of liberty any where; whatever the reasonings or the dreams of philosophical and republican statesmen taught them could be taken from the executive department without striking it, for all useful purpose, as a distinct department, out of the system, they desired to take from it and bestow on their department—their more express, nearer, trusted, actual representative, the Legislature. This sentiment is still the groundwork of the American popular character. Sir, I cannot but think we act under a severe responsibility to it, in thus plucking off one of our prerogatives after another, and casting them at the feet of what I may call, without offence, the personified monarchical element of the constitution. Surely this people, when they come to recollect themselves, will demand the restoration of more than the deposites! They will demand the restoration of the rightful constitutional supremacy of their department of Government. I know not how long you might sooth and hush them by prosperity, by plenty, by glory. We are doing all we can to break up that illusion. We are doing all we can, and we can do a great deal, to bind together in their memory, by an imperishable and terrible association, the ruin of their private fortunes, and the breach of the great charter of their federal liberty.

It would give me great pain, sir, to be thought to use language of disrespect or intimidation to any gentleman here. But I entreat the friends of the Executive, a little for their own sakes, very much for ours; for these interests, among the most precious and sensitive ever instrusted to the wisdom of human councils; for the people, sir, for the people, I entreat them, to give us their aid on this occasion.

When Mr. Choate had concluded, Mr. DICKERSON, of New Jersey, rose and said:

Mr. Speaker: I have listened with much pleasure to the remarks of the gentleman from Massachusetts [Mr. Choate] who last addressed the House. His views were new and interesting, and delivered in a tone and spirit becoming the representative of a free people.

But, sir, I was not prepared to hear the positions taken by the honorable gentleman, nor can I yield to the correctness of his views, although so eloquently expressed. I had thought that the idea of restoring the deposites, as a means of relief from present distress, had not been seriously entertained, except with a view to the recharter of the bank. It appears to me that it is the worst of all expedients, and its necessary consequence must be to prolong the distress which now prevails, instead of relieving it. Nor can I perceive of what possible benefit the possession of the public deposites could be to the bank, if it is to cease its operations in 1836. With that view, it is certainly now time that they should in good faith commence curtailing their business. They now have on hand, and, in the process of drawing in their capital, they must necessarily have on hand at all times, surplus funds lying useless in their vaults, and of consequence, the possession of the public deposites, with their attendant duties and liabilities, would be worse than useless to them.

I do not propose, sir, to attempt to answer the arguments of the gentleman in detail upon this point. But I would remark, that the foundation of his whole argument rests upon the idea, that if the deposites be restored, the bank, at the termination of its present charter, will calmly cease to exist, and (as he remarked) "die something like a Christian." If I believed this, sir, I should indeed think it worth while to inquire seriously into the expediency of restoring the deposites. But in this respect the gentleman begs the question. He asks more than will be conceded. I believe with him, that the bank will cease to exist at the termination of its present charter, but it will die hard. It will struggle, as long as it can hope to perpetuate its existence, and I am not disposed to add to it any further power to protract its dying struggles.

I intended, sir, to give a silent vote upon the question now under discussion. But I consider it the privilege of the people to know the sentiments of their representatives upon all subjects involving their interests; and as I have been restricted by my constituents upon this subject, a silent vote might not be considered as expressive of my own sentiments, but only as a response to theirs. Under these circumstances, I must ask the indulgence of the House whilst I briefly state my views of the matter now under discussion.

By the report of the Committee of Ways and Means, the following propositions are submitted for the consideration of Congress:

First. That the Bank of the United States should not be rechartered.

Second. That the deposites should not be restored.

Third. That the State banks should be continued as the places of public deposite, and that they should be regulated by law; and

Fourth. That a committee should be appointed to investigate the concerns of the bank, &c.

In place of these resolutions, the gentleman from Georgia [Mr. Wilde] has proposed an amendment, declaring that the reasons assigned by the Secretary of the Treasury are insufficient. And the present discussion turns upon that proposed amendment.

I do not intend to trespass upon the time of the House by recapitulating the many arguments and reasons which have been urged upon the different topics involved in this discussion, and which must be familiar to this House, but propose to state briefly my conclusions drawn from those arguments, and to show that the proposed amendment should not be adopted.

I understand that very little difference of opinion exists as to the propriety of adopting the proposition contained in the last resolution of the Committee of Ways and Means.

The second and third of those resolutions appear to me to depend very much upon the decision of the first; and the question involved in the first resolution, whether the Bank of the United States shall be rechartered, I consider as the real and important question now under discussion before Congress and the people—no matter how this question may be connected with other considerations—no matter how ingenuity may strive to conceal it from public view—no matter how political aspirants may use the occasion for their ambitious purposes. It must result in the important inquiry, whether it be consistent with the great interest of this republic, that the United States Bank shall be continued. Before I proceed to explain my views upon this point, permit me, sir, to dispose of some subjects which have been pressed into this discussion, as I consider improperly, and for political effect.

The question of the power and authority of the President of the United States to remove his Secretary in the manner he has done, I consider has no necessary connexion with, and ought to have no bearing upon, the decision of the question of the renewal of the charter of the Bank of the United States, nor of the present disposition of the public deposites. As I am unwilling that the real point in issue should be involved in any extraneous matter, or obscured from view by any other subjects not necessarily connected with it, I shall not at present remark upon that point, except to observe that if the President has been guilty of a corrupt, or arbitrary, or unconstitutional exercise of power, in removing his Secretary, or in appointing another, or in recommending the removal of the public deposites in the manner he has done, he is responsible to his country for his conduct. Let him be called to account, and put upon his defence. And permit me to say, that if he does not answer promptly, and defend himself triumphantly, it will be a new era in his history.

But it has been said that he shields himself behind a majority in this House, and, therefore, that such an effort would be useless. The allegation proves too much for those who use it, unless they can show, as they sometimes appear to believe, that the minority should govern the majority. It is true, I have no doubt, that this House would shield him from oppression, but never from a fair and impartial investigation.

As to the claim of the bank to retain the public deposites until the termination of the charter, it appears to me to be without foundation. The right of the Secretary of the Treasury to withhold those deposites from the bank is reserved in the charter by express and unequivocal words. The assignment of his reasons is an act necessarily subsequent to the act of removal, and consequently presupposes the existence of the right to remove.

The object of the provision contained in the sixteenth section of their charter, requiring the Secretary to assign his reasons, was to enable Congress to judge whether the Secretary had consulted the public interest in making the removal, and not to inquire how far the interest of the bank had been consulted. And if it had been the intention of Congress to limit the discretion of the Secretary, in this respect, to the single question of the safety of the deposites in the United States Bank, I cannot understand why they should require him to assign his reasons, when but one reason could exist, and that reason ascertained by law. For these, and many other reasons which have been urged before this House, and which I do not intend to repeat, I conclude that the claim of the bank, by their charter, to retain the public deposites, is not well founded, and that it was the right and duty of the Secretary of the Treasury to remove those deposites, whenever the exigencies of the country required their removal.

But, sir, it has been seriously urged that the deposites should be restored to the United States Bank, for the purpose of rebuking the President of the United States for his arbitrary and corrupt exercise of power in the removal of his Secretary. I am well aware, sir, that there may be many gentlemen whose chief and favorite object it is to rebuke the President rather than relieve the people; but I was not prepared to hear this reason for the restoration of the deposites publicly urged, and I cannot consider that its tendency has been well considered.

In this country, no man can be tried for the most trifling charge, without having an opportunity to be heard in his own defence. It is the great security of the people against oppression. And shall we, here, now undertake to try the Chief Magistrate of our country, upon a charge, which, if true, should hurl him from the high place which he now fills with so much honor to himself and his country, without giving him the privilege common to every American citizen—the privilege of being heard in his own defence? Sir, the very act would render us guilty, in the highest degree, of the offence charged against him. If gentlemen wish to rebuke the President, let them meet him, as he has always met his opponents, in fair, open, and manly conflict; and not strive to rebuke him by indirect means, by the union of the influence of the nullifiers, bank men, and aspiring politicians. Let them resort to impeachment, or to the ballot-boxes, and not to a method heretofore unknown to our laws and constitution.

It is true, sir, that the several questions growing out of this subject, which, for the reasons stated, I have not undertaken to discuss, are of great moment, and deserving of most serious consideration, and will, without doubt, receive that consideration when properly presented to this House. And I certainly have no wish to screen the President of the United States from an investigation of any act of his political life, nor do I wish that the conduct of the Secretary of the Treasury, nor any other officer of Government, should escape the strictest scrutiny. But I do protest against this indirect mode of trial. I contend that every measure should rest on its own merits; that the several questions are of sufficient importance to require separate discussion, and that the combination of those important questions only tends to obscure the truth and mislead the public mind.

But, sir, it is said that the great and important question now to be discussed and settled is, whether the reasons assigned by the Secretary of the Treasury for the removal of the deposites are sufficient; and to ascertain the opinion of Congress upon this point, is the ostensible object of the proposed amendment of the gentleman from Georgia, [Mr. Wilde,] and also of the proposed amendment of the gentleman from Rhode Island, [Mr. Burges;] and early in this session it was the ostensible object of the gentleman from South Carolina, [Mr. McDuffie,] in an amendment then proposed by him.

With due deference for the opinions of other gentlemen on this floor, and notwithstanding the factitious importance which has been thrown about this view of the subject, I must be permitted to say, that, in my opinion, the decision of that question would be unimportant, except for its political effect; and it would have no necessary influence upon the real question now under discussion.

The Secretary of the Treasury is not upon his trial; it is not a question between Congress and the Secretary; nor should it be a question between Congress and the bank.

It is, in fact, a question between Congress and the people. We find the country and the public treasure in a certain condition, and we are bound to make such disposition of them as shall appear to us most conducive to the public welfare, and best calculated to promote their present and future happiness and prosperity.

I have said that the decision of the question of the sufficiency of the reasons assigned by the Secretary of the Treasury for the removal of the deposites, would be unimportant, and that it would have no necessary bearing or influence upon the real question under discussion.

In order to test the correctness of this assertion, let us suppose, for the sake of the argument, that we shall determine those reasons to be insufficient, what is the result? I beg gentlemen to recollect the real question; and I ask again, what would be the effect of the decision?

It might show that we were of opinion that the Secretary had acted without sufficient reasons, or it might show that, in our opinion, he had acted corruptly or illegally. But it would not necessarily show either of those results. For it might show only that, in our opinion, he had offered insufficient reasons for an act which was right and proper in itself, and for which, good and sufficient reasons existed; and, I presume, it will not be contended that the deposites should be restored to the United States bank, merely because the Secretary of the Treasury may not have assigned sufficient reasons for their removal, when, in point of fact, sufficient reasons did exist.

But the decision of the question against the sufficiency of the reasons assigned by the Secretary of the Treasury, would furnish us with no guide to direct us in the true course now to be pursued. It would lay the basis of no legislative action. For surely it does not follow, as a necessary consequence, that, because it may have been inexpedient then to remove the deposites, that it must now be expedient to restore them. The two propositions are distinct, and depend upon entirely different reasons.

But, Mr. Speaker, let us suppose, on the other hand, that, by the vote of this House we shall decide that the reasons assigned by the Secretary are sufficient, and that he was fully justified by them in making the removal—what then? Would that decision furnish a true guide for our conduct, or form the basis of any legislative action at this time? Certainly not, to my mind. For although his reasons may have been sufficient at that time, and although the situation of the country may then have demanded the immediate removal of the deposites from the United States Bank, yet circumstances may have rendered it expedient that those deposites should now be restored. By way of illustration I would remark, that if I were now convinced that the United States Bank would be rechartered in 1836, or at any prior period, I would, without hesitation, now vote for the restoration of the deposites, although I am entirely satisfied with the reasons for their removal.

I make these remarks, Mr. Speaker, to show that, by expressing our opinion, and deciding upon the sufficiency of the reasons of the Secretary of the Treasury for the removal of the deposites, we really do not advance one step, and no important conclusion can fairly be drawn from the decision.

Although it may not be considered strictly in order, upon the discussion of the proposed amendment, to inquire into the causes of the distress which now prevails; yet as that subject has been made the topic of debate upon this occasion, I must ask the indulgence of the House for a few minutes to explain my views upon this point.

It is certainly true that the Bank of the United States, during the period between the month of May, 1830, and the month of May, 1832, increased their loans more than twenty-seven millions of dollars. I will not inquire into the motives of the bank in thus extending their business. But one or two conclusions must evidently flow from the fact: either that the bank, before that time, had not issued as much paper as the country required for its healthful use, or, upon that occasion, that they issued more. The first of these conclusions cannot be adopted, without charging the directors of that bank with want of discernment to discover, or inclination to promote, the interests of their stockholders, which will not be pretended. And recent events have made most manifest the truth of the latter conclusion.

It is also true, that between the month of May, 1832, and the meeting of this Congress in December last, the bank had reduced their loans about sixteen millions of dollars, and since that time they have continued to reduce.

It is not important, according to my view of the case, here to inquire whether they have made that reduction of their loans, *bona fide*, to close their own concerns, or, *mala fide*, to close the concerns of other people. But it must be obvious to every mind, that the necessary consequences of such a rapid expansion and contraction must be to produce a scarcity of money, and consequent distress in all branches of business. And what in fact has been the situation of the country in the mean time? Why, sir, during the time of the expansion, of course, money was plenty, and all kinds of business prosperous and flourishing. But as soon as the contraction commenced, a reaction also commenced, and a pressure was soon felt in the money market, which continued to increase regularly, but not rapidly, until the meeting of Congress. Since which time, it has marched with most rapid strides, and from pressure it soon became high-pressure. A panic ensued, which brought distress and ruin in its train.

Such is a brief history of the rise and progress of this pressure. And now, sir, let us inquire more particularly into the cause of its extraordinary character.

It is not pretended, by any one, that the mere act of changing the place of deposite could have produced the result. But it is said, that it is the great breach of national faith, and of chartered rights, and violated laws and constitution, occasioned by that act, which has destroyed all confidence between man and man, and brought panic and distress among the people.

If that has been the true cause, the effect (so far as that effect could have been produced by want of confidence or panic) would have been felt at once in its greatest force. The people would not have waited sixty days for the meeting of Congress to inform them that there had been a great breach of national faith, and of chartered rights, and that their constitution and laws had been trampled upon, and that it was time for them to be alarmed. But so far from that, sir, we find that, during the interval between the removing of the deposites and the meeting of Congress, business was going on as usual, no loss of confidence, no panic, and under no other pressure in the money market than would necessarily have resulted from the situation of the country if the deposites had not been removed. I say, therefore, that it is not true that the present distress in the community has been occasioned by the removal of the public deposites. The cause was not adequate to the effect.

But, sir, that distress is occasioned by the struggle of the United States Bank for a recharter, combined with the struggle of aspiring politicians for power; acting upon the people by means of the inflammatory and panic-making speeches of honorable members of Congress—speeches which are multiplied by means of the public presses, and scattered gratuitously by hundreds of thousands, amidst a people who were placed in a situation easily to be alarmed and distressed by the improvident or designing conduct of the bank itself. Here, sir, are causes enough for the effect—causes which would have existed in full force if the deposites had never been removed. And the only difference is, that they now charge the distress to the removal of the deposites; and if they had not been removed, they would have charged it, with the same effect, to the veto.

Mr. Speaker, in reflecting upon the present situation of the country, I was forcibly struck with the remarks of the honorable gentleman from Rhode Island, [Mr. BURGES,] some days ago, when addressing the House upon this subject. He represented the Government bank directors as becoming drunk by looking at the immense masses of gold and silver in the vaults of the bank. The idea serves as an apt illustration of my views, and I shall therefore take the liberty of using the gentleman's figure, and extending its application, by comparing the people of the United States to drunken men. Yes, sir, for six years past we have been too much excited, we have taken too much stimulus, too much wine for our substantial food. Some three years ago, the Bank of the United States (whom I shall consider upon this occasion as the wine dealers) administered most copious draughts of the intoxicating liquor. We were told that it was good wine, and would pass current every where. We seized it with avidity, and drank it with delight. It gave us additional strength, vigor, and animation. We became drunk with prosperity. But, sir, it is with bodies politic, in this respect, as with natural persons, and over-excitement cannot continue for a long time. A corresponding depression must ensue, and we are now in that condition. The wine merchant has ceased to supply our appetites with their wonted quantity, and left us feeble, and tremulous, and distressed. And shall we, sir, again return to the dangerous practice, and, for the sake of a few bright and joyous years of excess and intoxicating prosperity, condemn ourselves to a premature old age, and drag out a miserable, decrepit, and gouty existence, dependent upon the wine dealer for our lazy comforts; and leave to our posterity, instead of the bright inheritance which we received from our ancestors, an inheritance encumbered for more than it is worth? A moneyed aristocracy! No, sir, we have yet sufficient physical power to redeem ourselves. Let us rise in our strength, and shake off the drowsy and sickly feeling, which is the result of excess, and, by one spirited and manly exertion, restore ourselves to health, and prosperity, and happiness.

I have said that the present question is a question of the recharter of the Bank of the United States. By this I mean that it is not only the question now technically before the House, but that it is the real question before the people—the question which we are called upon most urgently to decide. And let me say, sir, it is a question, the decision of which will do more to restore confidence, and relieve the present distress, than the decision of any other question which can be proposed to Congress at this time. It is indeed a momentous question, upon which the greatest talents of the country have been exercised. I do not intend to discuss it. In making up my mind upon this subject, I have not found it necessary to resort to the much vexed question of the constitutionality of the measure, nor to the arguments deduced from the abuse of power in conducting the present institution. Nor am I disposed to detract from its merits by denying its utility. I do believe, and always have believed, that in some respects, and for certain purposes, it has exercised a beneficial influence over this country. But, when it is admitted that it has the power at once to embarrass, if not to crush, all the local banks in the country, and to bring distress and ruin upon a great part of the community—when I consider that this bank, either designedly or casually, (and I care not which) has been the cause of the distress which now prevails—when I perceive, as I think I do here, the interest of that institution placed paramount to the interest of the people—when I reflect that the union of the influence of that institution with the patronage of the Executive branch of this Government would create a power, against which the people might strive and strive in vain—when I hear on this floor, and before the people, an issue made up, and now trying between that institution and this Government, the result of which trial is to determine the political character of the next administration—and, when I hear the harsh and discordant sounds of revolution echoing through these halls, and honorable gentlemen proclaiming that the deposites must be restored to the Bank of the United States, or that revolution will be the consequence—when I see and hear these things, and reflect upon consequences, I have no difficulty, nor hesitation, in concluding that the existence of a bank with such capital and such power is dangerous to our liberties, and utterly inconsistent with the spirit of our free political institutions.

Mr. **HARDIN** expressed a wish to speak on the question, and moved that the House do now adjourn.

Mr. **MERCER** requested him to withdraw the motion, in order to take up the bridge bill for half an hour.

The motion not being withdrawn, the question was taken upon it, and was rejected—40 to 56.

The **SPEAKER** stated that there was not a quorum present. The Speaker, after some conversation, stated that no business could be transacted until a quorum should be present.

Mr. **CHILTON** moved that the House adjourn. The motion was negatived—52 to 63.

The **SPEAKER** directed the Sergeant-at-arms to invite the members to attend.

Mr. **HARDIN** rose to say that he had not, on this question, been troublesome to the House. He had patiently listened to the discussions without participating in them, and some of his constituents had inquired why he had not expressed his views. He could not tell within three months when he should get the floor again, and he was unprepared with the necessary documents to proceed in the discussion now. If the House would indulge him on this occasion, he would pledge himself never to ask of them a similar favor again—for he would rather at any time starve than beg his bread. He renewed the motion to adjourn.

The motion was agreed to, without a count; and

The House then adjourned.

Saturday, March 29.

DEPOSITE BANK CHARTERS, &c.

Mr. **ADAMS**, of Massachusetts, asked consent to take up the following resolution, moved by him yesterday:

Resolved, That the Secretary of the Treasury be directed to lay before this House copies of the charters of all the banks selected by him as depositories of the public moneys in the place of the Bank of the United States and its branches, together with the names of the presidents, cashiers, directors, and stockholders in the said selected banks, with the amount of stock in said banks held by each stockholder, and the amount of debt due by each president, cashier, and director of each of the banks to the said bank, at the time when it was selected as a depository, and at this time.

[Mr. Foster, of Georgia, objecting, Mr. Adams moved to suspend the rule, to enable him to call up the resolution. On this motion Mr. Williams demanded the yeas and nays; whereupon Mr. Foster withdrew his opposition.]

Mr. **ADAMS** then modified his resolution by adding the following clause:

"And that the Secretary of the Treasury be directed to report to this House a statement of all the sums denominated in the Treasury accounts unavailable funds; specifically designating the several banks or individuals indebted to the Treasury therefor; the time when each debt first became due; the time when failure of payment thereof first occurred; the security, if any, which the public have for payment thereof at any time, and the prospect of such eventual payment."

Mr. **HARPER**, of Pennsylvania, objected to the adoption of that clause of the resolution which called for a statement of the debts due by the respective presidents, cashiers, and directors to the banks referred to. He was opposed to this inquiry into the state of the private accounts of individuals: it might be ruinous to some of the parties concerned, while the light obtained, in relation to the duties of the House, would be at best but very small. There was a violation of delicacy in such an inquiry to which he must object: he therefore moved to strike out the clause.

Mr. **ADAMS** replied, that he should be entirely willing to acquiesce in the amendment proposed by the gentleman from Pennsylvania, if such had been the measure meted out on other occasions. The ground taken by the gentleman was precisely that which Mr. A. had himself taken two years ago, on the occasion of an investigation into the affairs of the United States Bank: but he had been overruled; and a committee had been appointed to examine the account of every individual on the books of the bank, against his individual remonstrance and protest.

But, aside from this, there was now a resolution reported by the Committee of Ways and Means, by which an investigation similar to that proposed by the resolution, only on a much more extensive plan, was to be made in relation to the Bank of the United States and all its branches. Should that resolution pass, Mr. A. had no doubt that the debts of the president, cashier, and all the directors of the Bank of the United States would be subjected to an examination, and brought before the public; nor did he doubt that that had been one principal object contemplated by the resolution. It had been for the very purpose of ascertaining and exposing the relation of individuals to that bank, that the resolution had been offered. That measure which had been meted to one institution, Mr. A. was for meting out to others. If, in the one case, all the accounts of individuals, of every description, especially of persons connected with the Government, members of Congress, printers, and editors, had, in the one case, been subjected to scrutiny, (as the affairs of the editors of the National Intelligencer had been, and subjected to numerous public comments,) then there was nothing but fairness and equity in permitting the same scrutiny in relation to the crack banks, (which he considered a better name than that of pet banks.) The presidents, cashiers, and directors of these banks were, by their position and their election to their places, in some sort, official characters. On this ground it was, that he had called for a statement of their debts to the banks with which they were connected; but he had no desire that those of private individuals should be exposed. His object was to ascertain the precise condition of those banks which had been selected as depositories of the moneys of the United States. Mr. A. said he had no knowledge on the subject of banking, save such as he had acquired in the course of public service, and the ordinary intercourse of society; he had never been a director of a bank in his life; but he had good authority for believing that many of them were what might properly enough be called "family concerns"—(such had been the term used by a very respectable gentleman to him on the subject)—and he wanted to know what proportion of the stock of these banks was held by their officers, and what was the debt owed by those officers to the institutions. This knowledge was essential, in order to judge whether those banks were safe depositories for the public money. If the gentleman from Pennsylvania [Mr. Harper] insisted on his amendment, Mr. A. should be obliged to ask for the yeas and nays; for the very inquiry to which that gentleman objected, was one of the chief objects intended to be accomplished by the resolution.

Mr. **WAYNE** made an explanation in reference to the report of what passed yesterday, from which it seems Mr. W. was not correctly understood. [His promise to aid Mr. Adams in the passage of the resolution was only on condition that, after having had further time to look at its scope, he should approve of the inquiry proposed.] He expressed his acquiescence with the gentleman from Pennsylvania, [Mr. HARPER,] in his objection to one of the clauses of the resolution, besides which it contained two calls which were unnecessary. The charters of the banks, and the names of their stockholders, had already been reported by the Secretary to the Senate, (as long since as the 13th of December,) and were in possession of all the members. The amounts due by each officer of the bank had not been reported; for these he was willing to vote. He would also join in asking for the names of the lawyers and solicitors employed by each bank. But, as to the clause referred to by the gentleman from Pennsylvania, if that gentleman had not moved to strike it out, Mr. W. should have made such a motion. In support of this, he might appeal to the objections formerly urged by the gentleman from Massachusetts, in which Mr. W. had united with him. As to the object of ascertaining whether these banks, or any of them, were "family concerns," a report of the amounts owed by the directors would throw no light upon that matter. The House already had their names, and it was their names, not the amount of their debt, which would furnish the best ground of judging of their personal relationship, if that had any bearing on the safety or soundness of the banks in question.

But Mr. W. objected to the resolution on its merits; and he asked whether it was in consistency with the position taken by the gentleman from Massachusetts and his friends, to call on institutions, over which this Government possessed no control, for information, which, while it might very essentially injure individuals, could effect no public good? The Secretary obviously had no power to demand such information; and, if he had, it ought not to be exerted; for this would be but the beginning of an establishment of the power of the Government over these State banks; that very power which, according to the gentleman, and those who acted with him, was so very dangerous to liberty.

But if the gentleman would look at the third resolution reported by the Committee of Ways and Means, he would find that the banks to be intrusted with the public deposites were to be laid under such restrictions as Congress might impose. Suppose the resolution were passed, and the Secretary, in pursuance of it, should make the proposed call upon these banks, what would be their answer? "You have no power, under your contract with us, to make any such demand, and we shall not comply with it." And the effect of the demand and the refusal would be, to interrupt and destroy the connexion of the Government with the banks so refusing. The Secretary had no such power, nor would it be right he should; and the gentleman who asked its exercise, deprecated all such influence of Government over those banks as such a power was calculated to produce.

As to the debt of the bank officers to the bank, the gentleman, though he had never been a director, knew too much of the world not to know that a limitation was universally enforced by the rules of banks, as to the amount of loans to their president and directors. And was it fit that, without any evidence of facts going to show that such an inquiry was in the least necessary, such an inference should seem to be justified. The object seemed to be to place the Government and the banks in a state of hostility. At all events, the effect of adopting it would be to create in the public mind an impression that these State banks were not safe places of deposite for the public treasure; for the natural inference would be, that the House had received some information which, in their view, rendered such an inquiry proper: whereas such was not the fact.

Mr. W. did not speak of all the banks in the States in an aggregate. Gentlemen constantly talked as if the four or five hundred State banks were to be intrusted with the public money, whereas but thirty or forty were to be selected: and why should Congress take a stand, in reference to these banks, which had been so much objected to in the case of the Bank of the United States?

But the gentleman from Massachusetts seemed to consider this resolution as a sort of set-off against one of those of the Committee of Ways and Means. Mr. W. had not lately read the resolution he referred to; but if any arbitrary use was to be made of the power of the investigating committee, proposed by the committee, much as he desired those resolutions to pass, he should vote against this one. But he believed that the resolution was so guarded that it would not thus be abused. So far, indeed, as it might be necessary to inquire into violations of the bank charter, it might become proper to inquire into particular loans to individuals: but as to a general inquiry into all the persons who have been accommodated by the banks, he was very sure such had not been the intention of the chairman of the Committee of Ways and Means. And if any gentleman should deliver a paper exhibiting all the loans of a bank to individuals, he should consider it as involving a reflection on the Legislature, and he doubted whether it would be pronounced in order by the Chair. In consequence of the additions which the gentleman had made to his resolutions as moved yesterday, Mr. W. said he should (after gentlemen had had an opportunity of reply) move for a postponement of the consideration of the resolution to a day certain.

Mr. McKINLEY expressed himself always ready to vote for a call upon any officer of the Government for any thing within his official knowledge; but that was the extent of the power of the House over the Secretary of the Treasury, or any other officer. If the gentleman could show that the Secretary of the Treasury possessed an official knowledge of the facts here called for, the call might be very proper. As to the motive with which it was made, he should not inquire into it. But he asked whether the contract made by the Secretary with the banks in question authorized any such inquiry into their affairs? All his power to demand information from them was that contained in the contract under which they held the deposites. He had not examined the language of these contracts; but he presumed that no such power had been reserved. If so, the Secretary could have no official knowledge of the facts asked for. And could the House make it his duty to demand them? It certainly could not. It had no power to do so. The banks were not bound beyond the terms of their contracts, in their letter and spirit. It depended entirely on these contracts what power the House had to make these demands on the banks. He would like to know what right the House had to demand the names of the lawyers and counsellors employed by the banks? Had Congress any right to make such an inquiry respecting the Bank of the United States? And if Congress had not this power, why call upon the Secretary of the Treasury to exercise it? It was no part of the duty of his office to make such an inquiry.

But it had been said, that because such inquiries had been deemed proper in the case of the United States, that therefore they ought to be made in reference to the State banks also. But, unless the power had been provided by the charter of the Bank of the United States, the House could not grant it. Beyond the provisions of the charter the inquiry ought not to go. But, supposing the charter to give this right of inquiry in the case of that bank, did the mere fact of the transfer of the deposites to certain other banks of itself transfer the same power in reference to them? He thought not. He could come to no such conclusion. The power of the House was limited by the contract with the banks. If any inquiry was confined within those limits he would vote for it, but further he could not go. He would not call upon any officer of the

Government to do what did not pertain to his official authority.

Mr. SPEIGHT said he was sorry any gentleman had thought it necessary to oppose the passage of this resolution. For himself, he was willing to allow the largest latitude of inquiry. He was particularly surprised at the remarks of the gentleman from Georgia, [Mr. Wayne,] who had said, if he understood him, that the House had no right to inquire into the affairs of the banks selected to receive the deposites.

Mr. WAYNE explained, disclaiming any such opinion.

Mr. SPEIGHT was happy to hear it. If the Secretary had it not in his power to demand of these banks what was necessary to be known, in order to judge of their safety as places of deposite for the public money, he had certainly been guilty of a great neglect of duty in not securing such a right. He ought to have held himself in readiness, if called upon by either House, to give them all the facts they required. The gentleman from Alabama [Mr. McKinley] had said that, if such a power had been reserved by contract, he should vote for the inquiry, but not otherwise. Mr. S. would say, that if it was not in the contract, it ought to have been. As to the objection urged by the gentleman from Pennsylvania, [Mr. Harper,] Mr. S. was at a loss to conceive why any gentleman should wish to conceal the fact that he was a debtor to the bank. He was for voting the whole inquiry, and for extending it as well to the Bank of the United States as to the State banks. He hoped every member would agree to pass the resolution, and allow as large an investigation as could be desired.

Mr. WILDE said that, when he heard the amendment read, it had been his purpose, unless it should be changed by too many amendments, to give it his support. He rendered his thanks to the gentleman from North Carolina [Mr. Speight] for the aid he had promised. The system (if system that could be called which system was none) into which the moneyed affairs of the country had been brought, was daily developing itself, in all its beauty. What were they now told? It was with great reluctance that he found himself driven to make the inquiry, as it was always with reluctance that he placed himself before the House. He should, however, put this inquiry on grounds somewhat distinct from those taken even by the gentleman from North Carolina. The power to collect and pay out the revenue of the United States, and to keep it during the interval, was a power which pertained to the Congress of the United States. But now the House was told that it had no power to inquire into the true situation of the depositories where these public moneys were to be kept. The public treasure had gotten into depositories over which Congress possessed no power. How had it got there? And, if the doctrine advanced was true, what was the condition of the money of the United States? The gentleman from Alabama [Mr. McKinley] had insisted that, because there was no clause in the contract with the State banks, which empowered Congress to demand the information now sought, therefore Congress had no power to make the inquiry. So that it seemed Congress was entirely dependent on the Secretary of the Treasury for the performance of one essential part of its duty, viz: the duty of seeing that the public money was safe. Mr. W. placed the question on this ground: Congress had no right to place the public money in any depository, into the state of which it had not full right to inquire. And if Congress had not, *a fortiori*, no subordinate officer of Government had the right. He contended that the Secretary of the Treasury had no right to make any contract by which the right of that House to inquire into the safety of the public money could be destroyed, or in the least degree impaired. On these grounds he should vote for the inquiry. He trusted it would be made as extensive as the case might require. Without wishing to extend it so as to embrace any thing odious or unnecessary, any thing merely *ad captandum*, he desired to extend it to all that was requisite and proper. As to making a similar inquiry in relation to the Bank of the United States, he had no objection to lend such a measure the support of his vote. He was willing that the inquiry should be as extensive in relation to that bank as to the State banks; but the two inquiries were not connected together. The House was now demanding to know the situation of those banks which had got the public money; but the Bank of the United States had not got it; and as a resolution had been reported by the Committee of Ways and Means, which would cover the whole ground, there could be no need for so amending the present resolutions; and he therefore hoped no such clause would be added.

Mr. MANN, of New York, could see little objection, if any, to the adoption of the resolution. On examining it, he found that it contained but two points which had not already been answered. The Secretary had already furnished the charters of the selected banks, as far as they had been in his possession when the call had been made upon him; and, if gentlemen wish to have their tables encumbered with a mass of these bank charters, he had no objection whatever. They had already a list of presidents, cashiers, &c., and he had no objection that these lists should be printed over again if these gentlemen wished it. Almost every annual register of the States would supply such a list; but he had no objection to their being collected and put on the tables of members. The same remarks would apply to the lawyers and solicitors. As to the amount of stock held by the presidents and directors, gentlemen had that already to a large extent; but if the Secretary had received any further information, let them have it. The next item called for the debts due from each president, cashier, and director, to their respective banks. In reference to this item, he hoped the gentleman from Pennsylvania [Mr. Harper] would withdraw his objection.

Mr. HARPER expressed his willingness to do so.

Mr. MANN resumed. If there could be any use in having these debts stated, let it be done. Did any gentleman suppose those individuals would be unwilling; if they were, that would be no objection with him. There could be no honest and fair objection to making such a disclosure; and he, for one, wished to have all the light that could be obtained as to the security of the public money. He never had doubted that it would be secure in the State banks, so far as their ultimate solvency was concerned. If their officers were so indebted to the banks as to show that any of those institutions were fraudulent in their character, and unsafe depositories for the public money, let the House know it; he was not for having it concealed, nor should he object to the extension of the call which the mover had this morning made. He was for allowing any reasonable scope of inquiry, and he hoped the resolution would be adopted entire.

Mr. BEARDSLEY had risen to address the House, when the hour allotted to resolutions expired.

Mr. POLK then moved that the rules of the House be suspended for the purpose of taking up the general appropriation bill.

Mr. McDUFFIE suggested that the public business would not be expedited by such a measure, inasmuch as the Senate had not acted on the appropriation bills which had already been sent to them.

Mr. POLK replied, that the action upon this annual bill had already been delayed longer than was usual; and he thought it was the duty of the House to act upon it.

Mr. WHITTLESEY remonstrated against suspending the private business.

Mr. WILLIAMS said that no notice had been given to the House of any such motion, and he demanded the yeas and nays upon it, which were ordered.

Mr. MERCER moved to embrace in the motion to take up the bill, the Washington bridge bill.

The question was taken on adding that bill, and lost.

The question was then put on suspending the rule, in order to take up the appropriation bill, and decided by yeas and nays, as follows: yeas 107, nays 102.

There not being two-thirds in favor of suspending the rule, the motion to take up the general appropriation bill failed.

The House proceeded to the consideration of the bill for the relief of David Kilbourn. [Kilbourn was a Canadian, who had acted as a spy on the Canadian frontier, to the army under General Wilkinson, and had, in consequence, suffered the confiscation of all his property. The consideration of this bill occupied the House during the greater part of the day. The bill was resisted on the ground of the immorality of encouraging treachery, by rewarding the traitor; and also, that to grant the prayer of this claimant would be giving him the preference over our own citizens. It was advocated on the ground of precedent in Scripture and precedent in the practice of our own Government; and, also, on the ground of express contract, under a general promise made by General Wilkinson.]

The yeas and nays, on ordering the bill to a third reading, being demanded by Mr. Chilton, stood as follows: yeas 72, nays 86.

So the bill was rejected; and, soon after,

The House adjourned.

Monday, March 31.

NATCHEZ MEMORIAL.

The resolutions presented by Mr. Cage on Monday last, from sundry citizens of Natchez, condemning the removal of the deposites, and recommending their restoration, coming up—

Mr. PLUMMER, of Mississippi, said that he had not inflicted on the House a speech during its present session. His silence during all this time had not been owing to a want of confidence in himself so much as to ill health. The ague and fever with which he had been afflicted during the chilling blasts of winter, had, on the opening of spring, left him suffering under a much more fashionable and prevalent disease in this climate. It was a disease common to most of the members of Congress, and seemed to be contagious. It was not his purpose to enter into a discussion of the various symptoms of the disease in its different stages, nor was he capable of throwing any light on the subject, although he had paid some attention to the effects which it had on both the body and mind. The general symptoms, he said, were an apparent restlessness of the whole body, palpitation of the heart and uneasiness of mind. It frequently caused the features of the patient to be distorted, muttering a jargon of high-sounding and unmeaning words; sometimes it affected him in a manner not unlike the hydrophobia, causing foaming at the mouth; at others stamping of the feet, clinching of the fists, wise and learned looks and ludicrous motions of the arms and other parts of the body, and not unfrequently a perversion of the truth. Owing to the want of a classical education, he did not understand the technicalities of the learned professions, but he had heard those who talked Greek and spoke Latin, call the disease of which he had spoken the "*cacoethes loquendi.*" It was, he said, considered incurable; temporary relief might, however, be obtained, by talking from one to three days. Although the members of the House might have cause to regret it, he most heartily congratulated himself on a change of diseases. He no longer felt inclined to yawn, pains in his bones, and cold flashes running up his back, intimations of the approaching ague, but he felt strong symptoms of the other disease. Unless, however, his case should become more aggravated than it was at present, he trusted that he should not occupy the time of the House long on the subject under consideration. If, in the few remarks he intended to submit, he should fail to command the attention of the House, he hoped that he should be so well satisfied with his own effort as not to be under the necessity of procuring an anonymous puff of himself to be published in the newspapers; nor of falling into the fashionable practice of addressing a note to the editors, complaining of the reporters, because they do not make a good speech out of a bad one, or because they fail to report what he would have said if he had not forgotten it.

Mr. P. said, when he rose to address the House the other day, on the presentation, by his colleague, of the resolutions under consideration, he did not intend to occupy more time than would have been necessary to correct an erroneous impression made here and elsewhere in relation to public sentiment in Mississippi, on the all-engrossing subject of the bank. Since that time, circumstances had developed themselves, which had caused him to consider it due to the House, to the country, to his constituents, and to himself, that he should rise in his place and speak forth the words of truth and soberness. He did not intend, however, to discuss, at that time, the merits of the bank question, nor inquire into the legality or expediency of the conduct of the Secretary of the Treasury in removing the public deposites from the Bank of the United States to the local institutions.

He rose more particularly for the purpose of explaining some of the reasons why he could not consistently comply with the request of his constituents, who composed the meeting that adopted the resolutions under consideration. He agreed with them in the opinions therein expressed, relative to the apparently prosperous condition of the State of Mississippi a few months ago, and the present distress of which they complained; but differed with them altogether as to the origin of these difficulties and reverses, and was opposed to the remedy which they recommended. It was unnecessary, he presumed, for him to bear testimony to the high standing and respectability of those whose names were mentioned in the resolutions. The most of them were known to some of the gentlemen on that floor, and to say the least of it, as favorably known as those who had the honor of representing them. There were, he said, several gentlemen in his eye, besides his honorable colleague, who would not hesitate to vouch for the names of Wilkins, Grayson, Quitman, Bingaman, and Merrill. The right of the people to instrust the representatives of their own choice, he said, was one which he held more sacred than any other right claimed or exercised by the citizens of a free Government. He held that it was the imperious duty of a representative, who was the public servant of the people, to obey the mandates of his constituents, on all questions of expediency, when clearly expressed. He went farther, and admitted that it was the bounden duty of a representative to obey the known will of his constituents on all questions which might come before him, either of a general or a local nature, or resort to the other alternative, and follow the praiseworthy example set them by a distinguished gentleman from Virginia, a short time since, in the other end of the building.

What is the will of the people, and whether there has or has not been a fair expression of that will, are question of which every one most judge for himself, and upon his own responsibility. He professed to know the sentiments of the great mass of the people of Misssissippi as well, but not better, than any other man. He had been among them from boyhood. He had grown with their growth, and strengthened with their strength, and undertook to assert that three-fourths of the whole number of voters in the State were opposed to a recharter of the United States Bank, and consequently to a restoration of the deposites. He might, he said, be mistaken in his opinion with regard to public sentiment in Mississippi; but as an evidence of his sincerity, he was willing to stake his popularity, which he prized as highly as any man, and all of his political prospects, on the question, if those who differed with him in opinion chose to make up an issue on that subject, before the people of the State. In 1828, the General Assembly of Mississippi passed a set of joint resolutions, remonstrating against the introduction of a branch of the United States Bank within the limits of that State.

Mr. P. said he was a member of the Legislature which adopted those resolutions, and gave them his support. In 1829—'30, efforts were made to repeal the resolutions, and invite the location of a branch within the State, which he opposed. They were not repealed until the next session of the Legislature, after he became a member elect of Congress. At the first session of the 22d Congress, he voted uniformly with the opponents of the bank, and recorded his vote against the bill to recharter that institution. After his vote on the bank, and after the Executive veto on that bill, in August, 1832, his name went before the people of Mississippi for a re-election. He was opposed by the presses in support of the bank, on the ground of his vote, and his opposition to that institution. The whole power of the bank was brought to bear upon him, and at a time, too, when absent and unable to defend himself. With these things known to the people of the State, for they were not done in the corner, he was re-elected by a majority of the whole number of votes given at the election. Although he was under no positive pledge to oppose the bank, nor support the measures of the administration, there was an implied pledge on his part to support the measures advocated by the laboring part of the community—by the workingmen of Mississippi—to whom alone he was indebted for his seat on that floor. He was, he said, opposed to rechartering that moneyed monster, and opposed to a restoration of the deposites, not because he wished to conciliate General Jackson, for he said he had never found favor in his sight, but because he was opposed to all licensed monopolies, to the conferring of exclusive privileges on any man or corporation of men. The President advocated the principles of the workingmen of the country, therefore did he support him; whenever he abandoned those principles, he was in honor bound to his constituents to abandon him. Mr. P. said he should be recreant to those who had honored him with their suffrages, and unworthy the station he occupied, if, under the circumstances, he should vote for a restoration of the deposites, or a recharter of the bank. He had a high respect for the opinions of those whose names were mentioned on the face of the resolutions; but for the purpose of showing that there had been no change in public sentiment, as had been inferred, in Mississippi, he must be permitted to state that all of them, excepting one, had always belonged to the national republican (he would not say federal bank) party, and were uniform opposers of the present administration; and the one excepted was an admitted federalist, and president of the branch bank located at Natchez.

[Mr. Cage here corrected Mr. Plummer, and said, if he had reference to Colonel Wilkins, that it was a mistake.]

Mr. P. said, if he was mistaken, it was because he had recently resigned.

Mr. P. said that he would here take occasion to repel a charge which had been made from a quarter that he did not think proper to name, because it might be a violation of order—that his course on this question "was the effect of party trammels;" that he was "under the influence of decided party discipline;" that he had "become a mere automaton," and disposed to "surrender his judgment, and what he believed to be the best interests of the people of Mississippi, at the shrine of party." Mr. P. said he, too, with his honorable colleague, should "fearlessly do what he believed to be his duty;" that he, too, with his honorable colleague, could safely say, that "he had no interests" here "unconnected" with the interest of the people he had the honor in part to represent. Charges such as he had named came with a bad grace from those who were under the necessity of placing themselves under "trammels" and "party discipline," to procure their election to a seat in that Hall. It is well known, he said, that he had never been a favorite of those who stood at the head of, and controlled, the destinies of the administration party in Mississippi. That he might not be misunderstood, he would particularize. He had never been supported by the Governor of the State, who was considered by the party as their champion. The patronage of the Government had been arrayed against him, if that could be considered the patronage of the Government which caused the United States officers within the State of Mississippi to oppose his election. There were at the time he was elected to the station which he then held, five newspapers within his district in support of the administration. Two of them, he said, assailed him with all the violence of political partisans; two of them admitted communications against him, and refused or neglected to defend him; and the fifth one, a new paper, just then established, had since discarded him. He had, he said, received no favors at the hand of the executive branch of the Government, nor had he any to ask. He mentioned these things, not in a spirit of complaint towards the President, or any of the heads of Departments; nor out of any feelings of disrespect to the Governor of the State, (who commanded from him that respect due to a generous heart, and the high and responsible station which he occupied,) or any one else; but in justification of his course there, and in reply to an attack made against him and others on that floor, with whom he acted on the all-absorbing question of the bank, in one of the newspapers printed in the State he had the honor in part to represent.

Mr. P. said he did not propose to occupy the time of the House in responding to the common newspaper slang of those who were under the influence of the bank, nor did he deem it necessary to notice the vulgar and abusive communications of the letter-writers, whether over the signature of "Major Downing," "The Spy," or any other poor, anonymous, irresponsible devil, who earned his daily bread by fabricating libels on the characters of those who would not bow down and worship at the footstool of their master and employer, the Bank of the United States. But, he said, when he saw a communication from a responsible source, over the signature of an honorable gentleman, published in a public journal, and evidently intended for the public eye, misrepresenting the opinions of high public functionaries, and containing slanderous charges against a portion of the members of that House with whom he was associated on a question of great national importance, he considered it not only his right, but his duty, to notice it in his place on the floor of that Hall, even though it might possibly have been written by one entitled to a seat within its walls. If, said Mr. P., the publication had been first made in his own State, and intended to mislead those whom he had the honor, in part, to represent, and calculated to injure him (if believed) in their estimation, it was due to his constituents as well as to himself that the misrepresentation should be corrected, the slanderous charges contradicted, and things called by their right names.

For the purpose of bringing the administration and those who support its measures, into disrepute among the people of Mississippi, it had been asserted by that high authority to which he had already made allusion, that "there is no complaint that the bank did not discharge promptly and efficiently all the duties required of it by its charter." Now, sir, said Mr. P., I undertake to say, that this statement is a wholesale perversion of truth, and misrepresentation of facts. Let us inquire what is meant by this statement. It cannot refer to the bank, nor those opposed to the administration, for they have made no complaints against the bank. It must then be intended to convey the idea that no charges or complaints have been made from any source "that the bank did not discharge promptly and efficiently all the duties required of it by its charter," but that the Secretary of the Treasury removed the deposites in violation of law, without any complaint being made, without any provocation whatever; and, if he might be allowed to use a legal phrase, with malice aforethought, and without the fear of God before his eyes; and that those who sustained his course on this floor were *particeps criminis* in the transaction. To show the falsity of that statement, he would only mention such charges made against the bank as had been not only clearly proved but admitted by its friends, and attempted to be justified. He begged leave to call the attention of that letter-writer to the fact of the transaction of the most important business by the bank, by the president, and one or two others, when the charter expressly provides that "not less than seven directors shall constitute a board for the transaction of business," to the exclusion of the Government directors altogether from the board; to the effort on the part of the bank to postpone secretly, without the consent of the Government, the payment of a portion of the public debt, called the three per cent. stocks; to the unconscious demand on the part of the bank for damages to the amount of $153,842 77, on the protested bill drawn by the United States on the French Government; to the enormous sums of the people's money appropriated illegally to editors and printers for the purpose of abusing the President of the United States.

Again, (said Mr. P.,) this distinguished letter writer says, "It certainly never was intended to give to the Secretary of the Treasury the regulation of the currency of the country, by an unlimited control over the moneyed institutions; and yet, the Secretary, in his report to Congress, has claimed all this power." Now I undertake (said Mr. P.) to say, that he has neither claimed nor exercised any such power. He has not, on any occasion, attempted to regulate the currency of the country. He has never at any time exercised, or attempted to exercise, any control over the moneyed institutions. The 16th section of the bank charter enacts "that the deposites of the money of the United States, in places in which the said bank or branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct." In conformity with the provisions of this act, the public moneys were deposited in the United States Bank and branches until September last, when the Secretary of the Treasury ordered and directed that thereafter they should be made in the State banks, for reasons which he communicated to Congress at the commencement of the session, as he lawfully might do. Was this regulating the currency of the country? Was this claiming a control over the moneyed institutions? Or was it only designating the place where the money should be deposited for safe-keeping?

The honorable letter-writer, said Mr. P., from whom he had made sundry quotations, had propounded to the people of Mississippi a series of interrogatories, which he read, and begged leave to answer in their order. Mr. P. said, if an apology was due for occupying the time of the House in responding to newspaper scribblers, it might be found in the fact, that he stood by himself in support of the democracy of the State here, and unsupported by any of the presses at home. If he should respond by a written communication to that renowned letter-writer, there was no certainty of its being published in the State which he had the honor in part to represent. During the last session of Congress, he said that he wrote several letters, and delivered speeches on several important questions, that were published in the city papers, and republished in different parts of the Union, none of which found their way into the newspapers of Mississippi. He therefore hoped the House would allow him to do an act of justice to himself and the democracy of the State, which, from his peculiar situation, he could not otherwise well do. In answer to the following interrogatory—"How do the people of Mississippi stand affected in relation to the removal of the public deposites?" Mr. P. said that the democracy of Mississippi stood unmoved and immoveable, resolved to sacrifice "their lives, their fortunes, and their sacred honor," in defence of those rights and privileges handed down to them by their fathers, rather than permit themselves to be made the slaves and vassals of an irresponsible corporation, wielding a moneyed power which already shook our institutions to the centre, and threatened to break down the constitution, trample on the laws, and prostrate the liberties of the people. This, (said Mr. P.,) is the way the great mass of the people, the working-men of the State, stand, and the way they will continue to stand, even if the pecuniary distress should be greater than at present. There is, however, (said Mr. P.,) another party, differently situated, and differently affected. The federalists of '98, of alien and sedition law memory—the anti-war party, of Hartford Convention memory--the old aristocracy of the State—the national republican party--the bank party, and all of the discordant materials (not exceeding one-fourth of the State) who have uniformly opposed the measures of the present administration, (excepting the proclamation and enforcing bill,) "stand affected" in favor of rechartering the United States Bank, and, consequently, in favor of restoring the deposites. Not an original Jackson man was there among them, excepting a few of the followers of that ingenious politician who has recently invented a mode by which those opposed to the bank on constitutional grounds can consistently vote for a recharter of that institution, and a few disappointed old federalists, who crept into the democratic ranks for the sake of office. These, (said Mr. P.,) are the individuals who are following in the wake of their leaders, and responding to the inflammatory panic speeches of Congress by passing distress resolutions at public meetings, for the purpose of influencing the action of this House. The question before the people of the United States is the same now (said Mr. P.) that it has been ever since the adoption of the constitution, between the federalists and republicans--between the aristocracy and democracy—between those who are in favor of enlarging the powers of the General Government, by implication, and those who are for confining it within the limits prescribed by the constitution. Gentlemen might disguise it as they would; that, he said, was the real state of the question. In answer to the second interrogatory—"Do they believe good or evil is to come of it?" Mr. P. said that, if their representatives did not violate the trust reposed in them, and forfeit the confidence of the people who sent them there, by voting for a restoration of the deposites, and a recharter of the bank, they believe that the great cause of the "evil" would expire by limitation, and that "good" would eventually "come of it." Mr. P. read from the same paper the following interrogatories:

"Do they, or do they not, feel that something is wrong in relation to the money operations of the country? Do they, or do they not, feel that a blow has, from some quarter or other, fallen upon and paralyzed their best interests? Do they trace the fall in price, and stagnation in the operations, of the great staple of our country, to any particular cause, and if so, what is it?"

The people of Mississippi (said Mr. P.) do believe that something is legally and morally wrong in relation to the moneyed operations of the country; and that wrong, they believe, consists in destroying private credit, driving the gold and silver out of the country, and collecting the loanable capital at one point, and placing it under the control of the Bank of the United States—an institution exempt by law from liabilities to which individuals are subject—a corporation clothed with powers repugnant to the fundamental principles of a republican Government—a moneyed monopoly upon which exclusive privileges have been conferred by charter, and an aristocratic institution, under no moral obligations, which respects the laws and public opinion only so far as is necessary to promote its own interest. The democracy of that State, continued Mr. P., do believe that a blow has fallen upon and paralyzed their best interests, and that there is a stagnation of business, and fall in the price of the staple of the country. He said, however, that they did not trace the cause to the Secretary of the Treasury, nor to the President of the United States, but to the evils of our banking system. They did not believe that the mere transfer of $8,000,000 from one bank to another could cause such distress, and affect the price of cotton. The bright and cheering prospect a few months ago, described in the resolutions, was, he said, owing to the extensive accommodations of the bank during the past year. The effect of bank paper, every one would admit, was to drive the gold and silver out of the country. Experience had demonstrated that specie and paper money could not circulate together. As long as the bank continued to extend its discounts, money, or that which represented money, was plenty, and the country apparently in a prosperous condition. When the bank curtailed its discounts, the system contracted, and the pressure on the community was in proportion to the curtailment. This (said Mr. P.) is the effect of the whole system, and the necessary consequence of banking operations. What, inquired Mr. P., were the facts? In the short period of sixteen months, prior to the first day of May, 1832, the bank extended its loans from 42 to $70,000,000, being an increase of $28,000,000, a much larger amount of loans than was ever made by the bank within the same period, since the granting of its charter. This expansion of the bank (said Mr. P.) made "money plenty," caused a sudden rise in the prices of cotton and the staple commodities, and the country was apparently in a prosperous condition. During the months of August and September last, the bank curtailed its loans $4,066,146, while there was an increase of the public deposites during that period of $2,268,504. In the short period of two months, the enormous sum of $6,334,650 was withdrawn by the Bank of the United States from the business of the country. This curtailment of its loans, and contraction of its issues, (said Mr. P.,) was what caused the price of cotton to fall, and brought pecuniary distress on the country. The contraction, he said, had been in fact greater than he had named. The policy adopted by the United States Bank compelled the State banks to curtail in equal proportion. Such was the extraordinary power of that institution over not only a portion of the community, but the State banks, and the whole currency of the country. Without, however, entering into an argument at that time on the subject, he begged leave to state one fact, which he considered conclusive on that point. Whether the bank was or was not compelled to pursue that course in self-defence, all the combined powers of the nationals, nullifiers, and bank party put together, could not, he said, induce the intelligent people of Mississippi to believe that there would have been any distress or pressure in the money market at this time, if there had been no Bank of the United States. That position admitted, and no man could deny it, it followed as a necessary consequence, that the evil must be traced to the bank, and not to the executive branch of the Government.

"Do they believe that the action of the Executive branch of the Government in relation to the United States Bank, the removal of the deposites from, and its declared hostility to, this institution, has or has not had an effect upon the present state of things?"

To this and to the last interrogatory, said Mr. P., this writer had in the same communication (by mistake, he presumed) furnished a full and satisfactory answer.

"If the amount of deposites," says the letter-writer, "had been cast into the ocean, or disposed of in any way, leaving the bank the full enjoyment of its chartered rights and privileges, its action uninfluenced by hostility towards it on the part of the Executive, things would have gone on well; and if it had been the sense of the nation that it should have died a natural death, its existence would have terminated with its constitution or charter without a struggle, and without affecting the body politic in which it had figured as the great moderator of the currency of the country."

Here, said Mr. P., is an admission made by this bank advocate, which overturns every argument adduced to show that the present distress in the country is produced by the action of "my old friend, the General," (as this letter-writer calls him,) and not by the voluntary and malicious conduct of the bank. Mark his words. "If the amount of the deposites had been cast into the ocean, things would have gone on well!" That is, the mere removal of the deposites would not have caused any distress in the country, if the bank had not sought to revenge itself on the people for a supposed injury done to the institution, by the Secretary of the Treasury, by contracting its issues, and thereby causing universal distress in all classes of society throughout the land; that, but for this spirit of revenge, aroused into action by the pretended hostility of the Executive, the existence of the bank would have terminated with its charter, without affecting the body politic, and that it would have died a natural death, without a struggle, notwithstanding the removal of the deposites. When it comes to the test, this, said Mr. P., is what they are all bound to admit. But the public moneys were not cast into the ocean; they were not thrown away; they were not locked up in the strong box of the Government, for the purpose of oppressing the people; they were placed in the State banks for the accommodation of the community.

Mr. P. said he did not claim the right of advising or lecturing his honorable colleague, for whom he entertained the kindest of feelings, but the character of the State was suffering under charges and imputations which he had been instrumental in bringing about; he, therefore, begged leave, most respectfully, to address to the House, for the benefit of his colleague, a few observations in relation to the sudden change of public sentiment in Mississippi, and the hostile attitude which that State had assumed towards the measures of the administration, spoken of in this Hall and elsewhere.

[The SPEAKER reminded Mr. P. that it was not in order to speak personally of any member of the House.

Mr. CAGE requested that his colleague might be allowed to proceed, if the Chair could permit him, without too great a violation of order, as he was prepared to reply.]

Mr. PLUMMER thanked the Chair for the timely admonition, and his colleague for his polite request in his behalf, and begged leave, most respectfully, to inform them, that he had no intention of violating the rules of the House, as they would have learned, if they had been a little more patient. That there should be no dispute or misunderstanding about his allusions, Mr. P. said that he would read from the newspaper the charge against the character of his State to which he referred.

He then read from the "Richmond Whig" as follows:

"*Mississippi* —This State has assumed an attitude of decided hostility to the moon-struck measures of the administration. The Natchez Courier publishes a letter from Mr. Cage, one of the representatives of the State in Congress, announcing his purpose of throwing off the trammels of party, and sustaining the interests of the people. Judge Black, of the Senate, elected a Jackson man, has taken the same decided stand, and in both Houses, Mississippi is unanimous in the course, unless Mr. Plummer be an exception, which the Telegraph regards as doubtful."

Mr. P. pronounced this statement false. The State of Mississippi has not assumed, he said, "an attitude of decided hostility to the measures of the administration." If there was any hostility on the part of that State to the administration of the bank question, it was not among the great mass of the people, for he had already remarked that they stood firmly by the Old Hero, who stood by them in the hour of peril and danger; but it was among those who were elected to sustain him in his efforts to put down a moneyed monopoly, about to enslave the people, and who had knowingly and wilfully violated the plighted faith of their constituents, and forfeited the confidence reposed in them by the much-abused people of Mississippi.

Mr P. referred to another article, stating that "Mr. Cage, of Mississippi, a member of the House, elected as a friend to the administration, is a friend no longer, but speaks loud and strong against it." In order to explain this strange state of things, he said, he deemed it necessary for the world to know a few acts that he hoped would not be considered entirely irrelevant to the subject under consideration, which he understood to involve, among other things, the question of what was public sentiment in Mississippi. His colleague and himself, he said, were elected to the stations which they occupied, in August, 1832, immediately after the adjournment of the first session of the twenty-second Congress. The presses in support of the administration charged a distinguished Senator from that State with being hostile to the leading measures of the administration. One of the specifications was, that he had voted for the bill to recharter the United States Bank, which the President had just put his veto upon. The presses in opposition to the administration charged his colleague, another Senator, with having supported the leading measures of the administration. One of the specifications was, that he had voted against the bill to recharter the United States Bank. They were toasted at dinners and barbecues, got up for the purpose by their respective friends and partisans—the lines of party were distinctly drawn—every politician took sides—there was no equivocation allowed—the people advanced boldly up to the mark and took their stand—they took their motto from the good book, "those who are not for us, are against us." The people were agitated on the question. The excitement was never greater in the State. Mr. P. said that the "whole-animal" Jackson men kicked him out of company, notwithstanding he had been a uniform supporter of the administration, because he had been so unfortunate as to be a native of Massachusetts, and was so impudent as to use the following language on that floor: "I am no man-worshipper; I do not belong to the leaders of any of the numerous parties who figure upon the political theatre; I go for measures and not for men." A higher honor could not, in his opinion, have been conferred on a native of the "ancient commonwealth."

Mr. P. then asked his honorable colleague, (however, said Mr. P., for the purpose of avoiding personalities, he would include himself,) he then asked the delegation from Mississippi, with which party they took sides; with those who sustained the bank and Clay's land bill, and opposed the administration, or with those who sustained the administration on those questions? By whom, said Mr. P., (addressing himself to his colleague, in an emphatic tone,) were we supported; by those who sustained the bank, or by those who sustained the administration? When the Jackson presses urged our pretensions on the ground that we were more of Jackson men than our opponents, and made an appeal to the partialities and prejudices of the people, exhorting them to rally at the polls and give their votes for us, who were the personal and political friends of the hero of New Orleans, in preference to one whose motto was "measures and not men," what, he asked, was the course of his honorable colleague (and himself?)

Did we mount the stump and tell the people that we would not wear "party trammels;" that we would not be under the influence of "party discipline;" that we would not bow "at the shrine of party," and that we would not pledge himself to support the measures of the administration, right or wrong, like an independent man resolved not to be trammelled; or did we, under these circumstances, tell the people that we was a native of Tennessee, from the same neighborhood, and personally acquainted with the President; that General Jackson had known us intimately from his infancy; had often dandled him on his knee in childhood, and that we, while yet a boy, had followed him to the tented field, and fought by his side in his country's defence, when he achieved those victories and won those laurels which placed him in the chair of state; and that, therefore, they could not question his Jacksonism? And for fear that additional evidence would be wanting, did we not shed tears in speaking of his "old friend, the general?" In short, did we not take advantage of the peculiar state of excitement existing at that time, and ride into Congress on the popularity of General Jackson?

He said that he could readily answer these questions, if certain that it would be in order to do so, but as he was an orderly man, he would leave that for the rest of the delegation. Admitting them to be answered in the affirmative, what do they prove, said Mr. P.? They prove, he continued, one of two things: either that we pledged himself to the people of the State to vote for the measures of the administration generally, or that we would sustain such leading measures of the administration in particular, as were then under discussion and consideration before the people of the State. He cared not, he said, which we meant; the people understand us as being, at least, tacitly pledged to oppose the bank.

Mr. P. said, if an apology was due to the House for having treated a letter-writer with so much respect, it must be found in the fact that he had no other way of disabusing the public mind. He hoped that the newspapers would do the people of Mississippi the justice to give his remarks a circulation as extensive as the letter-writers had the slanders to which he had referred. With regard to the merits of the main question, he had intended to embrace the opportunity then offered to express himself fully, but the feeble state of his health would not admit of it at that time; he should therefore defer it, and seek some other occasion, on the report of the Committee of Ways and Means. Mr. P. protested against any intention of disrespect to any one; repeated that he had a high regard personally for the individuals who composed the meeting at Natchez. He made some further general remarks in relation to the distress in the country, and the cause of it, not distinctly heard by the reporter, and earnestly contended that no man who was well versed in the banking operations, could attribute it to any cause other than the pernicious and baneful operations of the banking system, which he feared would some day destroy the Government. He concluded by declaring that it was with wounded feelings of national pride, that he heard it gravely asserted by intelligent, and he believed patriotic gentlemen, on this floor, that the Government could not exist, or the various branches of industry prosper, without the aid of the United States Bank, or some other similar moneyed corporation, to afford facilities and regulate the currency of the country. If the body politic, said he, was so debilitated; if the energies of the people were reduced so low, that they could not continue to exist without a moneyed monopoly to lean upon for support, it was evidence to him that they were prepared for slavery; it was time that they had a master; they were, in his opinion, unworthy of that rich inheritance handed down to them by the patriots of the Revolution; they were incapable of self-government.

Mr. CAGE, of Mississippi, then rose to address the House. In sincerity and truth, he declared it was with feelings of the deepest regret he considered himself called upon to say any thing upon the subject which his colleague had made the occasion of a speech, however agreeable it might and would have been to him to have given his views upon the merits of the question involved in it, at some gone-by period.

The question had been discussed and rediscussed in both Houses of Congress, by gentlemen much more competent to the task than himself. He could add nothing new to what had been said. These arguments, and every thing connected with this all-absorbing question, said Mr. C., have gone forth to the people of this nation, and in their general circulation they cannot fail to fall into the hands of my constituents, the people of Mississippi. It is only necessary, then, for me to say, upon this occasion, that these arguments which have gone forth, and which breathe a mild and dignified temper, and which advocate the object sought to be attained by the resolutions now under consideration, I concur in; hence the House need be in no apprehension that I will fatigue them, or further weary their patience by a discussion of the merits of the main question.

My colleague, said Mr. C., has thought proper, with what delicacy and propriety I leave the House and himself to judge, to make a letter, written by a gentleman from this place to his friend in Mississippi, and which has made its appearance in the newspapers of the day, the subject of his almost entire speech. The gentleman says he will not name the author of this celebrated letter, lest he might be considered out of order in making a personal allusion. As this letter has been made to cut so conspicuous a figure in the speech of the gentleman, and as he has thought proper to read mere parts and portions of it, and to remark upon them, it is but due to the House, so far as it can take or feel any interest in this matter, and to the letter-writer himself, whoever he may be, that it be read entire.

[Here Mr. C. read the letter, the same that appeared in the Intelligencer of Friday last, and remarked, this letter is signed "Harry Cage."]

The gentleman, said Mr. C., in the course of his remarks, has said that this letter was a libel upon himself and those with whom he acted. I now put it to the House and the gentleman himself, whether the letter you have just heard read, or the speech of the gentleman, contains the most libellous matter? Whether the speech of the gentleman is not a greater libel upon those with whom I act and myself, than is that of the letter upon the gentleman, and those with whom he acts upon this great question.

[Mr. Plummer here explained, and said he did not intend to charge the letter as libellous, but referred to some other newspaper essays which have reference to the letter.]

Mr. C. resumed. I did not hear the commencement of the gentleman's speech this morning, not being in my seat when he began it; but the first sounds which fell upon my ear, after I was so fortunate as to reach my seat, was a most deserved eulogy upon the characters of the gentlemen constituting the committee which reported the resolutions adopted at the meeting of the citizens of Natchez. He accorded to those gentlemen honor, worth, and respectability. He placed them in an attitude that could not fail to be most gratifying to their warmest friends. It was at least so to me. I thought his eulogy creditable to his head and his heart. But, alas! how short and evanescent are the honors of this world! These gentlemen were not long permitted to enjoy this enviable place in the minds of the listeners to the speech of my honorable colleague. After besmearing them, he commences by telling the House that, among the honorable and high-minded men, he could discover among them the name of but one man who was not now, and who had not at all times past, been decidedly opposed to the present Chief Magistrate and his administration. He proceeds to tell the House that these gentlemen, and all others of the State of Mississippi who are opposed to the President, are federalists of '98, of alien and sedition law memory—the anti-war party, of Hartford Convention memory. Sir, said Mr. C., whatever may be the faults and foibles of the people of Mississippi, or any portion of them, in the opinion of the gentleman, they are, in my estimation, the last people on earth obnoxious to the charge the gentleman has thought proper to bring against them upon this occasion. I know no man, of any party or politics, who, if he were not a participator in the scenes of the last war, did not rejoice at our victories and mourn over our defeats, whose political differences were not merged in the intense anxiety which he felt in the common cause. Yet, sir, one of the representatives of such a people has been induced to charge them, for reasons and under circumstances best known to himself, with entertaining political opinions held in utter detestation by every individual against whom they are made, and which charge is utterly false and unfounded.

It is a matter of deep regret with me, said Mr. C., that the gentleman should have thought it expedient, in his place, thus wantonly, as I conceive, to have heaped unmerited obloquy on any portion of his constituents and fellow-citizens. I, however, do not consider it necessary that I should enter upon their defence here. The gentleman's speech is made for home consumption. There it cannot affect them. Here I am persuaded it will not. The manner and temper in which this portion of the people of Mississippi have been brought before this House, connected with the fact that the representative who feels himself called upon thus publicly to assail his constituents, or any portion of them, for no other reason than that they have presented a memorial, accompanied with some resolutions of a most mild and temperate character, in which the representative is not referred to, except in the most respectful language, asking his co-operation in aid of their views, and when, too, the great reservoirs to which gentlemen who are inclined to indulge in this sort of debate may resort for matter and manner, is known to the House, the effect will not, I think, be very injurious to them, even here.

In writing the letter alluded to, I can truly say I was wholly uninfluenced by any feelings of hostility towards any human being, personal or political. In looking into the question which was presented to my mind, in all its bearings, not upon men but upon the interests of a great and prosperous country, I felt that I was placed in a most delicate situation. Every emotion of my heart was on the side of the administation. It has been, throughout, a war of my judgment against my feelings. Under this state of feeling, it is, I have arrived at the conclusions which form the basis of my action in view of this question. I am free to acknowledge that I have much more confidence in the correctness of the conclusions to which I have arrived, so far as my own powers of investigation are concerned, than I should have had, had my feelings and judgment concurred in the matter. I now have no distrust of myself, so far as we are taught by our nature to distrust our judgments, when operated upon by the powerful feelings of the heart.

It is gravely stated that I have said I disregard party trammels. Sir, (said Mr. C.,) I do disregard whatever comes between me and my free action in view of what I conceive the best interest of my country; and especially that portion of it I have the honor, in part, to represent. My colleague professes to know the will of the people of Mississippi better than any other man. He tells us that he has grown with its growth and strengthened with its strength. He tells us that three-fourths of the people of Mississippi are opposed to the restoration of the deposites, and to the recharter of the Bank of the United States. It may be so, and his course upon this subject is the best evidence that he thinks so; for, I believe, he is not generally suspected of acting very promptly or decidedly upon any subject of magnitude, until he shall have looked well to the effect it is to have upon that overshadowing popularity which he has, in the course of his remarks, informed the House he enjoys in our State. Yet, for the life of me, I cannot imagine the channels through which the gentleman has derived his information. However large the gentleman may have grown, having been transplanted to the rich soil of Mississippi, or however strong he may conceive himself, having strengthened with its strength; yet, I must be permitted to remind the gentleman that, although I may not have been so luxuriant a plant, I believe I am of some few years older growth in that delightful country than himself; that I have had some opportunity of becoming acquainted with the people of all parties, and all vocations known in our country; that I have among them many, very many, I hope, warm, they are at least with me, estimable friends. I must be permitted to say, among these goods citizens, I know no line of distinction, either personal or political, such as the gentleman has thought proper to draw in his imagination, and on one side of which he has thought proper to place what he has pleased to call the working men; to the other, I believe he has given no name. If he means by working men, the industrious, enterprising, frugal men of all vocations, then I imagine we are all on the same side of the question, and constitute the working men, or at least we will say so, as they embrace certainly the most important and interesting portion of society. If the gentleman means, as distinguishable from the working men, the non-working men, as that portion of our population that he does not intend to patronise, then, too, I think, he will be in the majority; for, however much we may lament over the foibles and imperfections of our fellowmen, there are few amongst us who will be found the advocate of the idle and dissolute, whose conduct, in reference to their families, and those dependent upon them, is pronounced by the highest authority "to be worse than that of an infidel."

If the gentleman intends the line to be drawn between the rich and the poor, then the distinction is an invidious one, and should not be permitted to insinuate itself into any portion of the society of this free and independent Government, where the road to wealth and fame is equally open to all. Besides, it would be a political distinction that cannot be defined. How much, or how little, must a man be worth, to belong to this new-fangled party of my colleague? And is it not more perfectly clear, that, if such be made the test of party, there can be no permanency in it? Every man aspires to a competency for himself and family. Should his industry and enterprise secure this to him beyond a given amount, then he ceases to be of the one party, without any effort of the mind, or the change of a solitary political opinion. On the other side, accident or misfortune, under the operation of this political thermometer, must decide the victim's political station. In fine, sir, (said Mr. C.,) the people of Mississippi, as I recognise them, are all the working class in some vocation, and among them much the largest proportion cultivate the soil, upon whose prosperity essentially depend the happiness and prosperity of all. They are an enterprising and thrifty people, and, if permitted to pursue the even tenor of their way under a just and wise administration of the constitution and laws of their country, they will be prosperous and happy. From many of these people I have heard, those who are wealthy, those who are in moderate circumstances, and those who are more limited in their circumstances, they all breathe the same language, and it is that contained in the resolutions now under discussion. These people, from whom I have heard, all complain of a pecuniary pressure, and they believe it has been produced by the action of the executive branch of the Government in removing the money of the Government from the Bank of the United States. They think it was a mistaken policy. That its effects upon the currency of the country was not sufficiently examined, or, if examined, not well understood. They believe, if the error or mistake is not corrected, impending ruin awaits many, and unparalleled distress all. Sir, said Mr. C., these people cannot be caught by baubles and empty sounds. They knew and felt their prosperous condition but a few short months past. They now see and feel their reverse of fortune. They can trace their altered condition to no cause so likely to have produced the effect, as the one to which I have referred, and which I am appealed to, as one of their representatives, to aid in removing. Their appeal will not be in vain, so far as my humble efforts can respond to it.

Mr. C. continued: My colleague has adverted to the action of the Legislature of Mississippi, in 1828, 1829, and 1830. He tells us that, in 1828, the Legislature of that State passed joint resolutions, remonstrating against the location of a Branch Bank of the United States in that State; that he was a member of the Legislature that adopted the resolutions, and voted for them; that, in 1829 and 1830, efforts were made, whilst he was yet a member of that body, to repeal the resolutions of 1828, which he successfully opposed. He modestly tells us, however, that as soon as his back turned upon them, by taking the station which was assigned him on this floor, these resolutions were, by the succeeding Legislature, repealed. This, (said Mr. C.,) I think, would go much farther in proving the irresistible influence and popularity of the gentleman at that time, and which, I presume, is the object of the narrative, than in proving that, in 1834, there are three-fourths of the people of the State who are opposed to the recharter of the bank, and, consequently, as he says, to the restoration of the deposites. I do not intend to say, Mr. Speaker, that the course I deem it my duty to pursue, in view of this much perplexed question, is based upon any ascertained knowledge I have of the wish of the majority of my constituents. However much I should, at all times, be gratified with their smiles and their approbation, I cannot in my place here consent to sacrifice my own conscience, and my self-respect, in seeking alone to obtain them. No, sir, my calculations, in reference to my duty here, have never been based upon an estimate of what may be the majority at home. I have in all cases, I hope, first sought to satisfy my own mind, as to what would be the consequence of any measure in reference to their interest. I have not gone into figures, travelling, in imagination, up one stream and down another; but have endeavored to act on principle. If they approve my course, I shall be most gratified; if they do not, however much I may regret it, I shall at least have the consolation to know that I have done my duty. My colleague (said Mr. C.) says he is ready to make an issue before the people of Mississippi. Sir, he need give himself no trouble in forming this issue; the people will form one for themselves; not, however, I think, in reference to that gentleman or myself, but I hope and trust upon the true merits of the question, in view alone of the great interest involved in it. I hope and trust that the effect which their decision is to have upon persons, will not be permitted to enter into their consideration. Indeed, sir, if the gentleman has not mistaken his growth and strength in Mississippi, his opposition to, or aid in, any measure, must settle the question, so far as Mississippi is concerned. I am (said Mr. C.) as little disposed to give advice to my colleague as he is to me. I will, however, take the liberty of saying to that gentleman, not to lay the "flattering unction to his soul," that, because he is strong in the affections of these people, they will therefore permit him to experiment upon their affections, attack their best interest, and sap the very foundation of their prosperity. No, sir; and, although he may be the largest, strongest, and most beautifully proportioned tree in all their political forest, yet, if it be found that his beauty and ornament is to be sustained at too great a sacrifice, these people may think proper to relieve themselves of the dense shade, with its chilling influence, which withers and blasts every plant and flower in its reach, extending itself even to the destruction of every cotton plant, in every field of that fertile region of country. It may be a doubtful question, how the people of Mississippi, or a majority of them, stand affected, in view of this question. I have said I pretend not to know, and I have too much self-respect to make round and unqualified assertions, in relation to any subject where I have not the most conclusive facts to support me. I believe, however, the gentleman is mistaken. If (said Mr. C.) I were fully satisfied, as the gentleman seems to be, that my course upon this subject was sustained in Mississippi by the small and proscribed minority only that the gentleman has spoken of, to wit, the federalists of 1798, of alien and sedition memory, and the anti-war party of Hartford Convention memory; yea, more, sir, if I were satisfied that a majority of the people of the State of Mississippi were in favor of the measures of the executive administration of the Government, in relation to this question, I would not wait to finish the remarks which I design making whilst up; I would either change my course, or immediately take measures to surrender into their hands the station which I now fill, more from their partiality than any merit of my own. For, sir, I hold the principle, and ever intend to act upon it, that it is the duty of the representative to obey the voice of his constituents; and if he cannot do so, in justice to his feelings and sense of propriety, to surrender the station which he occupies by their suffrages.

The gentleman says this question was before the people of Mississippi at the last election; and, he asks, what was the conduct of the Representatives of Mississippi during that canvass? whether they did not mount the stump? and whether they did not then pledge themselves to go the whole animal?—hog, I suppose he means. I can (said Mr. C.) only answer for myself. I did, on some occasions, mount, if not the stump, some other as convenient place as I could select, from which to address the people; but I utterly deny that I ever promised, in the language of the gentleman, "to go the whole animal," or blindly to mind the dictates of any man or party. Sir, this may not be a libel upon the gentleman himself, but it is a most egregious one upon me, if he intends to convey that idea by the interrogatory propounded, that such was my course; and not less so upon the people of Mississippi, who have honored me with their confidence. I cannot believe, sir, that the gentleman himself pursued that course, and I have but one reason for doubting it; and that is, that I do not believe the high-minded, honorable freemen of Mississippi could be brought to support any man for a high and responsible station, however large and beautiful he may have grown, or however much he may have strengthened with that growth, either physically or mentally, who would thus consent to prostitute the noblest gift of God to man, immolate that divine faculty which raises him above the rest of the animal creation, and thus consent to become the willing instrument of party, regardless of consequences either to them or their common country.

The main question which has occupied so much of the time and attention of both Houses of Congress during the present session, and which, to my mind, is a totally different question from that of the rechartering of the bank, it is well known to all, was not before the people during the last canvass; and it could not, therefore, have entered into their imagination that we should be required to act upon it. I did not mount the veto message, as is insinuated by the gentleman's interrogatory. I met it. It reached us but a few days previous to the election, which took place on the first Monday and Tuesday following, in August, 1832. To every soul who inquired of me what my course would be, should I be elected, in reference to this question, I answered, without hesitation, that I was friendly to a national bank; that I held some such institution necessary, not, indeed, to the existence, but to the convenience and prosperity of the country, in sustaining a sound currency; that I had no conscientious scruples upon the subject, and no fixed principles in regard to it, that the will of the majority would not influence; that, if the question of recharter came up whilst I occupied a seat in Congress, if left to the exercise of my own judgment, I would, with certain modifications, vote for it, and that, without such modifications, an application for a recharter would not meet the sanction of my vote. I held this language, or language of the same import, to all, and, upon more occasions than one, repeated it in my public addresses. I never dealt in an inuendo. I never left, or intended to leave, an impression that my course should be different from what I intend it shall be. It has been said that the issue of bank or no bank was tried at the last presidential election, and that the American people decided in favor of the views and opinions entertained by the President, as set forth in his veto message. I do not pretend to speak in reference to any portion of the people of the United States other than those with whom I acted upon that occasion. I think I hazard nothing when I say it was not a test question in Mississippi; nay, more, that it did not enter into the contest at all; that the President neither lost nor gained a vote in view of it. I can say, at least, without the fear of contradiction, that I know many, who are in favor of a national bank, who were, and who are yet, so far as I know, his warm personal and political friends, who have upon all occasions sustained him, and who are now decidedly opposed to his measures on this question.

The gentleman has told the House that this question brought down curses, strong and heavy, upon the head of a gentleman in the other end of this building. Sir, the gentleman is mistaken; the excitement to which he alludes, in reference to that gentleman, was long anterior to the veto on the bank charter. It was on a totally different subject. It was in reference to the course that gentleman thought proper to pursue, on the nomination to the Senate of a gentleman, now, also, in the other end of this building, to a foreign mission; nor was it merely his action in that matter that gave umbrage to any portion of the people of Mississippi; but it was his accompanying his action with language which they thought disrespectful and personal to the Chief Magistrate, when they believed there was no call for it, and that the occasion did not justify it. Whilst my colleague was alluding to the course of the Legislature of Mississippi, in reference to the bank question, if it had suited his purpose equally well, he might have told the House what took place in that body in December last. As he has thought proper to pass over that part of the history of their actings and doings on this subject, I will, in support of my own course, and to give to the House some idea of what is the probable portion of the people of that State which the gentleman has sought to place in so odious a light before them, inform them that, during the session referred to, a resolution was introduced in the House of Representatives, instructing their Senators and requesting their Representatives to vote against a recharter of the United States Bank. It was laid on the table in that House. The Senate perceiving that the resolution was not likely again to be called up in the House, introduced a resolution of an opposite character, instructing their Senators and requesting their Representatives to vote for the recharter, with such modifications as Congress might deem proper. This resolution passed the Senate by a majority of 9 to 3, was sent to the House, and there laid upon the table, with the one which originated in that body. My correspondent adds, "that, upon a joint vote of the two Houses, there would have been a majority of two in favor of the recharter."

My colleague, notwithstanding all these facts, of which he cannot be ignorant, says there are three-fourths of the people of Mississippi opposed to the recharter of the bank, and consequently to the restoration of the deposites; and would seem to charge me, by the course of his remarks, with a dereliction of duty, and an abandonment of party and of pledges given. He says, that in the letter you have heard read, he is charged with being under the influence of party trammels. I appeal to the letter, and the recollection of the House, if there is one word in it of a personal allusion, either towards that gentleman or any member of this House. The remark in relation to party trammels, is a general one, and certainly can attach to none who do not feel the force of it. If, however, the cap fits the gentleman, and he is disposed to put it on, then let him wear it. As the very best evidence, however, that I did not intend to charge him with being in party trammels in reference to the subject under discussion, when the letter referred to was written I did not know on which side of the question he intended to lend the light of his countenance. I hoped to have had him on our side; I found him there upon one occasion, on what was considered, to some extent, a test vote, and this was some time after the letter was written. I hoped to have had him on our side throughout—it was quite reasonable that it should be so. I conscientiously believe that my course is the true one, in view of the question—it is one in which, I think, our constituents are deeply interested; it is one which has, and which I believe will continue to affect, if something be not done, the best interests of our State. I did hope, and strongly hoped, that we should act together on this question.

My colleague, said Mr. C., has propounded some joint interrogatories to the representation from Mississippi. He asks whether, during our canvass before the people, we did tell the story of early associations? That we were raised in the neighborhood of General Jackson? How he used to dandle us on his knees; how we followed him to the wars whilst yet we were children; and how we fought by his side, &c. Now, I do not suppose that my colleague pretends, or wishes it to be understood, that he was a participator in the early scenes to which he has directed the attention of the House by his interrogatories. I believe the place of his nativity is as well known here as elsewhere. It may have occurred to him, however, that this was a fit occasion, and fair, to leave some impression, at least, without stating the fact, that he had seen some service, and that he was not afraid of fighting. If he has succeeded in making this impression, I, at least, shall not disturb his repose under it, by attempting to add to, or take from, his brow the laurels which in his imagination he may have won, by saying what he has or has not done in the field of Mars. I shall take the liberty of asking, if not a division of the questions, a division of the persons; and, so far as I shall respond, speak alone for myself.

It is true, said Mr. C., I was born and raised in the neighborhood of General Jackson; I have known him since my earliest recollections. It is also true that, when quite a youth, I entered the service with many other youths of Tennessee, (my native State,) under the command of General Jackson. I have no recollection that I did not faithfully discharge my duty in that situation; but, as I have no military pride to gratify, I will say nothing in relation to this service, in a military point of view. In answer to the interrogatory, I have only to say that I have frequently spoken of this service, and, I think it more than probable, in the canvass to which the gentleman has alluded; and what I shall say of it, on the present occasion, will be in reference to it as a school, and not as the theatre of a soldier. It was in this situation, said Mr. C., where my mind was fired with, and received its strongest impress for, the love of liberty; it was there where I was taught that we were engaged in a conflict in defence of our rights as freemen. It was there I heard and believed it—there, when the tocsin of war should cease to sound, and peace be restored to our land and country—that we should be permitted to return to the walks and duties of civic life, where we might enjoy freedom of thought, of opinion, and of action, uncontrolled by any other influences than those of moral rectitude, amenable at all times, for any abuse of our liberty, to the laws of the best Government, if wisely administered, that has existed since the creation of man. To this happy and peaceful state I have long since been restored, and am now, thank God! enjoying the liberty and exercising the freedom of opinion and of action, the birthright of every American citizen, "and there is none to make me afraid." It was there, too, I was taught, by the force of illustrious examples, never to shun responsibility when the good of the service in which we are engaged requires that we should meet it. How we shall meet the responsibility forced upon us all by the question now under consideration, is a matter about which gentlemen may and do differ. I hope we shall all meet it in a spirit of frankness and candor, and with an eye single to its merits and the great interests involved in it.

I act, said Mr. C., upon the principle that, if an error has been committed, it is right to correct it. If I understand the opinions of many gentlemen in this House, they are, that they would not have advised the measure of the Executive, in reference to this subject; but, as it has been done, they feel themselves called upon to sustain the act. Upon what principle, may I be permitted to ask? Party, I should say, in the absence of any other that occurs to my mind; certainly not in reference to the merits of the question. Many of the gentlemen with whom I differ upon this question, as well as myself, were elected, doubtless, as administration men; they may consider it their duty, in view of the understanding between themselves and their constituents, to support all the measures of the administration. I intend to question no gentleman's motives. This is all I ever intend to be understood as saying in reference to party trammels. It is due as well to those gentlemen as to myself, that I should be so understood. I only mean to say, in regard to myself, that I do not so understand the matter between my constituents and myself. If I have misunderstood them, their verdict will but place me in that situation where alone we can hope, on this side the grave, to find peace and tranquillity of mind unalloyed. It will but restore me to the society of my friends, and to the bosom of those who are most affectionately cherished by me. I have no desire, sir, to represent the people, unconnected with the desire to be serviceable to them. I have no vanity to gratify. I anticipate no civic laurels which are to live after me. I feel and know my own inability to win them. It is, however, my most anxious desire to have deeply impressed on the hearts of my countrymen the evidence that my course has been, at all times, that of a frank, honorable, and independent man. There are those who are to live after, and who are most dear to me; to them I wish to leave a reputation, as far as it may go, worthy their imitation. I feel, Mr. Speaker, that I have too long trespassed upon the patience of the House, and that the best return I can make for its indulgence is to resume my seat. Mr. C. concluded by moving that the memorial and resolutions be laid upon the table and printed; which was agreed to.

BATH (Me.) MEMORIAL.

Mr. **KAVANAGH** presented a memorial signed by inhabitants of Bath, in the State of Maine, complaining of the present stagnation of business, which they attribute to the removal of the public deposites. He remarked that, although he felt great regret in differing from so respectable a portion of his constituents in some of the views which they presented, yet it gave him great pleasure to assure the House that their memorial was couched in language becoming them as highly respectable citizens, and the body which they address; that it was altogether free from those harsh criminations which characterize many of the communications on the same subject which have been addressed to the House. The memorialists, with great candor, suggest the course which they believe necessary to relieve the country from the embarrassments of which they complain.

The memorial was read, ordered to be printed, and laid on the table.

NEW JERSEY AND RHODE ISLAND MEMORIALS.

Mr. **BURGES** presented a memorial which he said was signed by a majority of the voters in Paterson, New Jersey, praying for the restoration of the deposites and recharter of the bank; also one of similar tenor from Smithfield and Cumberland, Providence county, Rhode Island.

Mr. **PEARCE** remarked that he had received some communications in relation to this latter memorial, which he desired should be read.

Mr. **BURGES** said he would not object.

The letters were read, and there were in them sundry charges that the memorial was not signed exclusively by the inhabitants of the place from whence it purported to come; that it was improperly got up, for political objects, &c.

Mr. **BURGES** asked whose signature was to one of the letters read.

Mr. **PEARCE** said it was by Mr. Owney Ballou.

Mr. **BURGES** pronounced it a forgery.

Mr. **PEARCE** asked and obtained leave of the House to address a few remarks in defence of the statements contained in the letters, as well as their authenticity; upon which a debate of a very lengthened and recriminatory character arose between the two honorable members from Rhode Island, in which the local politics of the State were discussed, but which was finally arrested by a successful motion of Mr. Evans to have the resolution laid on the table; and the memorial was ordered to be printed, with the others presented.

After the presentation and reception of sundry other memorials on the same subject,

The House adjourned.

TUESDAY, APRIL 1.

A message, in writing, was received from the President of the United States, by Mr. Donelson, his private secretary, recommending, in pursuance of a report from the Secretary of State, that legislative measures may be taken to prevent the counterfeiting of foreign coins, and the exporting of counterfeit coins from the United States. The message was referred.

Mr. **WILLIAMS** moved to suspend the rules for the purpose of having the States called in continuation of the unfinished call of yesterday for the presentation of petitions; on which motion he demanded the yeas and nays. They were taken accordingly, and resulted as follows: yeas 82, nays 84.

So the House refused to suspend the rule, so as to allow of the further presentation of petitions.

The hour of twelve having arrived, the House proceeded to the business on the Speaker's table, and again took up the

COMMUTATION PENSION BILL.

Mr. **MARSHALL**, of Kentucky, who had the floor from last week, again addressed the House in support of the bill, and in reply to Messrs. GILMER, VANDERPOEL, PIERCE of New Hampshire, and others, who had opposed it. He spoke till one o'clock, without concluding; when the House passed to the orders of the day.

REPORT ON THE DEPOSITE QUESTION.

Mr. **HARDIN** took the floor in opposition to the report of the Committee of Ways and Means approving of the removal of the deposites, and spoke with great spirit and animation till half past three o'clock, when he gave way for a motion to adjourn.

On this motion Mr. **BROWN**, of New York, demanded the yeas and nays; which, being taken, resulted as follows: yeas 68, nays 82.

So the House refused to adjourn.

Mr. **HARDIN** then resumed; and, having gone through the discussion of the reasons assigned by Mr. Taney for the removal of the deposites, he gave way for a motion, by Mr. CHILTON ALLAN, to adjourn.

The yeas and nays were again demanded and taken, and stood as follows: yeas 76, nays 84.

So the House again refused to adjourn.

Mr. **HARDIN**, accepting this as a high compliment, as evincing the pleasure which the majority took in hearing him, resumed his remarks with renewed spirit. After he had spoken about fifteen minutes,

Mr. **CLARK**, of Pennsylvania, moved an adjournment.

Mr. **GILLET** demanded the yeas and nays, which were ordered.

Mr. **MERCER** asked that the hour of the day might be inserted on the journal. [It was now half past four o'clock.]

The yeas and nays were once more called, and stood as follows: yeas 82, nays 80.

So the House at length adjourned.

WEDNESDAY, APRIL 2.

DEATH OF MR. BLAIR, OF SOUTH CAROLINA,

After the journal was read,

Mr. **McDUFFIE** said: Mr. Speaker, I rise to discharge a painful and melancholy duty, by announcing the death of General JAMES BLAIR, a representative from the State of South Carolina. The occurrences of the few last weeks furnish to us all an impressive and awful admonition of the precarious tenure by which we hold this fleeting and feverish existence, while we are but too prone to act as if it would never have an end. Scarcely have our feelings recovered from the violence of the shock, produced by the extraordinary and unexampled spectacle of one of our number falling dead before our eyes, while in the act of addressing the House on a great question of deep and absorbing interest, when we are summoned to pay the last melancholy offices of humanity to another, whose death was equally sudden.

Mr. Speaker, I never have been able to feel that, on occasions of this kind, panegyric is an appropriate tribute to the memory of the dead. They are beyond the reach of praise, and it is not by this that they are judged, either in this world or the next. Biographical details, however brief, are, in my opinion, not more appropriate. Where the deceased is unknown, they are seldom of any interest. His name should be his epitaph; and, however blank it may appear to the vacant eye of the passing stranger, it will always have power to call up the recollection of his virtues in the bosom of friendship, and the tear of undissembled sorrow in the eye of affection—offerings more grateful and congenial to the disimbodied spirit, than the proudest monuments which human art can erect, or the most pompous eulogium which human eloquence can pronounce. Without saying more, sir, I now ask the House to bestow upon the memory of the deceased the customary testimonials of respect, by adopting the resolutions I hold in my hand.

Resolved, That the members of this House will attend the funeral of the late James Blair, at 4 o'clock, this afternoon.

Resolved, That a committee be appointed to take order for superintending the funeral of James Blair, deceased, late a member of this House from the State of South Carolina.

Resolved, That the members of this House will testify their respect for the memory of James Blair by wearing crape on the left arm for thirty days.

The resolutions were adopted. The usual notifications thereof having been ordered to be sent to the Senate,

On motion of Mr. McDUFFIE, the House then adjourned.

Thursday, April 3.

PUBLIC DEPOSITES.

After going through the usual morning business, the resolution of Mr. Mardis, on the subject of the deposites, being the unfinished business of the first hour, then coming up,

Mr. CHILTON ALLAN resumed and concluded his remarks: the whole of which, entire, are given below.

Mr. A. rose and said: Mr. Speaker, have we yet the right to deliberate? And what is the subject for discussion? Does the power to legislate for this nation still reside in the Congress of the United States? We are required to forget so much of what we did know, and to make acquaintance with so many startling novelties—we have of late been bewildered with so rapid a succession of extraordinary events—by such a shifting of scenes—transfer of powers—and presentation of new subjects for consideration—that it is equally difficult to ascertain the question of debate, and the extent of the remaining powers of the Legislature.

Republican Government was yesterday in good credit; we believed that the North Americans had virtue and intelligence enough to govern themselves upon the principle of representation. To-day we are informed that the representatives of the people have become so corrupt that it is no longer safe to trust the powers of legislation in their hands. It was but yesterday that Congress was in the undisturbed possession of the legislative power; to-day the Secretary of the Treasury entertains us with his speculations upon the common good and general welfare of the people, and enacts a scheme for the regulation of the currency.

On yesterday the courts of justice were open, and the trial by jury held sacred; to day a tremendous power, unknown to the constitution, is exercised by the Executive, that of suspending the execution of the laws, and of deciding the ancient systems of public policy to be unconstitutional! The people were yesterday contented and happy; but now, the whole time of the Legislature would be insufficient to hear their complaints. The workshops, which were a few days since animated by the hum of thriving industry, have shut their doors; and the hands are in the streets without bread. Commerce, which had the speed of the eagle, has fallen motionless. Agricultural labor, which was then sure of its reward, is already withering at the approach of a base currency.

In this new and appalling condition of our affairs, we are brought into this debate. And how is this debate presented? What is its length or breadth? What is the issue?

In the first place, the Secretary of the Treasury sends us forty pages of what he was pleased to call reasons and documents in relation to the removal of the public deposites into the State banks. These reasons and documents were referred to the Committee of Ways and Means, who reported back to us one hundred and forty additional pages of reasons and documents, to prove that the Secretary reasoned well. The debate is opened upon these hundred and eighty pages of reasons and documents, which extend through our whole history, and lie entirely across the whole field of political science.

Those whose duty it was to present this subject to the consideration of Congress and the people, have taken good care to open a space sufficiently broad for the full display of all the marching and counter-marching, wheeling and facing, that appertains to the science of political tactics. When one position is found weak, and about to give way, it is abandoned, and another is taken up. And although this debate, in varying forms, has been progressing for nearly four months, the issue is yet unsettled.

At first we were told that the sufficiency of the Secretary's reasons was the question. But after these reasons had been, for a short time, exposed to the light of the reason of this House, they all evaporated like the fog of the morning before the rising sun.

After their disappearance, the chairman of the Committee of Ways and Means gave the word, to the right-about face. Whereupon, he announced that the whole controversy was a contest between the Government and the bank, and that the issue was bank or no bank. When the attention of the House was drawn to this new position, the South rose up and manifested its opposition to both the Secretary and the bank. After it was clearly demonstrated that the main question was as widely separated from the bank as the north is from the south, the chairman of the Committee of Ways and Means, being compelled again to change his front, said that the issue was not bank or no bank, but it was a question of "national honor." The question has at last assumed a form sufficiently vague to render any more changes unnecessary. There being presented no certain question—no defined issue having been agreed upon—every one who has addressed the House has been left at liberty to select whatever topic best pleased his judgment or fancy.

In the discussion of issues, which are daily changing, the gentlemen have a signal advantage over us. We have to bring into the debate facts and reasoning applicable to every new subject; they are under no such necessity: for, no matter what the subject of debate is, or how often the question is changed—no matter whether the debate concerns the currency—the finances—constitutional liberty—or the execution of the laws, the gentlemen have one argument always ready—one that is equally applicable to all subjects—one that equally proves the truth of all propositions, and answers all objections—one that is equally potent to overthrow all that is established, and to uphold all the innovations that are projected! this magical, wonder-working argument is the battle of Orleans.

In regard to the removal of the deposites, it now seems to be agreed by all parties that it was a measure unwise and impolitic. No man in either House of Congress has yet been heard to say that he would have advised the proceeding. Even the Committee of Ways and Means refused to join issue on the validity of the Secretary's reasons, and risk a vote of this House on their sufficiency.

The defence of the measure upon its merits has been abandoned. We have heard it announced, from a source high in the confidence of the administration, that the removal of the deposites was a measure so manifestly wrong, and had been productive of consequences so injurious, that the error would have been redressed by a vote of two-thirds of each House, if it had not been discussed as a party question.

Sir, I do not consider the opposition to the removal of the deposites to have been a party measure. Mr. Livingston, late Secretary of State, Mr. McLane, the present incumbent of that office, Mr. Duane, the Secretary of the Treasury, and Governor Cass, Secretary of War, were selected by General Jackson himself, for their talents, information, and wisdom, to be the guides and counsellors of State. It was these eminent men, and not the opposers of the President, who unanimously agreed that the removal of the deposites would be an invasion of the legislative power, violative of the laws and constitution, and be productive of general distress in the country, and confusion in the currency.

These opinions have not deprived these men of the confidence of General Jackson, or the party. They are still at the helm of affairs. What has been said against the removal of the deposites by the opposition, is a mere repetition and amplification of what originated in the President's cabinet.

A large portion of the Jackson party, in every section of the Union, and in both Houses of Congress, agree with the President's constitutional advisers as to the impolicy of withdrawing the deposites.

Sir, it affords me more pleasure to commend where it is due, than to censure where it is deserved. There are circumstances connected with this transaction highly honorable to the Jackson party, and to the President himself, and calculated to refute the most serious charge that has ever been brought against the party.

It has been said that that party were united upon the principle of retaining the power and money of the people in their hands, and that every measure of the Executive was to be blindly supported, right or wrong. If a party so numerous and powerful, in possession of the Government, had determined on such rules of action, the most disastrous results might have been anticipated. Our fears are removed. Strong as may be the cords which bind together parties, overshadowing as may be the President's power and patronage, operative as may be the love of wealth and distinction, we have the satisfaction to know that the love of country and of liberty still predominates in the cabinet.

In the midst of the general gloom, it is cheering to the friends of human liberty to see the President's chosen ministers, in his presence, at the footstool of his power, bowing with reverential awe and obedience to the sacred constitution of their country, and the venerated laws of the land, rather than to his commands.

This toleration of the freedom of opinion—this permission to his ministers to follow the honest dictates of their own consciences--is highly honorable to General Jackson, and worthy of an American President. How conducive it would have been to his fame, to the happiness of his country, and the safety of his own party, if he had extended the same enlightened toleration, forbearance, and protection to Mr. Duane, that he did to every other member of his cabinet. And how conducive it would have been to the fame of the dissenting ministers, if they had withdrawn from an administration in which their counsels were disregarded.

Believing that the solicitude of the patriot is far more appropriate than the spirit of the partisan, I shall not discuss this subject in reference to the men in power at present, or with any political views. It is no part of my purpose to investigate the motives of any man. I shall denounce no party. I am willing to allow that the President has been actuated by pure motives; yet, standing here as the representative of freemen, I must be allowed the privilege that appertains to my place, of speaking freely of the effect of his measures upon the people of this country. Personally I feel no unkindness to the administration party. I came to my seat in this House through no angry political conflict. I have received no party persecution. It has been my fortune to represent the people in both Houses of our State Legislature, and in the Congress of the United States, without opposition. I therefore owe a debt of gratitude to all parties, to the whole people, which I shall never be able adequately to pay. Although my constituents are divided into parties, yet they are equally devoted to all the principles of free Government; and, however some of them may differ from me, there is not one that will not justify me in representing boldly on this floor the opinions of a majority. There is one principle and one fact, in regard to which I am sure there will be a general concurrence among my constituents. The principle is, that a representative is bound to obey the will of a majority; and the fact is, that the votes and opinions which I give here are in obedience to the will of a large majority of my district. But, in the effort to discharge faithfully the duty due to the majority, it would afford me much pleasure to do it in a manner respectful to the feelings of a minority to whom I am so largely indebted for personal kindness and liberality.

Although it was at first controverted, daily developments have at last forced all to acknowledge that the whole country is in a condition of discontent and distress. The voice of wo has come to us, out of all classes, from the whole North. We behold freemen, from the Potomac to the Gulf of Mexico, proclaiming that the constitution has been violated. We now begin to hear, in distant thunder, the responses of the people of the great valley to their Atlantic brethren.

Looking upon the altered condition of our country, many gentlemen assert that it is impossible that the withdrawal of the deposites could have produced such effects, and at the same time exclaim that the mischief must have been produced by the curtailments of the bank.

These gentlemen have forgotten what they told us at the commencement of the session: it was then said, as the United States Bank contracted, the State banks would expand; and that the business of the country, undisturbed by the operation, would flow smoothly on in the customary channels.

I desire gentlemen to say, in candor, whether it was not intended that the Bank of the United States should contract its business as the public deposites were withdrawn. Whether it was not compelled to curtail its discounts, as its means of sustaining discounts were withdrawn? Now, when we have before us the amount of deposites withdrawn, and the amount of curtailments made by the bank, will not every one acknowledge that the curtailments, to their full extent, have been rendered indispensably necessary, and forced by the withdrawal of the deposites? Then how can any man say it is the contractions of the bank, and not the removal of the deposites, that has caused this distress? The following statement will show how groundless is the charge against the United States Bank of having curtailed its discounts oppressively.

The charge that the bank commenced the reduction of its loans before the deposites were actually withdrawn, turns out to be untrue.

That, from the 1st of December to the 1st of April, the loans of the bank have been increased - - - -	$353,712 95
Total reduction of loans from the 1st of October, 1833, to the 1st of April, 1834,	5,057,527 22
During which time the public deposites had been reduced - - -	6,935,568 84
Private deposites, - - -	842,834 87

So that the reductions of the loans of the bank, from the 1st of October to the 1st of April, have been less by nearly $3,000,000, than the reduction of the deposites.

So far from a desire to oppress the State banks, or cripple the trade of the country, the State banks were indebted to the United States Bank in the sum of the average amount of $3,464,956; and, during the same time, to wit, from the 1st of October, 1833, to the 1st of April, 1834, the United States Bank has actually purchased domestic and foreign bills of exchange to the amount of $34,671,324.

Thus it appears, while the most unjust accusations have been made against the bank, that it has been actually making exertions to relieve the country, to the great hazard of its own safety.

The bank is told it has but two years to live; that it must close its concerns; and that it is high time it should commence the operation. The bank yields to the command, and is then denounced by him who gave the command for its strict obedience. But, sir, if the withdrawal of a few millions of the public deposites from the bank could not produce so much public distress, let me ask you if the curtailment of a few millions of bank discounts can account for it? The truth is, that neither the one nor the other, nor both combined, could have brought us to our present situation. We must look for more powerful causes to account for such wonderful effects. New and extraordinary, indeed, must be the causes of the evils which have so suddenly prostrated our country: for it was too firm to be shaken by any blow of an ordinary kind. The wound must have been inflicted on a part so vital, and hitherto held so sacred, that an assault could not have been anticipated from any hand.

We often deceive ourselves, and mislead the public judgment by the use of vague language. When we discuss this as a question concerning the removal of the deposites, or as affecting the interests and rights of the bank, or speak of it as a contest between the Government and the bank, involving a violation of the public faith, we convey no adequate description of the recent measures of the administration, and give no just ideas of their consequences. Neither the speeches on the one side, that have proved the injuries received by the stockholders, nor those on the other, that have described the monster in his marble palace, wielding the sceptre of despotism, have correctly pointed out the true causes of the public misfortunes.

What is the Bank of the United States? It is thirty-five millions of property, seven of which belong to the United States; much of the residue to widows and orphans. The people of the United States have in their hands $19,000,000 of its notes. The bank was the agent by which $30,000,000 of revenue were collected and disbursed; the common instrument of commerce for the whole Union, by which business to the amount of $300,000,000 was annually transacted; by its aid in furnishing the exchanges, the whole produce of the labor of the interior was taken to distant markets, and the necessaries of life brought from these markets into the interior. Through the agency of the bank, the currency was preserved at a fixed value in every part of the Union.

This agency, by which the commerce of the country was regulated—by which the affairs of the Treasury were administered—by which the currency was preserved—was established by Washington and the fathers of the republic. It has existed forty years; has strengthened with our strength, and grown with our growth, and has become indissolubly identified, with the stability of the currency, and the titles of property, with the security of commerce and the safety of labor. Upon the faith of this system of law and public policy, erected and sustained by legislative, judicial, and executive sanction, for the lapse of nearly half a century, the people of the United States had reposed their confidence and their fortunes, entered into their contracts, made their calculations, and shaped their business. The President of the United States, by the exertion of a tremendous and hitherto unknown power, has decided that all of these interests stand upon the baseless fabric of an unconstitutional law. Can any man look upon a measure that involves the ruin of so many interests, and doubt what it is that has struck this youthful republic from the glow of health and vigor into the consumption that is now so rapidly wasting away its vital energies? It is not the mere assault upon the bank, but it is the war that has been waged upon property; it is not the mere withdrawal of the deposites from the bank, but it is the withdrawal of the legislative and judicial power from Congress and the courts; it is not the mere removal of a sum of money from one place to another, but it is the violent pulling out of the key-stone in the great arch of public and private credit, that has let all the interests of the people tumble into ruins with the mouldering rubbish of the State banks. When it is discovered that the rights of the peohave no guarantee in the legislative power; no shield in the trial by jury; no support from ancient usage; that the government of laws is substituted by the will of an individual; can any one doubt what has brought on the body politic the deep disease that is now corroding the very core of the heart, that is throbbing in every artery, and running along every vein to the extremities?

The fatal decree for the suspension of the laws, and the destruction of the currency, caused confidence to perish. It is not in the ruins of the bank so much as in the wreck of the constitution, that you must look for the cause that has crushed the public prosperity.

Much of what I had intended to say having been already better said, and desiring as much as possible to avoid the views taken by others, I shall be brief on a subject nearly exhausted.

The charges preferred in these reports against the Bank of the United States I will not now investigate, for several reasons. 1st. In my judgment, these charges have been fully answered, and satisfactorily refuted by several gentlemen who have preceded me. 2d. The bank was tried by the last Congress upon the same charges, and, upon a full and fair hearing, those charges were found to be false by both Houses of Congress, when a bill was passed to recharter that institution. I do not know how it is in other sections of the Union, but in Kentucky it is thought that one trial upon the same charge is sufficient. I have said the charges were the same; substantially they are; the additions being unimportant, the case of the French bill being purely a question of law for the decision of the courts. 3d. Because the bank is entitled to trial by jury, the great constitutional right guarantied to every American citizen.

At the commencement of the session, the existence of public distress was denied. After the evidence of the sad reality had forced conviction upon every body, then the mischief was ascribed to the bank; but when Mr. Gallatin's report satisfied every candid mind that the curtailments of the bank had been forced upon it, that they had been made with reluctance, and not faster than was necessary to its safety, then we were told, let the mischief do its worst, "all that trade upon a borrowed capital ought to break." This project of breaking all that use borrowed capital will have an extensive operation. A vast proportion of the whole business of the country is done upon a borrowed capital. Almost the whole surplus produce of the labor of the people of the valley of the Mississippi, is carried to market by the aid of borrowed capital. If you break all that use borrowed capital, you break the bone and muscle of the country.

Having made these preliminary remarks in reference to the present unhappy and suffering condition of our country, and the manner in which this debate has been shifted from point to point, I will proceed to the discussion of the four following propositions, which, according to my comprehension of the subject, present the true questions that are involved in this controversy:

1st. Shall the currency of the United States be regulated by the national or State Governments?

2d. Shall the fiscal affairs of the United States be administered through the agency of a national bank, or by the State banks?

3d. Ought the public money to be used as a banking capital for the use of the local banks where it is collected, or should it be employed for the use of the whole people of the United States?

4th. Does the custody and control of the public treasure belong to the legislative or executive departments of the Government?

The administration experiment proposes to discontinue the national bank, and to adopt the notes of the State banks as the currency of the United States. Or, in other words, the proposition is, that Congress shall surrender to the States the regulation of the currency. The Secretary of the Treasury, after denouncing the national bank as unconstitutional, and informing us that we do not intend to renew the charter, proceeds, in page 6 of his report, to say, "The State banks can, I have no doubt, furnish a general circulating medium quite as uniform in value as that which has been afforded by the Bank of the United States; probably more so!"

In discussing the question whether the currency of the United States shall be regulated by the General or State Governments, it is not necessary to proceed a single step in the dark; our whole history sheds a light full and broad upon the subject. What is the currency? It is the standard of value, the representative of property, the regulator of commerce, the security of labor, the cement of confidence. The power that regulates the currency has dominion over all the rights of property and labor. The power that can alter the standard of value, can cause the arbitrary transfer of property from one part of the community to another. The power to change the value of currency, is a power to tax the people without limit. Taking this view of the currency, is it wise, is it politic, is it safe, to transfer this tremendous power to the States or to the State banks? Or should this power over the currency be retained by Congress, where every freeman in the nation is represented? When the power over the currency is exercised by a State, all the people are not represented who, in the course of commerce, use the currency. By the exclusive use of such a power on the part of the States, the existence of the Union would be jeoparded; for example, in the course of fair commerce, the citizens of the State of Louisiana become indebted to those of Kentucky, in the sum of a million of dollars; and after the creation of this debt, the Legislature of Louisiana doubles her circulation of paper money by new issues, and thus causes a depreciation of fifty per cent., and by her delay and tender laws, forces this depreciated money on the citizens of Kentucky; thus an honest debt of a million is discharged with five hundred thousand. Our past history proves that, when the States regulated the currency, such events have often occurred; and who does not see in such occurrences, the deep foundations of animosity and discord that ultimately would rend assunder this Union.

The power of a State Government being local, is wholly imcompetent to the establishment of a currency that shall possess the essential quality of a good currency—equality of value in every part of this great nation.

When a State Government undertakes to regulate the currency of the United States, or, in other words, when it undertakes to regulate the commerce and titles to property and labor of the United States, it violates the fundamental principles of republican government, because the whole people of the United States are not represented in the State councils.

A State Legislature that exercises the all-pervading authority of regulating the currency, usurps the despotic power of legislating upon the fortunes and property of millions whom it does not represent.

Now, sir, let us look at the effects of the exercise, on the part of the States, of the mighty power of legislating on the currency; a power that involves the destruction of the principle that no man shall be deprived of his property without his consent.

Before the adoption of the federal constitution, the power of the States, in issuing bills of credit and manufacturing paper money, was without restraint. This power was freely exercised by all the States. There was a local depreciated currency in every section of the confederacy; there necessarily followed in the train of this pestilence *ex post facto* laws; tender laws; stop laws; laws violative of the obligation of contracts. Sir, the history of this misrule, from the close of the revolutionary war to the adoption of the present constitution, is a full commentary upon the effects of a currency regulated by the States. The canker fastened upon the source of production, upon labor, and paralyzed its efforts; for who will perform the toils and drudgery of life when the reward is only to be found in valueless paper money? Who would engage in commerce regulated by no common medium of exchange? Who would give credit, when laws that impaired all the obligations of contracts were the order of the day? Who would acquire property that might be taken from him by a Government in which he was not represented? During this period there existed neither public nor private confidence; neither public nor private credit. Both at home and abroad all confidence in the durability and efficiency of the Government was destroyed; labor paralyzed; commerce in confusion; the treasury empty, and the Government unable to afford protection to the people, or comply with its engagements. Good men every where began to despair of the republic.

The main radical defect in the former Government was the lack of the money power; the power to regulate the currency; the power to fix the standard of value.

The money power is the highest and most essential attribute of sovereignty; one without which every other is impotent. What is the war power in the hands of a Government that has no power to provide the means of carrying it on? Of what use is the power to regulate commerce, where there is no common medium of exchange? How can a Government apportion taxation equally in a country that has no fixed standard of value? Lacking the money power, therefore, the former Government was destitute of the great mechanical power in politics—the power that puts every other power in motion.

I am aware that it is not the view commonly taken; but it is, nevertheless, true that the main cause of the utter and helpless imbecility of the former Government, was the lack of the power to establish and maintain a fixed standard of value, and, consequently, the power to protect the labor and regulate the commerce of the people, and secure the titles of property from the devouring effects of paper money. An experience so full and unequivocal, of the necessity of having one fixed standard of value, to be maintained and regulated by the common Legislature, in which all the people of the whole nation are equally, fully, and fairly represented, more than any other cause, induced the people of the United States to adopt the present constitution.

To shield themselves from the curse of money of unsteady value, the people caused the following provisions to occupy a prominent place in their constitution: "The Congress shall have power to coin money, regulate the value thereof, and of foreign coins, and fix the standard of weights and measures; to provide for the punishment of counterfeiting the securities and current coin of the United States; to make all laws which shall be necessary and proper for carrying into execution the foregoing powers. No state shall coin money, emit bills of credit, make any thing but gold and silver a tender in payment of debts."

These invaluable provisions were inserted in the fundamental law of the land, that the people might be represented in the legislation that was to secure their property; that they might have in their commerce the same measure, the same weights, and a currency of the same value, throughout the whole nation. There can be no doubt that it was the intention of the convention to take from the States all power over the currency, and to confer its regulation upon Congress. All the anticipations of good entertained by the fathers of the republic, when they changed the Government, and made the standard of value the subject of national power, have been more than realized. The national industry, under this new shield of security, sprung forth with renovated vigor; commerce came out of chaos, and assumed the permanent form imparted to it by security. Public credit was established, and private confidence was restored, and the character of the nation rose up to a proud elevation among the nations of the earth. But, sir, in the face of all our experience, in view of these plain provisions of the constitution, a practice has grown up in the States of circulating paper money through banks, that threatens to deprive us of all the benefits of the federal constitution, and to throw the Government back into the imbecility of the articles of confederation. We are informed by Mr. Madison that the evils of a State bank note currency were not foreseen at the adoption of the constitution.

The conclusion that State bank notes that were not made a legal tender were not bills of credit, in the constitutional sense, was the great error on this subject, and the introduction to a practice that all sound statesmen now agree is the weak point in our system.

But it is now too late to inquire into the constitutionality of State banks; the hold they have of the country is so firm as to forbid all hope of gaining even a hearing on that point. We must legislate for the country as we find it, and not as we would desire to have it; as practical men we must take things as they exist.

Sir, let us take a view of the number and condition of the State banks now in the United States. This inquiry is rendered necessary by the late determination of the administration to surrender the power of Congress over the currency, and to return to the use of the notes of the State banks.

On yesterday I endeavored to trace the consequences of the paper money issued by the States before the adoption of the constitution. But, sir, the mode now used by the States for issuing paper money is far more destructive to the rights of the people, and every way less secure, than that used before the constitution. Then the bills of credit were issued by the State; the faith of the States was pledged for their redemption; and there was some guarantee in the responsible situation of the State Legislatures. Now the States issue their paper money through four hundred and fifty irresponsible banks.

It has been shown that the power that can fix the amount and regulate the currency, has full dominion over the rights of property, commerce, and labor.

Then, sir, it is in vain to blink the question: disguise it as you may, the proposition of the Secretary to return to a State bank note currency is neither more nor less than to subject the labor and property of this country to the power of the State banks. Disguise it as you may, the return to a State bank note currency will throw all the interests of the people into a condition more unsafe and insecure than they were in under the articles of confederation. But, sir, as we are now placed under the dominion of the State banks, it behooves us to look at their number and condition. Four hundred and fifty of these banks are now in operation. There are several hundred broken banks, whose shattered affairs are not yet closed, and a multitude of new ones which have not yet commenced business. The circulation of these banks, there is reason to believe, the gentleman from Georgia [Mr. WILDE] placed rather below the amount. It is not much, if any, short of one hundred millions.

These four hundred and fifty banks, for the redemption of a hundred millions of notes, have in their vaults but about twelve millions of specie. I can recollect formerly, in banking, it was thought to be a most extravagant issue to have three paper dollars for one silver dollar; but the four hundred and fifty State banks now in the United States, take them in the aggregate, have over seven paper dollars for one silver dollar. Some of the New York banks have but one cent of silver to the dollar, others a cent and a half, and others two cents.

To take an average of the notes and deposites of the State banks, they have not one silver dollar to meet twelve of their liabilities.

In this condition of the State banks, at a time when confidence is suspended, when they are daily failing, and becoming insolvent—when a universal suspension of specie payments is anticipated—when the New York banks, in their agony, are calling out for assistance—when the Governor of that State proposes to raise, upon the credit of the State, five millions to save the banks—we are invited at such a time, by the Secretary of the Treasury, to give up the best currency in the world, and to adopt, for the use of this nation, the currency to be furnished by the State banks. In regard to the movement in New York, it is a reversal of usage; we have always understood it was the business of the banks to lend money to the people, but it seems the people of that State are to be taxed to raise money to lend to the banks.

When the Secretary tells us that the State banks will furnish as good a currency as the national bank, and perhaps better, he has not favored us with any reason for so strange an opinion; he has referred to no facts, appealed to no authority, rested upon no experience to sustain himself. He has departed from the recorded opinions of all his predecessors, and thrown away all of the experience ever accumulated in his department.

The existence of a State bank currency, as was before remarked, has ever been regarded by our ablest financiers as the weak point in our system, the existence of which has been deplored by most of our great statesmen, none of whom have portrayed its fatal effects upon the country more clearly than Mr. Jefferson.

In his celebrated letter to Mr. Eppes, while at the head of the Committee of Ways and Means of this House in 1815, during the non-existence of a national bank, and when the State banks had involved the country in general ruin, Mr. Jefferson denounced the State banks in unmeasured terms; showed their dominion over the property and labor of the country; proved the impossibility of making a national currency out of their issues, the whole of which he showed to be, to use his own language, froth and trash, and a fraud upon the constitution and the country. So destructive did Mr. Jefferson consider the whole State bank system to the best hopes of the nation, that he entertained the opinion that the States would surrender such a dangerous power to Congress, where the exclusive control of the currency ought to abide. This letter will be found in the fourth volume of his correspondence.

The constitution of the United States prohibits the States from coining money of gold and silver. Why? Because it was essential that the standard of value should be fixed, and twenty-four independent Governments might make it of different values. But now, in place of twenty-four States making good money out of the precious metals we have four hundred and fifty banks issuing paper money.

Still the Secretary and the Committee of Ways and Means propose to place the property and labor of this country under the power of these four hundred and fifty banks.

When the reports before you assert that the State banks will furnish as good a currency as that which has been afforded by the national bank, they show as little respect for the common sense of mankind, as they have done in their legal principles, constitutional doctrines, statements of facts, and in their arithmetical calculations.

Perceiving how business men of all parties recoiled from the monstrous proposition to go back to the rag money of the State banks—perceiving the universal execration and dismay with which it was received, there is now an attempt to retreat, under cover of a second thought, to a hard-money Government!! Knowing that there is a large amount of just objection among the people to paper money, and a great preference for the pecious metals, there is now an attempt to divert public attention from the odious proposition to return to the paper money of the State banks, by talking about hard money; I say talking about it. Yes, sir, all is talk; no proposition has been made, nor has any plan been offered to return to hard money; nor will any plan of the kind be offered.

But, sir, as the public attention has been called to hard money, with the view of diverting the attention of the people from the real measures of ruin that are about to be fastened on the country, I feel it to be my duty to pause here, and examine and expose this delusion—this effort to impose upon popular credulity.

When the Secretary asserted that he had no doubt that the notes of the State banks would make as good a general currency as that which had been offered by the national bank, and perhaps more so, and when the same opinion is echoed by the Committee of Ways and Means, two facts must have been present to their minds: the first was the fact that the notes of the United States Bank were every where equal to specie, and almost every where preferred to specie; the other fact was, that after an experiment of fifty years, the State banks, collectively or individually, had never, even for a single day, furnished a currency at par throughout the nation. Then, when the Secretary and the committee could, in the presence of these facts, give it as their opinion that the State banks would hereafter permanently do what they have never been known to do, I had supposed it the strongest experiment that had ever been made upon party docility. But when these gentlemen had succeeded in involving the country in all the mischiefs of rag money, they cry out, We are for a hard-money Government! This last movement upon common sense beats the first.

Yes, sir, these gentlemen commence an unprovoked war upon a currency that had a wider range of circulation and a greater steadiness of value than any the world ever saw—a currency convertible, at the pleasure of the holder, into gold and silver. Upon the ruins of such a currency the dominion of the "froth" issued by the State banks was established; and now, when misrule and anarchy sweep the land—when insolvency stalks abroad—when base paper money is working its accustomed havoc—the same power that brought the country into this condition now raises up its voice above the general cry of distress, and proclaims that it is conducting the country back to hard money!!!

The very same power that is now pretending to call out for hard money, has caused State banks to spring up all over the Union with the rapidity of mushrooms. Of late there have been established banks with the following amounts of capital in the States of—

Maine,	$100,000
Vermont,	600,000
Rhode Island,	1,000,000
Connecticut,	600,000
New Jersey,	100,000
New York,	4,000,000
Pennsylvania,	4,400,000
Maryland,	500,000
North Carolina,	2,800,000
South Carolina,	500,000
Mississippi,	700,000
Louisiana,	12,000,000
Tennessee,	5,000,000
Kentucky,	5,000,000
Ohio,	4,000,000
Indiana,	1,600,000
	$42,900,000

Sir, is it not known to you, and every man in this House, that all means that could be exerted, through the public officers, through the press, and every other mode of influence, was employed to cause the multiplication of State banks? Was it not every where urged and pressed upon the people to establish State banks and independent banks, to supply the place of the national bank? And now, sir, when this great effort to get up new State banks has succeeded, with an aggregate capital, as it appears on paper, to the enormous amount of forty-three millions—new banks that will multiply paper money beyond all former example; now, sir, after the consummation of the project to flood the whole land with rags, we are informed that we are just about to return to a hard-money Government!!! From present appearances, we are just as likely to have perpetual motion in our mechanism as the exclusive use of gold and silver in our commerce.

But, sir, if this Government did really desire to return to hard money, let us examine what power it has to effect that object. Does any one pretend that the General Government has the power to destroy the State banks that are now in existence? Is any man hardy enough to pretend that this Government can prevent the States from making new banks? There is no such pretension. Then, as there is now in existence 450 banks, with a circulation of a hundred million of notes, with a great number more about to go into operation, and multitudes of propositions before the State Legislatures for new charters; and as no one pretends that this Government has the power to abolish this State bank system, we know that it will permanently continue, and will continue to spread and increase. Then here is our condition; this system of State banks is unfortunately fixed as the *incubus* on our body politic.

We are forced to take the country as we find it. As practical men, we must legislate upon the actual condition of things. Then, this being the actual unfortunate condition of the United States, in regard to paper money, what is the duty of Congress? Shall the power over the currency be surrendered to the State banks? Shall the protection of Congress be withdrawn from the property, and commerce, and labor of the people?

There never has been but one mode discovered by the wisdom of our statesmen by which the General Government could control, and regulate, and govern the State banks, so as to maintain and preserve a sound currency; and that is by the aid of a national bank.

The experience of forty years has exemplified the profound wisdom of the Father of his country, and the sages who compiled the constitution. All the beneficial consequences have resulted to the country which they anticipated from the establishment of a national bank. The national bank has prevented the evil effects of the depreciated paper money of the State banks, by furnishing a currency good in every place, and always convertible into specie.

Sir, during the existence of the national bank we have had a hard-money Government; that is, we have had bank notes that we could change into hard money whenever we preferred it. The proposition to go from the national bank to the State banks is neither more nor less than a proposition to go from hard money to paper money. I am, sir, for standing by the hard money, or the bank notes that will bring hard money. I will not agree to put my constituents in the power of State banks that have seven paper dollars out and but one silver dollar to redeem them with.

The declamation that has been thrown out about the destruction of all banks, State as well as national, is well understood to be merely for political effect. Every candid man must acknowledge that the true question is between a national and State banks. If we discontinue a national bank, then we are forced to rely on the State banks for a currency. This brings us to the proposition which I am discussing: "Shall the currency of the United States be regulated by the national or State Governments?" Sir, I am for following the experience of near half a century. I am for regulating the currency of the United States, not by the States or State banks, but by the power of the General Government, to be exercised by and through the agency of a national bank.

But, sir, we are told that this nation has decided against the existence of a national bank, and the second election of General Jackson to the presidency is referred to, to prove that fact. I deny that the election of General Jackson either proves or conduces to prove that the people of the United States are opposed to a national bank. General Jackson certainly went before the people at the last election as a bank man. It is true, in his veto message he made known his objections to certain parts of the existing bank charter; but it is equally true that, in the same message, he spoke of a United States Bank as a useful institution, and said that a charter for one could be made compatible with the constitution; and that, if he had been called on, he would have furnished such a charter. It is equally true that Mr. McLane, while acting as his Secretary of the Treasury, under his supervision, in his annual report to the first session of the last Congress, did maintain, most ably and clearly, that the national bank was an institution necessary both to the administration of the affairs of the Treasury and the preservation of the currency. Then, sir, I undertake to say, that the Jackson party, in every county and district in the United States presented General Jackson to the people, upon the authority of his veto message and Mr. McLane's report, as friendly to a United States Bank, properly modified. I appeal to every member now in this House for the truth of this statement. The people were every where told that General Jackson vetoed the bank bill because it was brought before him too soon, for electioneering purposes, and because he disapproved certain modifications of the charter; but that he would, after his election, give his approbation to a national bank properly guarded. A gentleman from Virginia [Mr. Wise] said, the other day, that this was the view presented to the people of his district before the presidential election. I know it was the view taken in Kentucky. And I say, upon the authority of the public press, and the veto message, and Mr. McLane's report, that this was the manner in which General Jackson was presented to the people of the United States at the last presidential election. If I am mistaken in regard to any part of the country, I hope the gentleman who knows the fact will correct me. General Jackson has been deceived in his information on this subject; and if he will inquire of the members of the present Congress, he will be informed that he was elected as a bank man. But, sir, if it had been known that General Jackson was opposed to a national bank, in any form, his election would not prove that the people were opposed to a bank; for the fact is, that his popularity was so overshadowing that he could have been elected on any side of any question.

In coming to a conclusion in regard to the matured sense of the American people, on the subject of a national bank, I will not rely upon the election of any particular man, (when it is a fact of such general notoriety that the election did not turn upon the bank question,) but will appeal to the history of forty years, during which a national bank has existed in this country, and during which protracted period it met the public support, attested by all the modes of ratification that can flow from the general acquiescence--from legislative sanction, judicial confirmation, and executive approval.

If there be any one subject in our politics on which public opinion has been more deliberately made up than any other, it is a national bank. Its discussion has extended over a greater length of time, has been more conspicuously brought to public notice, and filled a broader space in the public mind, than any other. This question has been blended in all the party contests that ever occurred in this country; and what is true of this question, and no other, is this remarkable fact: that in the developments of our history, the necessity of a national bank became so apparent, that it triumphed over party bias and personal pride, and has in succession commanded the support of all parties. This nation will not cast off the experience of forty years, and return again to the rag money of the local banks. However the question may now be decided, the re-establishment of a national bank is just as certain in the end, as that it is certain in the long run that the wants of man will prevail over his temporary passions. But, sir, the constitutional objection to a national bank has been dug up from the grave in which Mr. Madison had buried it, and in which it had long reposed in quiet--an objection that had been overruled by the judgment of the nation, under circumstances which gave assurance of the most mature deliberation. Sir, in place of any light which I could throw upon the subject, I propose to meet the revival of this stale, obsolete objection with the opinion of Mr. Madison.

This father of the constitution, whose name is identified with the formation and exposition of every clause of the instrument, certainly understands it better than any man now living. In the purity and wisdom of this sage, my constituents have more confidence than any man living; and, for their benefit, I will give his argument upon the constitutionality of a national bank.

In 1761, Mr. Madison was opposed to a national bank, and, in 1816, as President of the United States, gave the bank charter the sanction of his approval.

The opinion he gave in 1791 was anterior to any experience on the subject; the opinion which he gave in 1816 was in full view of matured experience. In 1816, he yielded the pride of opinion to the convictions of time—the great test of human wisdom.

I will ask the favor of the Clerk to read the opinion of Mr. Madison, as expressed in a letter to Mr. Ingersoll, dated 25th of June, 1831. Although it will occupy some time, the time will be profitably spent; for the profound wisdom it contains will be refreshing in such a period as we now live in.

The Clerk read as follows:

"The charge of inconsistency between my objection to the constitutionality of such a bank, in 1791, and my assent in 1817, turns on the question, how far legislative precedents, expounding the constitution, ought to guide succeeding Legislatures, and to overrule individual opinions.

"Some obscurity has been thrown over the question, by confounding it with the respect due from one Legislature to laws passed by preceding Legislatures. But the two cases are essentially different. A constitution, being derived from a superior authority, is to be expounded and obeyed, not controlled or varied by the subordinate authority of a Legislature. A law, on the other hand, resting on no higher authority than that possessed by every successive Legislature, its expediency as well as its meaning is within the scope of the latter.

"The case in question has its true analogy in the obligation arising from judicial expositions of the law on succeeding judges; the constitution being a law to the legislator, as the law is a rule of decision to the judge.

"And why are judicial precedents, when formed on due discussion and consideration, and deliberately sanctioned by reviews and repetitions, regarded as of binding influence, or rather of authoritative force, in settling the meaning of a law? It must be answered, 1st. Because it is a reasonable and established axiom, that the good of society requires that the rules of conduct of its members should be certain and known, which would not be the case if any judge, disregarding the decision of his predecessors, should vary the rule of law according to his individual interpretation of it. *Misera est servitus ubi jus est aut vagum aut incognitum.* 2d. Because an exposition of the law, publicly made and repeatedly confirmed by the constituted authority, carries with it, by fair inference, the sanction of those who, having made the law through their legislative organ, appear, under such circustances, to have determined its meaning through their judiciary organ.

"Can it be of less consequence that the meaning of a constitution should be fixed and known, than that the meaning of a law should be so? Can, indeed, a law be fixed in its meaning and operation, unless the constitution be so? On the contrary, if a particular Legislature, differing in the construction of the constitution, from a series of preceding constructions, proceed to act on that difference, they not only introduce uncertainty and instability in the constitution, but in the laws themselves; inasmuch as all laws preceding the new construction, and inconsistent with it, are not only annulled for the future, but virtually pronounced nullities from the beginning.

"But it is said that the legislator, having sworn to support the constitution, must support it in his own construction of it, however different from that put on it by his predecessors, or whatever be the consequences of the construction. And is not the judge under the same oath to support the law? Yet, has it ever been supposed that he was required, or at liberty, to disregard all precedents, however solemnly repeated and regularly observed; and, by giving effect to his own abstract and individual opinions, to disturb the established course of practice in the business of the community? Has the wisest and most conscientious judge ever scrupled to acquiesce in decisions in which he has been overruled by the matured opinions of the majority of his colleagues; and subsequently to conform himself thereto, as to authoritative expositions of the law? And is it not reasonable to suppose that the same view of the official oath should be taken by a legislator, acting under the constitution, which is his guide, as is taken by a judge, acting under the law, which is his?

"There is in fact, and in common understanding, a necessity of regarding a course of practice, as above characterized, in the light of a legal rule of interpreting a law; and there is a like necessity of considering it a constitutional rule of interpreting a constitution.

"That there may be extraordinary and peculiar circumstances controlling the rule in both cases, may be admitted; but, with such exceptions, the rule will force itself on the practical judgment of the most ardent theorist. He will find it impossible to adhere to, and act officially upon, his solitary opinions, as to the meaning of the law or constitution, in opposition to a construction reduced to practice, during a reasonable period of time; more especially where no prospect existed of a change of construction by the public or its agents. And if a reasonable period of time, marked with the usual sanctions, would not bar the individual prerogative, there could be no limitation to its exercise, although the danger of error must increase with the increasing oblivion of explanatory circumstances, and with the continual changes in the import of words and phrases.

"Let it then be left to the decision of every intelligent and candid judge, which, on the whole, is most to be relied on, for the true and safe construction of a constitution; that which has the uniform sanction of successive legislative bodies, through a period of years, and under the varied ascendency of parties; or that which depends upon the opinions of every new Legislature, heated as it may be by the spirit of party, eager in the pursuit of some favorite object, or led astray by the eloquence and address of popular statesmen, themselves, perhaps, under the influence of the same misleading causes.

"It was in conformity with the view here taken of the respect due to deliberate and reiterated precedents, that the Bank of the United States, though on the original question held to be unconstitutional, received the executive signature in the year 1817. The act originally establishing a bank had undergone ample discussions in it passage through the several branches of the Government. It had been carried into execution, throughout a period of twenty years, with annual legislative recognitions; in one instance, indeed, with a positive ramification of it into a new State, and with the entire acquiescence of all the local authorities, as well as the nation at large; to all of which may be added, a decreasing prospect of any change in the public opinion adverse to the constitutionality of such an institution. A veto from the Executive, under these circumstances, with an admission of the expediency and almost necessity of the measure, would have been a defiance of all the obligations derived from a course of precedents amounting to the requisite evidence of the national judgment and intention."

Sir, does not this letter of Mr. Madison prove that the constitutional question ought to be considered as forever settled?

The people of the United States are the first who have ever tried the experiment of building up systems of law, and order, and public policy, upon the basis of a written constitution. In regard to this experiment, there are two theories. The one embraced by Mr. Madison affirms that the people who are capable of making a constitution, are competent to settle its meaning; that the legislative and judicial interpretations, sanctioned by the people for a long series of years, ought to be taken and received as the true reading of the constitution; that, without stability in the laws of property, civil society cannot exist. The other theory affirms that neither the laws of the Legislature, nor the decisions of the courts, nor the sanctions of the people, nor the union of all for the lapse of centuries, will be evidence of the meaning of the constitution; but that the controversies concerning the fundamental law of the land must forever remain open and unsettled. According to this latter theory, our systems of law and public policy are never to acquire stability and permanency; our titles to property, our commerce, and labor are never destined to repose in safety upon fixed principles. But all the interests of society are to remain forever subject to be thrown out upon the winds and waves of party passions. Sir, witness the present display of this latter theory reduced to practice. The President, upon a constitutional doubt, has swept from existence the institutions of forty years, and left the country bleeding at every pore.

A certain degree of stability is essential to the very existence of civil society. If every twenty, thirty, or forty years, all the institutions of the country are to be overturned upon some new constitutional constructions, upon the triumph of every new party; if all that is established is to be subverted; then, a written constitution will turn out to be a curse to the country, and our experiment of free government must utterly fail.

If our vessel of state is to remain at sea without chart or compass, liable to be driven upon the rocks by every unskilful pilot that happens to gain the helm, then our nation has embarked upon a very uncertain and dangerous voyage.

Sir, if any principle can be settled by time and usage, the one under consideration is certainly of that character. If it were a question involving the security of libery, then I would be as tenacious as any one. But every gentleman who has urged the constitutional objection to the bank, has, at the same time, admitted the great and important services which it has rendered to the country. They have admitted that, if the General Government does not now possess the power, it ought to be conferred by an amendment to the constitution.

Then, sir, a beneficent power, which has confessedly contributed so largely to the prosperity of this nation, is surely of the class of powers that ought to be considered as settled by usage, if usage can settle any principle.

If the meaning of the constitution can be settled by practice, then a stronger case can never occur. I am not for a national bank out of any regard either to the benefit of owning its stock or of borrowing its money, for in neither of these relations have I any interest in it, nor has one in a thousand of those whom I have the honor to represent. My constituents are an industrious and enterprising community. They carry on an extensive commerce with New Orleans; send their droves of horses, mules, and hogs to the Southern States, their beeves to the Eastern cities, and supply the cotton-growers with bagging. There, people are desirous of procuring, in all of these markets, for the produce of their industry, a currency that will be good wherever they should have occasion to use it. I therefore stand by a national bank as the means of preserving the currency sound.

This House is informed of the opinions of the people of Kentucky in general, and of my immediate constituents in particular, in relation to the removal of the public deposites by the resolutions of the popular branch of the Legislature of that State at the last session, and by the proceedings of a large and highly respectable meeting of the people lately held in the city of Lexington. Sir, the opinions of the people of Kentucky ought to have some weight on the subject of currency. They have been bitterly taught in the school of adversity. There was a dark day in their history, when they saw one uniform standard of value crushed, and hundreds of standards reared in its stead, no two of which bore the same worth. They have witnessed all the forms of ruin which a debased paper money can bring. They have watched all the operations of an unstable currency in its havoc among all classes, and have seen its last, heaviest, and most fatal blow fall upon the laboring man. For several years past we have relied exclusively on the national currency. During this time the laboring man has been sure of his wages. We have received good prices, in good money, for all we had to sell. Our industry, thus secured, had nearly healed the wounds which had been inflicted by the rags of local banks. Under this system, the poor, honest, and enterprising man had a chance with the rich; with his industry and his credit he was rapidly acquiring property.

Imagine the condition of the general commerce, if there were in use in every town, and village, and neighborhood in the United States, a pound of a different weight, and a yard of a different length, and these differing weights and measures still varying every day in the year. This is the true picture of the State banks. Their notes are of different values in every section of the Union, and their values daily varying. Money is the pound and the yard by which the value of every thing is weighed and measured.

Sir, if you will divest this controversy of all the disguises and intricacies in which it has been involved, and bring it to the tests of truth and experience, it is a contest between good and bad money; between the bees and drones of the hive; between laborers and idlers, which shall have the profits of industry; whether the honest labor of the country shall be put up at auction in the shops of the broker; whether the titles of property shall be secured by law, or confided to the thousand State banks with which the nation is likely soon to be filled.

In the observations which I have made, I trust that the following truths have been made manifest:

1st. That the taking from the States, and conferring upon Congress, the high and sovereign attribute of regulating the currency, was one of the most important improvements accomplished by the adoption of the federal constitution.

2d. That the States will not, and Congress cannot discontinue the use of the State banks.

3d. That the notes of the State banks have never, for a single day, and cannot, in the nature of things, become a safe currency for the United States.

4th. That no other means have ever been discovered by which Congress could regulate and control the State banks, except by and through the agency of a national bank.

5th. Congress has succeeded, for near forty years, by the use of a national bank, to maintain the best currency in the world.

6th. That, in the actual condition of the United States, the question is between a currency to be regulated by Congress, by means of a national bank, and a currency to be regulated by the States, through the agency of the State banks.

I will, therefore, conclude what I had to say upon the subject of the currency by remarking, that Congress cannot surrender its control and regulation to the States without betraying the highest trust reposed in it by the constitution; without the utter sacrifice of the principle which is the guarantee of property, and the bond of the Union.

I will now proceed to that division of the subject which relates to the fiscal operations of the Treasury.

II. Shall the affairs of the Treasury of the United States be administered through the agency of a national bank, or by the agency of the State banks?

The Secretary of the Treasury has discontinued the national bank, as the fiscal agent of the Treasury, and has proceeded to engage a number of the State banks in that service. This movement of the administration presents a new question in regard to the Treasury. In the year 1791, on the proposition to establish a national bank as the fiscal agent of the Treasury, the questions then were: Is such agency necessary? and has the Government the power to create it?

The party opposed to the bank maintained the negative of both of these propositions. In 1791, when there were but three banks in the Union, and in the absence of all experience on the subject, it was contended that bank agency would not be necessary in the management of the Treasury; and that, in the absence of such necessity, Congress had no power to create such an agent. In 1834, when there exist four hundred and fifty banks, with a circulation of one hundred millions of notes, and an actual experience of forty-three years, it is admitted by all parties, that bank agency is indispensably necessary to the prosperous adminstration of the affairs of the Treasury. The real practical question now is, Shall Congress create this agent; have it under and subject to the laws of the land; bound to collect, preserve, and disburse the public money under the immediate inspection and direction of the representatives of the people: or shall the President create this bank agency to manage the people's money as he shall direct, independently of Congress? The question is between a national bank, established by Congress, and an executive bank, formed by an association of State banks, selected for the purpose by the Treasury. This is the actual question. This is our actual condition. The bank made by Congress has been dismissed, and the banks selected by the President are in this service, and have the people's money, where Congress cannot examine whether it be safe or unsafe.

The distinction between the power to create and employ an agent is too subtile for comprehension; and, while the President denies to Congress the power to do the one, he performs the other himself. The question is no longer whether the General Government has the power; but it is whether this power of creating a bank agency to administer the business of the Treasury shall be exercised by Congress or the President?

In the admission of the necessity of bank agency, the constitutional question is waived; because the power of Congress to establish a national bank was always admitted to depend on its necessity.

But, sir, this project of the Secretary to administer the affairs of his Department through the State banks must certainly fail, because its success depends on the consent of twenty-four independent State Governments; many of them are known to be so opposed to the whole scheme that they never will permit their banks to have any concern in it.

But, sir, these new agents are, of their own accord, abandoning their engagements.

As the necessity of bank agency is now admitted by every one, and the constitutional question, as it has ever been understood, is virtually given up—it being reduced to a mere question of expediency—then, sir, which will administer the affairs of the Treasury best, the State banks or a national bank? I will proceed to contrast them.

A national bank is created by Congress, and under the control and government of Congress; and, when it has charge of the public money, is continually subject to the examination of Congress.

The State banks, not being under the control of Congress, the representatives of the people have no power to inquire into the safety of the public money in their keeping. This state of the public funds was admitted last week on this floor, when the gentleman from Massachusetts [Mr. Adams] offered a resolution requiring the Secretary of the Treasury to report the condition of the State banks in which he had placed the public treasure. This resolution was opposed by some of the friends of the administration, [Mr. Wayne and Mr. McKinley,] on the ground that this House had no right to examine into their affairs.

Here, then, is our condition: the public money is placed in banks where we have good reason to believe it is unsafe; in banks that have seven dollars of notes in circulation for one dollar in specie with which to redeem them; in banks that, in all probability, will be compelled to suspend specie payments. Yet our hands are tied. We have no power to secure the public treasure, or even to examine its safety! Sir, would any man in this House trust his own money in the banks that now have the custody of the public money? If you, sir, had seven or eight millions of money in these banks, what would you do? You would quit that chair this minute; you would fly from this city by the very first stage, to snatch it from jeopardy; you, sir, would have a "panic." What will the people say when they are informed that their money has been drawn from the place appointed by law for its safe keeping, and where all admit it was perfectly safe, and placed in some twenty banks, which, altogether, have but the miserable pittance of three millions of specie; through which banks thirty millions of the public revenue will annually pass? And whether it be true or not that they have even the small amount of three millions of specie we cannot tell.

In judging which it is best to employ, the national or State banks, let us look at the manner in which they have heretofore discharged the duty of agents to the Treasury.

The national bank, being under the laws of the nation, and continually subject to the examination of Congress, has collected, since 1816, over four hundred millions of dollars, and distributed the same to all points in the Union where it was needed for payments, so faithfully that not one shilling has been lost.

On the other hand, the State banks, not being under the laws of the nation, or subject to the examination of Congress, have cheated and defrauded the country out of fifteen hundred thousand dollars, not one dollar of which is there now any hope of recovering. With these facts staring him in the face, how could the Secretary of the Treasury take the public money from one of these agents, and give it to the other? What would you say of the prudence of him who should take his money out of the hands of an agent who had served him long and faithfully, and give it to another who had formerly cheated him out of fifteen hundred thousand dollars?

Although the State banks which now have the public money are not the same banks that had it formerly, yet who can tell that the result will not be as bad, or worse? The Girard Bank, at Philadelphia, is threatened with vengeance if it should refuse longer to receive the public deposites. Suppose it should lock its vaults against the Treasury drafts, as the State banks formerly did. What is the remedy? A lawsuit to enforce an unlawful contract. Sir, when these pet banks, or, as the gentleman from Massachusetts [Mr. Adams] called them, crack banks, shall confederate together to suspend specie payments, they cannot be made to disgorge the deposites, not even by all the terrors of the second section.

Again: when the United States Bank has been the Treasury agent, taxation has been equal, because it furnished a currency of like value every where. When there has been no national bank, taxation has been unequal, because the notes of the State banks have ever been of varying value; and the man who paid his taxes in Boston, with notes worth ten per cent. more than notes paid for the same purpose in Orleans, paid ten per cent. higher tax than the man at Orleans.

The amount of revenue, which depends on the extent of our commerce, has always been abundant when commerce has been regulated by a uniform medium of exchange, which has ever been the case when we have had a national bank; therefore, with the agency of such a a bank, regulating commerce with a fixed standard of value, we have always had a full treasury. On the contrary, when we have had no national bank, and commerce was deranged by an irregular State bank note currency, the treasury has been always empty.

To conclude this comparison—under the administration of the national bank, the public treasure has been under the inspection of Congress; it has been safe; taxation has been equal; the public credit good; commerce well regulated; and the treasury abundantly supplied. When the affairs of the treasury have not been conducted through the agency of a national bank, the treasure has been unsafe, taxation unequal, commerce unregulated, public credit prostrate, and the Treasury empty.

III. Ought the public money to be used as a banking capital, for the use of the local banks where it is collected; or should it be employed for the use of the whole people of the United States?

In regard to revenue, the attention of writers and statesmen has been chiefly confined to its collection and disbursement; its use in the pause between those periods has not, heretofore, as a distinct subject, occupied very much of the public attention. But our experience has demonstrated that this new view of revenue, its employment as a banking capital in its rest between the time of its accumulation and payment, constitutes not the least important bearing of the subject. Our revenue being collected by the United States Bank, remained there until it was needed to pay the expenses of Government. The average amount which permanently remained in bank is estimated, I believe, at about eight millions. These eight millions, then, of the people's money constituted a banking capital for their use, which was diffused throughout the whole Union, for the common good. Thus employed, it was the basis of exchange, discount, and circulation, to an amount that gave life and activity to the commerce and labor of the whole country.

But, sir, the Secretary has suddenly withdrawn this immense capital from the use of the people to whom it belonged, and has devoted it exclusively to the use and benefit of a few local banks in the cities where the collections are made. Our revenue, being collected on foreign merchandise, is, of course, received in the seaports, and above half of the whole is received in the single city of New York.

Sir, contrast the former and present plan. During the administration of the Treasury by the United States Bank, the capital of the branch of that institution situated in the city of New York was two millions five hundred thousand dollars—just one-fourteenth part of the whole capital—about a just proportion of the public deposites. But now, when all of the revenue collected in that city is deposited in its local banks, it has the exclusive use of more than one-half of the revenue, in place of the former proportion of a fourteenth part. While the public money remained in the United States Bank, the people received sixty thousand dollars per annum interest on the public stock; but since the Secretary took it away from the people's bank, and divided it out among the local banks, not a cent of interest is paid.

That an American minister should, without reason or necessity, withdraw from the people the use of their own money, where it was used in a way so profitable to them, and place it out in doubtful banks, without interest, and where the principal is unsafe, seems so strange and unaccountable, that we could, with difficulty, bring our minds to believe the fact, if we were not hourly reminded of its truth by the cries of distress from all parts of the country.

A prosperous and happy people reduced to our present condition by a cause so unexpected, so unnecessary, so unreasonable, so cruel, has no parallel in history.

At the commencement of this session, in an incidental debate, when it was not in order to go into the whole subject, I briefly remarked that the heaviest part of this unaccountable measure of the administration would ultimately fall upon the Western country. It is true they will feel it last; but it is also true, they will, in the end, feel it most deeply. The Western people were the last to complain, and they will also be the very last to quit the field, until the edifice of the public liberty shall be reconstructed. It is manifest how this measure will work more injury in the West than elsewhere. In Kentucky, for example, no part of the public revenue is collected; of course there never will be any deposites which can be used as a banking capital. I estimate the amount of the revenue paid by Kentucky into the federal treasury at something over $1,200,000; this money is paid at the great seaports, and, by the new arrangement, is deposited in the local banks of those cities. Thus the people of Kentucky are deprived of all participation in the use of their own money, it being scattered in the city banks without interest, and where, in all probability, a part of the principal will be lost.

But, sir, there is another view of this subject to show the unequal operation of this fatal measure on the West. The great expenditures of public money are all in the Atlantic States, the navy, the fortifications, the thousand public works that are progressing on the sea-board exhaust, annually, millions. And among the strange events of this strange and eventful period in our history, I hear this administration eulogized in this House for having crushed internal improvements, while the documents on the table show that near $4,000,000 have been expended on works of that character since 1829. But, by some strange construction of the constitution, which I could never comprehend, Kentucky has been construed out of all participation in the expenditures of public money. From that State there is a continual drain of taxes and no return; for this drain alleviation was found in the United States Bank. That institution diffused through the West Eastern capital, and a just proportion of the public deposites; thereby furnishing a plentiful and sound currency equal to gold and silver, for the general use. But when these aids shall be entirely withdrawn from us; when the United States Bank shall be wound up, and the public money confined to the use of the cities on the seaboard, our State will see the length and breadth of the ruin that will follow the destruction of the national currency.

The effect of this measure of taking away from the people the use of their own money is most truly described by the sagacious agent of the Treasury, who selected the State banks of deposite. He says, in a letter to a person in New York, dated 18th of October, 1833: "You mention that the Merchants' Bank drew $60,000 from the branch of the United States Bank; this will be followed by other drafts, until the United States Bank will find it difficult to sustain the branch in your city. As things now are this institution must keep means there to meet almost all its entire circulation, and it will have to become a great collector of specie from every quarter of the Union, for the ultimate use of your bank, and others who may want it in New York."

Could any one believe that a deliberately settled plan could have been formed by the Treasury Department, the effects of which were fully foreseen, to collect the specie from all parts of the Union, to exhaust all parts of the country, for the benefit of the banks of New York? The fatal effects of this measure are but too truly described in this letter. All parts of the Union are sinking under the draining process. New York is the centre of the great money operations of the country; the people of the United States pay fifteen millions of revenue, which is collected in this single city, and which is deposited in the city banks. New York will, under this system, very soon furnish the currency and exchanges for the whole Union, and the whole Union will thus become tributary to this gigantic emporium of commerce. Sir, there is a deep stake in the rear of all, that is not seen, and which Pennsylvania has not yet observed, that New York is playing for—and that is the engrossment of the entire Western commerce. The great current of Western trade, invited through the Ohio and New York canals, by the immense concentration of capital in the city of New York, will, under the present system, soon take that direction.

It has heretofore been the object of our statesmen to cause, as far as practicable, a general and equal diffusion of money and property among the people. The extremes of wealth and poverty have ever been held unfriendly and adverse to the spirit of our free republican institutions. The project of the Treasury plan for collecting the specie from all parts of the Union, for the benefit of the New York banks, produced universal consternation and alarm; because it was seen at once that this plan would concentrate the wealth of the nation in a few cities; that it would cause an unequal distribution of property; and would throw wealth in the hands of the few, at the expense of the many; that it was a plan for making the rich richer, and the poor poorer.

Sir, will the people of the United States permanently submit to this system? I call upon the gentlemen from the West to say whether the people of that country will submit to have their own money taken from them for the benefit of the local banks in the city of New York? Ought they to submit to a plan that is sustained by no principle of justice--by no apology; that is exhausting their country, breaking down the currency, destroying their commerce, and paralyzing their labor, and filling the land with rag money? For one, sir, I say boldly that the people beyond the mountains ought not, and will not, long submit to this glaring outrage upon their rights.

Among the evidences of a deep scheme for concentrating the resources of the nation in the city of New York, a proposition has been made that a bank, with a great capital, should be located in that city, chartered by State authority, with power to locate branches in such of the other States as would receive them. This insolent proposal to subject the property of the citizens of one State to the legislation and banking operations of another, will no doubt be indignantly rejected by every State in the Union. A state that would submit to such an imposition—to such a degradation—would deserve to be driven out of the confederacy.

The following tabular view will present the operations of the Bank of the United States in the valley of the Mississippi, and the amount of capital there employed in the year 1832:

	Discounts.	Domestic Bills.	Totals.	Capital.
New Orleans,	$6,763,758	$2,975,056	$9,738,814	$1,000,000
Natchez, -	1,336,609	1,236,066	2,572,675	
St. Louis, -	677,504	77,078	754,583	
Nashville, -	2,170,240	2,677,902	4,848,142	1,000,000
Louisville, -	1,150,121	636,595	1,786,716	1,000,000
Cincinnati, -	3,320,306	716,454	4,036,761	1,700,000
Pittsburg, -	1,167,217	598,070	1,765,288	700,000
Lexington, -	1,150,121	636,595	1,786,716	1,000,000
	$17,735,876	$9,553,816	$27,289,695	$6,400,000

When the Bank of the United States shall be wound up, and all this capital and all these facilities shall be withdrawn from us, I call upon the gentlemen from the West who have more experience than myself, to tell me what substitute they have to offer the people? With what do they intend to fill the great void that will be thus ocasioned? Where do they expect to get a supply of capital? How do they calculate that the people of Kentucky will be able to sustain the drain of twelve hundred thousand a year into the federal treasury, when not a dollar is ever returned for the expenditure upon public works?

The following view will show where the public money is expended:

From the 4th of March, 1798, to the 31st of December, 1832, there was received in the Treasury of the United States the sum of $752,000,000. Of this sum, not a dollar has been expended in the State of Kentucky, on any work of internal improvement. In the Atlantic States there has been expended—

In the naval establishment, - -	$101,656,137 34
For fortifications, - - -	15,000,000 00
For light-houses, - - -	3,500,000 00
For internal improvements, - -	8,000,000 00

The concentration of capital in the Eastern cities, their position in the commercial world, and the expenditure of the vast revenues of the republic in the Atlantic States, are circumstances, when all combined, that do form an attraction sufficiently powerful to draw the money from all parts of the Union to these points. This strong tendency of capital from the West to the East was more than neutralized by the effect and operation of the Bank of the United States. The commercial position of the Western country renders it by far the most advantageous theatre for the profitable employment of banking capital of any section of the Union.

It was, no doubt, in this view of the subject that such a large proportion of the capital of the Bank of the United States was used in the West. The cities of Louisville and Cincinnati, together, having a population of forty thousand, have of the capital of the bank $2,700,000; while the city of New York, with a population of over two hundred thousand, has of the capital of the same bank but $2,500,000. This is easily explained. Bank notes, thrown out in New York, soon return to the bank whence they were issued. On the contrary, say that a shipper of produce in Kentucky to New Orleans were to draw his bill of exchange on Orleans for $20,000, which the Lexington branch would buy and pay for in notes on that branch. With these notes the shipper would pay the farmers for their produce. These notes would pass into general currency, and would there be detained for a long time in the circuits of commerce, before the general causes which I have described would throw them upon the Eastern cities, whither they would finally go. Before which time, the $20,000 bill would be paid into the branch at New Orleans; a draft for which from the Lexington branch, sold to an Eastern merchant, who wished to make purshases at Orleans, would take up the notes of the Lexington branch, thus closing the circle of the operation.

This single illustration will show how the bank facilitates the internal exchanges of the produce of labor.

But, perhaps, another view will show more conclusively how the bank can sustain a greater circulation in the West than in the East. As I have explained the tendency of money from all parts of the Union is to the Eastern capitals, then, when a bank in an Eastern city throws notes into circulation, the tendency of commerce is to throw back the notes at once. But when a Western branch issues notes, the tendency of commerce is to carry the notes away from the bank from which they are issued, and continue to recede through all the windings of trade, until they reach their destiny in the commercial emporiums.

Thus we see, in 1832, the banks between Pittsburg and Orleans, in bills and discounts, employed the enormous sum of $29,400,000. Every one knows how the West has grown and prospered since the people enjoyed these facilities.

I remember with pain the gloomy period prior to its existence, and am filled with apprehensions not less gloomy as to what will come upon us when the people shall be forced, in the short space of two years, to pay the bank, and have all of its aid taken from them.

Sir, when the Western people recollect that their misfortunes have been brought on them in part by the arbitrary and unjust withdrawal from them of their own money, for the purpose of sustaining local banks in the cities, in which they have no interest or concern, they will wage against this oppresion an opposition that will never cease but with the redress of the outrage upon their violated rights.

Having considered this subject in relation, 1, To the currency; 2, To the Treasury; and 3, To the equal diffusion of the banking capital of the United States, I will conclude my remarks after a very brief examination of the political aspect of the question.

Does the custody and control of the public treasury belong to the Executive or Legislative department of the Government? I understand the Secretary of the Treasury, in the report before us, to maintain that his Department is an executive department; that he is bound to dispose of the public money in obedience to the President's command; that Congress had parted with all right over the public deposites; that it is his duty to place the deposites in whosesoever hands or in whatsoever banks the President shall direct. I understand the Secretary to say, in the report before us, that, in pursuance of these principles, he has taken the public money and placed it in places where his friends in this House admit that the people's representatives have no power or right to examine or inquire whether it be safe or unsafe.

I had supposed, if there was any principle in our system uncontested, it was the principle that the people had the right to control their own money, through the agency of their immediate representatives. It is a principle secured with the utmost care in every one of the constitutions of the American States. The sages who formed the federal constitution secured this fundamental principle of liberty to the people in the following plain language:

"All bills for raising revenue shall originate in the House of Repesentatives." * * "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts," &c. * * "No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time." * * "To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years."

The power to originate money bills was not even given to the Senate, so determined were the people to keep this great power in the hands of their immediate representatives; and, for the support of armies, even this House has no power to make appropriations for a longer term than two years.

The President has no more power than the very humblest individual in the nation to draw one dollar from the Treasury, until a bill, which must have originated in this House, has passed into a law, giving him permission to do so by a special appropriation.

In the face of these plain constitutional provisions, the public treasury has been transferred to the guardianship of the Executive department.

The vital principle in every scheme of free government is the retention by the people of the money power.

To this power Englishmen owe all the liberty they enjoy. The Commons of England, with this power in their hands, maintain their ascendency in the Government, and control the monarch by withholding his supplies. Even the war power in the hands of the King is perfectly impotent, while the money power is in the hands of the Commons.

On a late occasion, when the English nation had determined on the great reform in Parliament, the King faltered. The Commons brought him to terms, and compelled his Majesty to bow obedience to the majesty of public opinion, by only a threat that they would wield upon him the money power, by withholding supplies. It is impossible to enslave a people with the money power in their hands; and it is equally impossible for them to maintain their liberty without it.

In the history of all usurpations, the control of the purse is the first great point that has been ever aimed at.

In tracing the rise and fall of republics, we behold, from the beginning to the end of their career, a constant accumulation of power in the hands of their rulers. This process has in all countries enslaved the mass of mankind. But, sir, this tendency of encroachment upon the liberties of the people, this watchful principle by which authority is amassed and concentrated, appertains to the executive power in government; the power that wields the sword, that commands the armies and navies of nations, has ever been the grave in which the general liberty of mankind has been buried. These truths are so well known to every reader, that it is unnecessary to take up time in referring to particular instances. The tyranny of Marius, the dictatorship of Sylla, the usurpations of Cæsar, the overthrow of the power of the people in England by Cromwell, the subversion of the French republic by Bonaparte, are stories with which schoolboys are familiar. It was this great lesson of the dangerous tendencies of executive power, taught mankind by the concurring testimony of all nations, that induced many sages and patriots in America to oppose the adoption of the federal constitution, because of the vast amount of power conferred upon the Executive.

I will read a passage from page 420 of the Federalist.

The writer, in describing the character of the publications which had appeared against the executive power, says: "He [the President] has been decorated with attributes superior in dignity and splendor to those of a King of Great Britain. He has been shown to us with the diadem sparkling on his brow, and the imperial purple flowing in his train. He has been seated on a throne, surrounded by minions, giving audience to the envoys of foreign potentates in all the supercilious pomp of majesty."

This outline, sketched at the time by the fancy of the writer, it is to be feared will be filled up by reality before many years.

The first orator and statesman in the Virginia convention, in his celebrated speech against the extent of the executive power, says:

"If your American chief be a man of ambition and abilities, how easy is it for him to render himself absolute! The army is in his hands, and, if he be a man of address, it will be attached to him; and it will be the subject of long meditation with him to seize the first auspicious moment to accomplish his design."

We are warned by all history, we are admonished by the voice of our departed sages and patriots, to beware of the encroachments of executive power. We are taught to believe that there is concealed in this power the germe of monarchy—a germe that will soon grow to such a size that the public liberty will be crushed under its Herculean strength. The first fatal error that crept into our system of government, was the power conferred in 1789 upon the President to remove public officers—a power given to the popularity of President Washington, and which he never abused—a power that remained harmless in the statute book for forty years. This power has been called up from its long slumber; it has displayed its character. The attention of this nation is now awakened to observe the origin, progress, and the present effects of this power. It is by the power of removal that the powers of the sword and money have been united.

I will here take leave to read some extracts from the speeches in the Congress of 1789, when the bill was under discussion to confer this tremendous power of removal upon the President. As this whole subject is now brought before the public, and as other gentlemen have read such parts of the debates of 1789 as suited their views, I will refer to such parts as suit mine.

Mr. Smith, of South Carolina, said: "I imagine, sir, we are declaring a power in the President which may hereafter be greatly abused, for we are not always to expect a Chief Magistrate in whom such entire confidence can be placed as in the present. Perhaps gentlemen are so much dazzled with the splendor of the virtues of the present President, as not to be able to see into futurity. The framers of the constitution did not confine their views to the first person who was looked up to to fill the presidential chair; if they had, they might have omitted those checks and guards with which the powers of the Executive are surrounded: they knew, from the course of human events, that they could not expect to be so highly favored of heaven as to have the blessings of his administration more than seven or fourteen years, after which they supposed a man might get into power, who, it was possible, might misbehave. We ought to follow their example, and contemplate this power in the hands of an ambitious man, who might apply it to dangerous purposes. If we give this power [of removal] to the President, he may, from caprice, remove the most worthy men from office, his will and pleasure will be the slight tenure by which an office is to be held; and, of consequence, you render the officer the mere state dependant, the abject slave of a person who may be disposed to abuse the confidence his fellow-citizens have placed in him."

Mr. Smith said: "Cannot he [the President] dragoon your officers into a compliance with his designs, by threatening them with a removal, by which his reputation and property would be destroyed? If the officer was established on a better tenure, he would dare to be honest; he would know himself invulnerable in his integrity, and defy the shafts of malevolence; he would be a barrier to your executive officer, and save the state from ruin."

Mr. Livermore said: "When an important and confidential trust is reposed in a man, it is worse than death to him to be displaced without cause; his reputation depends upon the single will of the President, who may ruin him on bare suspicion; nay, a new President may turn him out on mere caprice, or in order to make room for a favorite. * * * * Every person ought to have a hearing before he is punished."

Mr. Jackson said: "It has been maintained that in all governments the executive magistrate had the power of dismissing officers under him. This may hold good in Europe, where monarchs claim their powers *jure divino*, but it never can be admitted in America, under a constitution delegating only enumerated powers." * * * *

"It has been observed that the President ought to have this power to remove a man when he becomes obnoxious to the people, or disagreeable to himself. Are we, then, to have all the officers the mere creatures of the President? * * * * Let it be remembered that the constitution gives the President the command of the military. If you give him complete power over the man with the strong box, he will have the liberty of America under his thumb. It is easy to see the evil which may result. If he wants to establish an arbitrary authority, and finds the Secretary of Finance not inclined to second his endeavors, he has nothing more to do than to remove him, and get one appointed of principles more congenial with his own. Then, says he, I have got the army; let me have but the money, and I will establish my throne upon the ruins of your visionary republic. Let no gentleman say I am contemplating imaginary dangers. * * * * Behold the baleful influence of the royal prerogative; all officers, until lately, held their commissions during the pleasure of the Crown. With the present Chief Magistrate [Washington] every power may be safely lodged. * * * But alas, he cannot always be with us. * * * And can we know the virtues or vices of his successors in a few years? * * * For my part, I think this power too great to be safely trusted in the hands of a single man, especially in the hands of a man that has so much constitutional power. * * * I cannot agree to extend power, because I conceive it may, at some future period, be exercised in such a way as to subvert the liberties of my country."

Mr. Page said, "I venture to assert that this clause of the bill [power of removal] contains in it the seeds of royal prerogative."

Mr. Sherman said, "they know that the Crown of Great Britain, by having that prerogative, [the power of appointment and removal of officers] has been enabled to swallow up the whole administration."

Mr. Livermore said, * * "So in the case of appointing officers; if it can be truly said that these heads of departments are the servants of the President alone, we shall make the executive department a dangerous one."

Mr. Gerry said, "If he [the President] has such power, [of removal,] it can only be made useful to himself by being the means of procuring him a re-election, but can never be useful to the people, by inducing him to appoint good officers, or remove bad ones. It appears to me that such unbounded power violates the principles of the constitution; and the officers, instead of being the machinery of the Government, moving in the regular order prescribed by the Legislature, will be the mere puppets of the President, to be employed or thrown aside as useless lumber, according to his prevailing fancy. If gentlemen will take this step they must take another. * * * * They must elect the President for life or make his office hereditary."

This power, that is cankering all of our institutions, obtained its sanction in 1789, by the casting vote of the Vice President.

Experience has brought to us, in bitterness, the truth of all the gloomy forebodings and anticipations of the patriots of '89 who opposed this power. The power of removal, for opinion's sake, at once saps the foundation of republican Government, and introduces the spirit of monarchy.

In republics, the public offices are created for the benefit of the people; and the character and safety of the officer depends on the faithful discharge of his duty to his country. In despotisms, the offices are for the benefit of the despot, and the safety of the officer depends on his devotion to his master. This power of removal extinguishes the love of country, and unites the party on the narrow principle of selfishness. In such a state of things, how is the officer to hold to his office, to his salary, to the means by which he lives? Not by serving boldly, and honestly, and independently, his country, but by bowing down in servile submission at the footstool of power. Thus every officer is detached from the people, and bound to the dictation, and will, and fortunes of him who can punish disobedience with proscription. At the very entrance upon office, the officer has to lay down his freedom at the feet of his master, and agree that he will not think nor have any opinion of his own. Under this power, the officers of the land become a standing army of partisans, with interests distinct from the great body of the people; an army under the command of one chief, whose word is law, from whose decisions there is no appeal.

There is not even the intervention of a court-martial. The sentence is pronounced, and the victim sacrificed; and no one dare inquire into the cause of his overthrow.

The public money of the nation is openly declared to be the spoil that shall reward the services and victories of this army.

This power of removal, in its origin, was not intended to go further than to the removal of officers for whose conduct the President is immediately responsible. But of late the broad ground is taken that he can command and remove those for whose conduct he is not responsible.

The power thus widened, places all the powers of Government in the hands of the Executive. It puts under his control the executive officers in the legislative and judicial departments. Take the case of the Secretary of the Treasury—an officer of Congress, appointed to act under the laws of Congress, bound to report to Congress, and responsible to Congress; charged under Congress with the duty of administering the finances of the country, and for whose conduct the President was never held responsible.

The President assumes the right to control the public money; claims it as a part of his executive duties, and commands the Secretary to obey him. But Mr. Secretary Duane says, No. You have no such power by the law and constitution. The public treasure is under the government of the representatives of the people; and I, as a faithful officer, cannot violate my oath and betray my trust. My duty is due to the country, and not to the President; I am responsible to Congress, and not to the Executive.

For this manly and faithful discharge of duty, this patriot was sacrificed—was not only hurled from office, but denounced as a refractory subordinate—as a corrupt and bribed man.

And thus this mighty despotic power of removal has enabled the Executive, by one step, to add to his other colossal powers, the power of money. The whole revenues of this country are added to the spoil to stimulate the army of officers to achieve new victories. We need not deceive ourselves. This despotic power and liberty cannot live together. In the course of a few ages, this power would convert this republic into an empire, your President into an Emperor, and the people into slaves.

I do not accuse the President of any design to subvert the Government. I agree that his advanced age and eminent public services may stand as a guarantee for the purity of his motives. But I suppose, like all other men, he is liable to error; and, while I speak of him personally with all due respect, I must be allowed to speak freely of his measures, which, I solemnly believe, if not checked, will overthrow the liberty of this country.

In theory, every body is for principles, and none for men; but unfortunately for human liberty, over the face of the whole earth, the most important questions are too often settled in reference to the men who happen to be in power at the time. In the formation of the federal constitution, the history of the time proves that the amount of power conferred on the Executive proceeded, in a considerable degree, from the confidence reposed in General Washington, who was looked to by all as the first President.

The disposition in mankind to confer power on popular rulers accounts for the short duration of republics. We have now a popular President, in whom his friends have so much confidence that they feel very sure that he would not abuse imperial power. Suppose in this they are not mistaken; yet it should be remembered that the power we confer upon the present Chief Magistrate will be claimed by all who shall come after him. Examples become as much the basis of future administrations as the constitution itself.

But a few years more, and General Jackson, and all of us that are now engaged in public affairs, will have passed away forever. We should, therefore, not permit any personal or party considerations to control us, but have a single eye to the effect of our doings upon the liberty of our children.

Sir, pause and contemplate the powers, now assumed by the Executive, exercised by a young, enterprising, and ambitious President.

Dispensing the patronage of a Government that has, in its infancy, a revenue of thirty millions of dollars—a standing army of fifty thousand officers, holding their places at his will—being at the head of the army and navy—and, above all, holding in his hand the great mechanical power in politics—the power of money. Under such a President, in times of peace, his favorites would have your money; and, in times of war, the places of deposite would be the pockets of his generals of divisions, marshals of the empire, and admirals of his Majesty's navy.

The absolute command of the officers, the money, and the sword of this nation, will enable the American Presidents to appoint their successors, until some bold and daring spirit shall make the office hereditary.

As we advance in the direction of royal power, we of course recede from republicanism. Thus it has ever been. The first evidences of the decline of Roman liberty were displayed in efforts to degrade the Senate, and disrobe it of its just powers.

There is, in the aspect of the times, an evident tendency to bring down the legislative power in this country. The vote of the last Congress was disregarded, upon the allegation that the action of that body had been controlled by bribery. The action of the present Congress was anticipated and prevented, upon the apprehension that the same corrupt means would control its deliberations.

The American Senate is denounced as a revolutionary committee. The people are appealed to, to change the constitution of the Senate, by making its members represent not the States but the people, according to numbers; and thus sweep from our system its federative character, and melt the whole down into a great consolidated empire.

We have heard it proclaimed over and over again in both Houses, that the panic in the country has been produced by the speeches of the members. What a statement to go forth from these Halls to the world! That the people of the United States are so ignorant as to be put into a panic by the speeches of statesmen! This is a fine commentary on representative government to go to Europe! The people of the United States thrown into consternation by free discussion in the temples of liberty!

Now, sir, if this is true: if the people cannot bear the freedom of debate of their representatives in the open forum, then let the train-bands of Cromwell and Bonaparte come and clear these Halls of the public nuisance, and let the people repose in the calm security of despotism. If the people are capable of self-government, it must be through the agency of representation, for they cannot assemble to legislate for themselves. The principle of representation has ever been considered the principle upon which depended the fate of American liberty; the principle of the revolution; the principle above all others to be revered. While we are taught by all history, and admonished by all our sages, to repose our hopes on the legislative power, as the guarantee of liberty, we are warned to beware of the Executive power, as containing the germe of despotism. Sir, if the freedom of debate is working so much mischief, and ought to be prevented, why not take another step, and assail the liberty of the press?

But, sir, there is one point of view in which this report of the Secretary of the Treasury will undoubtedly be of great service to this people. It will greatly subserve the cause of free Government. It is one of the attributes of power, in every step of its progress, to enlarge the boundaries of its authority; but it usually advances so slowly, and with so much caution, that its approaches are not perceived by the people. But the present Secretary, dropping all disguise, marches at once over every constitutional barrier, and boldly places the purse of the nation in the hand that holds the sword. Sir, the doctrines proclaimed in this most extraordinary paper are so new, so startling, so utterly inconsistent with constitutional liberty, so revolting to the genius of American institutions, that they will rouse up and awaken the people to a re-examination of first principles. The Government will be brought back, placed in the constitutional limits, and fortified at the same time against such future encroachments. This signal, undisguised effort to transfer the legislative power of this Government to the executive department will form an era in our history; and it will be the time from which the revival of correct principles will be dated.

The final decision of this controversy by this nation will be, first, that the currency shall be regulated by Congress, and not by the States or State banks; second, that the State banks shall not be the fiscal agents of the Treasury; third, that the public treasure shall be used as a banking capital, for the benefit of the whole Union, and not for the exclusive use of the cities in which it is collected; and fourth, that the public treasure shall be placed under the control of Congress.

It is in vain to disguise the fact that the Jackson party disapprove of the acts of the administration upon which I have been commenting. The opposition which commenced in the cabinet pervades the party in every section of the Union. Who can behold what is daily passing around us; who, that looks upon the face of man, and notices the public press, and hears discourse in all circles, and sees persons from all sections of the country, can doubt the fact? If there be a hesitating, reluctant vote of approval, on the part of this House, as I presume there will be, the people will, notwithstanding, soon start from the slumber of confidence—a confidence flowing from the amiable part of their nature, reposed in a favorite chief for eminent services. If they pause for a moment, it is in the spirit of forbearance for what they believe the honest errors of venerated age. When these motives of forbearance shall cease, the people will come in all their power to the "rescue of the constitution." The condition into which our country has been so suddenly thrown, disastrous as it is, presents this consoling aspect to the patriot. Though the heavens are now overspread with a tempest, the violence of which is sweeping mountain and plain, yet this very violence is ominous of good; it is a sign that the storm will soon pass away and leave the air purified. Already can we see tokens of fair weather through the parting clouds.

When Mr. Allan had concluded—

Mr. CORWIN, of Ohio, obtained the floor; but the hour being almost expired, he declined addressing the House until to-morrow. At 12 o'clock, the order of the day being

THE COMMUTATION BILL,

Mr. WHITE, of Louisiana, rose and said: Mr. Speaker, I feel myself constrained to make a request, and to submit a motion, the first of the kind which has ever proceeded from me, and which I would not even now make, if I did not feel myself impelled to it by a sense of duty, and at the same time believed it to be an instance of justice which might well receive the sanction of the House. It is for a partial suspension of the rule, so as to allow the States to be called for memorials, between the close of the morning business and the hour fixed for the consideration of the report of the Committee of Ways and Means. The proposed suspension is intended to avoid any interference with the all-important topic pending before the House and the country; it merely looks to the admission of petitions during the preliminary hour between twelve and one. He said he would enlarge the proposition by asking that the usual order of calling the States be inverted, so as to begin at the extreme South instead of the extreme North. The ordinary rotation in which the States are called, operates as a virtual exclusion of such members of the confederacy as stand low on the roll. Why? Because the time allotted for such things has, for many weeks, been wholly taken up by applications from some few of those whose relative position brings them within the scope of the call. Monday last, for example, was almost entirely consumed by an altercation between two gentleman from one of the Northern States, growing out of the presentation of a memorial. We progressed no farther, and, on a recurrence to similar subjects, we must begin where we left off, which leaves but little hope to us, at the other extreme, of being reached at all. Sir, said he, I have always been taught to consider the right of petition and remonstrance, whether to obtain justice, or resist grievances, as one of the primitive and never-to-be-impaired immunities of the people. [Here the Chair interposed, reminding the gentleman that a motion to suspend a rule was not debatable, but must be submitted without remark.]

Mr. PARKER, of New Jersey, objected to the inversion of the accustomed mode of calling the States, and proposed to amend the motion so as to let the call proceed from the point where it last stopped.

Mr. WHITE said he would not insist on that particular, but, to save time, would accept the modification.

The question was then taken on the motion as modified, and was not carried, two-thirds being required for its passage.

Mr. WHITE then renewed his original proposition; which was also lost.

Mr. MARSHALL then resumed the floor and concluded his remarks in support of the commutation bill. The speech of Mr. M. is given entire as follows:

Mr. Speaker: Having been the organ of the Committee on Revolutionary Claims, in reporting to the House this bill, together with some of the general considerations on which they recommend its passage, common usage makes it my duty to explain the provisions and intended operation of the measure, and the character of the claims for which it provides. The violent assaults which have been made upon all these, render it improper for me longer to delay the performance of this duty. The bill transfers from Congress and the committees, to the Secretary of the Treasury, the examination and decision of certain revolutionary claims, growing out of the half pay and commutation resolutions, passed by Congress; and fixes the construction of the principal one of those resolutions. The House having already heard the resolutions, I shall content myself with briefly stating the substance of such of them as are essential to a proper understanding of the bill, and the claims it embraces. In May, 1778, Congress resolved that those officers of the continental line who should serve to the end of the war, should receive seven years' half pay; which promise was afterwards extended to the widows, or, if no widows, to the children, of such officers as had died, or should die, in service. On this extension rest the claims to seven years' half pay now to be provided for; the original promise to those who should serve to the end of the war having been, in effect, superseded, by the more advantageous promise of half pay for life, made in the resolution of 21st of October, 1780. That resolution, in contemplation of an arrangement of the army, immediately to take effect, provides that lists shall be made out and returned, of the officers who were to be retained; and also of those who were to be reduced, or thrown out of service, "who are to be allowed half pay for life." And that those who should continue in service to the end of the war should also be entitled to half pay for life, "to commence from the time of their reduction." This is the basis of all the resolutions relating to half pay for life; and, for present purposes, all may be resolved into this, the first, and principal one. On the 22d of March, 1783, the commutation resolution was adopted, offering five years' full pay in money, or securities on interest at five per cent. in lieu of half pay for life, to all who were then, or at the close of the war would be, entitled to such half pay, according to the various resolutions on the subject; and provided that this offer should be accepted or rejected at the option of the several lines and corps, and not by the officers individually. This measure was based upon the petition of the officers then in service, and upon the recommendation of General Washington, who appears, however, to have considered seven, and not five years' full pay as the just and fair equivalent of the half pay for life.

It is assumed at this day, that the terms of this offer were embraced by every line and corps of the army, and that the right of every officer entitled to half pay for life, was, by his own consent, or by that of the majority of his line or corps, converted into a right to five years' full pay. It is inappropriate to the present discussion, to inquire whether the five years' full pay was a fair commutation; it was offered by the Government and agreed to by the officers; and for its payment, the faith of our fathers and of our country stands solemnly pledged. A regard for public justice and for national faith; a recollection of the circumstances under which the promise was made, and of the toils, and sufferings, and sacrifices, by which it had been earned; a regard for public sentiment, and for the moral and patriotic considerations connected with this subject—all require from us, who are enjoying the fruits of these promises, and of the efforts which they induced, that we should faithfully fulfil the pledge, where it stands yet unredeemed. It is in obedience to this solemn requisition, to facilitate the inquiry how far these promises have been performed, and to ensure their execution where they remained still unperformed, that this bill has been reported. The gentlemen in opposition to it, have not only questioned the propriety of its provisions, as adapted to the attainment of these objects, pronouncing the proposed transfer improper and dangerous, and predicting various injuries and injustice from the operation of the measure, but have denied, and attempted to disprove, the present validity of any of the claims embraced in the bill, and of course the present obligation of the Government to provide for their adjustment.

The gentleman from Georgia [Mr. GILMER] argues that the promise of half pay for life was not the willing act of Congress, that it was no part of the original contract under which the officers entered the service, but an additional provision, subsequently extorted by them from the weakness and necessities of the Government. It is true, sir, that, for the want of adequate provision, many officers had resigned, and others were determined to resign, unless some just measure of future compensation should be provided. It is also true, that, to avoid this state of things, and the consequences likely to result from it, Congress made the promise of half pay for life. But do these facts constitute a case of extortion? Do they invalidate the contract, or afford the slightest ground for neglecting or refusing its performance? Far from it. If any external circumstance were wanting to add force to the obligation imposed by the solemn promise of the Government, or if any circumstance could have that effect, the condition of the officers and of the country, and the general circumstances under which the promise was made, were well calculated to give the highest solemnity to the contract, and to impose the strongest necessity for its performance. The officers had already served, under circumstances involving the greatest personal hardships and privations, through the most trying period of the war—they were badly fed, insufficiently clothed, and literally unpaid. They found their lives and their energies wasting away—their private resources in a process of rapid exhaustion—themselves and their families without present provision, and without the prospect of future support. Were they bound to continue in service on such terms? Had the country a right to chain them to this condition? Had the Government, which had long failed and continued more and more to fail in the performance of its engagements to them, a right to bind them to its service? Did patriotism, to which they had already poured out such rich oblations, require of them to remain in a condition, the apparent and inevitable consequence of which would be to doom to want and beggary, not themselves merely, but those also whom, by an obligation stronger than any civil tie, they were bound to cherish and support? Sir, were they bound to starve, and to see their wives and children starve, rather than that other patriot citizens should be called to their places, who, though less skilful and less experienced than themselves, were better able to bear the penalties of the service? No, sir; they had a right to resign—they had a right to leave a service which gave no present reward, and promised no future remuneration—they had a right, while a portion of their strength and their property yet remained, to throw themselves upon their own exertions and their own resources, for the support of themselves and those who were dependent on them. For the sake of their country, many of them had delayed this step much longer than a regard to private interest or private duty would have permitted; but the time had arrived when many could delay it no longer, unless there should be a change in the term of service. And, if the exigencies of the country required their continuance in the army as the best means of conducting the war to a speedy and happy conclusion, they had a right to ask of that country, that, although unable to make present adequate compensation, it should, by a just provision, to take effect in future, secure some remuneration for their past and future sacrifices. If this was a case of necessity on the part of the Government, it was equally a case of necessity on the part of the officers. If the country was in an emergency which required the services of valuable and experienced officers, the officers were also in an extremity which authorized and required them to propose reasonable terms as the condition of their continuance.

But it is not to be understood that the officers peremptorily prescribed the conditions, or that Congress, in making the promise of half pay for life, acted under their dictation. Many of them, under the pressure of individual wants and duties, had individually tendered their resignations, and it was known that many others would, in a short time, be in the same manner compelled to resign. These facts, otherwise sufficiently notorious, were from time to time represented to Congress, in the most impressive manner, by the commander-in-chief, upon the consideration of whose letter (of 11th of October, 1780,) the promise of half pay for life was first made. If there are any gentlemen who have difficulty, either as to the manner in which this promise was obtained, or as to its reasonableness and justice as a compensation for past and an inducement for future services and sacrifices, or as to the actual effect of the promise in ensuring the objects for which it was made, I beg leave to refer them to the letters of Washington on this subject, addressed to the Congress. Those letters do indeed exhibit the feelings and opinions of one who, as the gentleman from New York has said, was the friend and father of the officers, but of one who was no less the friend and father of his country; of one whose sympathies were deeply affected by the sufferings and privations of "an army which had done and suffered more than any other army ever did in defence of the rights and liberties of human nature," but whose extended patriotism embraced his whole country and all classes of its citizens, whose wisdom and justice enabled him to perceive what was due from each of these parties to the other, and whose purity and disinterestedness give to his testimony, on this subject, an authority neither to be questioned nor resisted.

A contract entered into under such circumstances of mutual necessity, whose stipulations were intended to secure objects of the greatest importance to both parties, and which did, in fact, by the faithful and diligent observance of its terms, on the part of the officers, obtain for the country all that it sought to effect, stands clothed with the highest sanctions of justice and honor, and imposes an obligation on that party which has received the benefit that never can be cancelled but by actual performance. When gentlemen tell us, as all of them have done, what indeed our history but too well attests, that the half pay for life, due and unpaid to those who were reduced in 1780, soon became unpopular, and the reduced officers themselves odious for being entitled to it, they tell us nothing which can detract from the original merit or justice of these claims. They do but awaken a recollection of the mighty difference that may exist between the spirit in which a promise is made, and that in which the just demand of its performance is sometimes met. They do but exhibit to us the first evidences of that disposition to shrink from the indefinite and confused mass of liabilities incurred during the revolutionary war, which has not yet ceased to exist, and the subsequent exhibitions of which, in the public acts of the Government, will be found to have an important bearing upon the questions now before us relating to the present validity of these claims, and our obligation now to discharge them. The unpopularity of the half pay for life, and the disposition to curtail as much as possible the public liabilities, led to the substitution of five years' full pay, and dictated the terms of the commutation resolution of March, 1783. The acceptance of these terms made a change in the original contract certainly not disadvantageous to the Government, and of which it had no right to complain. Certain officers, who had received the commutation, did, indeed, after the lapse of many years, complain that they had lost much by the change of the contract; and the act of 1828 was passed for their benefit. The claimants now to be provided for stand upon different ground. They allege that they have received nothing under either the original or the substituted promise, and, without impugning the fairness of the latter, they call upon us, in the name of justice, for a fulfilment of its terms.

The bill assumes that there are or may be cases in which officers, originally entitled to half pay for life, and afterwards to the commutation, have never received the five years' full pay, either in money or certificates on interest, or in any other form; and, as it is certain that numerous claims, just or unjust, will be presented, it proposes a mode of ascertaining the validity of such claims as may be brought forward. Against this assumption, and in support of the idea that there are no just claims now remaining unsatisfied, and therefore none to be provided for, it is argued that these claims having originated more than fifty years ago, the presumption is irresistible, that all such as were just, were long since satisfied. It is said that persons having such demands against the Government must be presumed to have known their rights, and to have asserted and established them within some short period. The resolution prohibiting the presentation of these claims after a certain day, and subsequent suspension acts, giving further time, are also relied on as having afforded opportunities and invitations for their establishment, which gentlemen presume must have been embraced by all just claimants.

It cannot be denied that the lapse of fifty years raises a strong presumption against claims, which, having originated at the commencement of that period, are presented for adjustment and payment at its close. And yet there may be considerations growing out of the laws or the condition of the country, or the notorious circumstances or opinions of the times, as well as the particular circumstances or disabilities of individuals, which would not only limit the presumption in its universality, but would so far weaken or destroy it as a bar, as to leave each case open to a fair consideration of the actual testimony which might be adduced. It may also be admitted as a general proposition, that persons entitled to receive a benefit, whether from the Government or an individual, may be expected soon to understand and assert their rights: yet all experience and the observation of every man proves, that, from ignorance, or inattention, or inactivity, or disability, or from some other cause, numerous instances are constantly occurring, in which such claims, though just, are delayed for an unreasonable time in their presentation, or, being imperfectly prepared, are rejected, because they are not properly exhibited. At most, the lapse of time, independently of all other circumstances, creates only a presumption, a probability, that a demand of ancient date was presented and paid within a reasonable period, if originally just; or that it has been withheld for an unreasonable period, because it was unjust. But even fifty years, with the aid of a statutory bar, though it may prevent the enforcement of a demand against an individual, by process of law, cannot extinguish the moral obligation to discharge a claim originally just and which has never been paid—more especially does it not extinguish the obligation, nor even furnish evidence of its discharge, if, instead of paying, or giving facilities for establishing, the debtor has thrown obstacles in the way of asserting the demand. There is no means by which a Government standing above legal process, and subject to no external means of coercion, can discharge this moral obligation, but by actual satisfaction of all just demands, by substantial performance of all its just engagements. There is no means by which a Government can furnish to itself plausible ground, for closing at any time the door of inquiry against the claims of its citizens, alleged to be founded on its own solemn promises, but by evincing a disposition to discharge all its liabilities, by affording ample time, and the most liberal facilities, for the presentation of all claims, and for the allowance of such as are just. Without having done this, a just Government cannot intrench itself behind the presumptions of time, or its own arbitrary limitations, and bid defiance to the claims of its citizens. Have the acts of this Government, in relation to the claims under discussion, been such as entitle it to assume this attitude? I contend that they have not; but that they have been such as to impose upon us the duty, if we would be just, of now admitting them to a fair trial upon their merits.

The circumstances under which the half pay for life was offered, indicate that the promise was made in a liberal spirit; and received at that time, from all concerned, a liberal construction. I have already noticed the change of feeling which, as the pressure of the war was removed, displayed itself in the unpopularity of the half-pay system, and in the terms of the commutation proposed. In pursuing the subject, we find that, as early as the 26th of January, 1784, when the process of ascertaining the commutation claims, and issuing the promised certificates, may be supposed to have been just commencing, Congress resolved, "that half pay cannot be allowed to any officer, or to any class or denomination of officers, to whom it has not heretofore been expressly promised." The object and effect of which resolution could have been no other than to enforce a liberal construction of the promise. In further prosecution of this design, it was, by resolution of the 11th of February, 1784, expressly declared, that officers who had been prisoners with the enemy and discharged were not entitled to the half pay or commutation. By this construction, an officer who being a prisoner with the enemy when the arrangement of 1780 was made, or who being then retained, was afterwards, even as late as at the siege of Yorktown, taken prisoner, and found on being exchanged, that he was left out of command and his place supplied by another, was excluded from the half pay or commutation. On the same principle, all officers who, having been retained by the arrangement of 1780, were, as the war approached its termination, thrown out of actual service, by the consolidation or dissolution of their corps, though it were by a reduction formally authorized by Congress, found themselves excluded from the benefits of the promise which had induced their continuance in service. And it was only by a resolution of March, 1785, that those officers, who had been reduced by the direct authority of Congress, were declared by Congress to be entitled. But this reversal of the construction of February, 1784, extended only to the officers reduced under the arrangement of 31st December, 1781, and left the other classes, just mentioned, still excluded from the promise. As to these classes, therefore, there is not only no presumption that they have received the commutation, but an entire certainty that, in the original execution of the promise, they received nothing. The bill embraces their claims and provides for their payment. I trust I shall be able to show, when I come to a discussion of its principles that in this, it has only given a just and fair construction to the original promise. I am now endeavoring to exhibit the early acts of the Government which relate to this subject, and to develop the disposition by which they are characterized, and their effect upon these claims.

On this branch of the inquiry the regulation of 1786, in regard to the right of invalid pensioners to receive the commutation, has a most important bearing, as evincing the desire which then prevailed of narrowing down, as much as possible, every liability, and as exhibiting in remarkable contrast the spirit which marks the legislation on this subject of that and the present period. In August, 1776, Congress had provided that any officer or soldier who should lose a limb in battle, or be so disabled in the service as to render him incapable afterwards of getting a livelihood, should receive during his life or the continuance of the disability, one-half of his monthly pay from the time his full pay should cease. By the resolution of October, 1780, half pay for life was also promised to those officers who should then be reduced, and to those who should continue in service to the end of the war, making no exception as to those who should become otherwise entitled to half pay. And yet the Congress of 1786, after all the facts which could determine the right to both these promises had occurred, in effect declared that no officer should receive the performance of both, and required the invalid pensioners, who were entitled to commutation, to surrender that before they should receive their pensions. Of the justice, or propriety, or liberality, of this regulation, or of the right to make it, I need say nothing. The opinion now entertained on those points, is sufficiently evinced by the fact, that having, by our acts of 1828 and 1832, conferred liberal bounties upon the survivors of the revolutionary army—bounties not demanded by the express letter of any promise—we have particularly provided that the reception of an invalid pension shall constitute no bar to the reception of these bounties.

From these exclusions by direct construction, I pass on to the acts of limitation and suspension, so much relied on by the gentlemen from New Hampshire and New York, but which, as I contend, operated also as exclusions in fact. It will be recollected that, with all its particularity of detail, the commutation resolution contained no limitation of the time within which the officers embracing its terms should be bound to present their claims. Such a limitation in the promise itself, forming a part of the contract, might have rightfully cut off all claims not presented in time, or left them to the mere equity or generosity of the Government. But while I admit the right of a Government to limit, to a reasonable period, the existence of such facilities as it may choose to afford for the establishment of claims against itself, I deny its right by peremptory bars, declared after its contracts have become due and payable, to extinguish the rights of just claimants, or its own obligations to satisfy their demands. I shall, therefore, examine these limitation and suspension acts with a view merely to their effect in postponing and obstructing the presentation of some of these claims, and thus weakening or destroying the presumptions which fifty years have arrayed against them.

The first limitation is contained in the resolution of the 2d of November, 1785. That resolution was passed within two years after the army was disbanded, and the commutation became due; whithin less than two years after the execution of the commutation promise had commenced; and before the expiration of half the number of years for which the full pay was allowed. It requires all persons having claims for services in the military department to exhibit them to the Commissioner of Army Accounts on or before the first day of August next ensuing; declares that such as should be presented after that day should be barred from allowance, and directs the commissioner to give six months notice of the resolution, in all the States. Thus leaving from the date of its passage less than nine months, and after the full execution of the notice, less than three months, for the presentation of all remaining claims, and denouncing a perpetual bar against all which should not be presented within the period prescribed. Sir, I need scarcely avow, that, for those patriots and sages who directed our public councils during the dark and difficult period which elapsed from the close of the war till the establishment of our present constitution, I entertain the sincerest respect and veneration. In whatever I have said, or may say, with regard to their public acts, or to the spirit which they indicate, I mean to detract nothing from their individual qualities as just and generous and wise and patriotic men. I ascribe the proceedings which I am bringing to the notice of the House to the difficulties of their situation, to the condition and feelings of the country, worn down and exhausted by an eight years' war, to the dissensions between the States, the jealousies of federal power, and the utter inability of Congress to command even the scanty resources which might then have been spared towards the satisfaction of the public responsibilities. Their acts of restriction and exclusion form no subject of reproach against them, either individually or collectively. We are bound to look at the character and operation of those acts, and to repair that actual injustice in the neglect or violation of express promises, which the circumstances of the times, though sufficient to excuse, do not wholly sanction. What, then, was the character and effect of this resolution of November, 1785, of the short limitation which it prescribed, and the unexpected and peremptory war which it declared? Was it reasonable? was it just? Its passage implies the fact that there were claims admitted to be just then unsettled, of which many, if not all, must be supposed to have been held by officers who, after the close of the war, had gone in search of subsistence to distant and remote parts of our vast territory. Did the nine months allowed, afford reasonable opportunity for all these claimants to become acquainted with the limitation and the bar, and to make exhibition of their claims? Sir, this limitation was neither just nor reasonable. It gave no invitation to just claimants to bring forward their demands, but closed the door against them. Instead of affording ample opportunity for their presentation, its object seems rather to have been to prevent it. Upon its very face it raises the presumption that it did, as seems to have been its design, shut out a number of just claims. Against all such, it pronounces a perpetual bar, which must have had the effect, not only of preventing their immediate presentation, but of destroying, on the part of most of the claimants, all hope of their future allowance, and of course all motive for further activity in their assertion or preparation.

But we are told that this bar was subsequently suspended in 1787 and 1792, and further time given at each of those periods for exhibiting these claims. If the suspension resolution of 1787 applies to these claims at all, which is doubtful, it allows but one year for their presentation. The act of 1792, which does expressly apply to them, allows two years for bringing them forward for settlement, and re-enacts the bar against such as should not be presented within that time. The researches of the gentleman from New York, [Mr. Vanderpoel,] have enabled him to inform the House that, on the same day on which this act of 1792 was passed, an act was also passed granting the commutation to an individual. From this fact I draw the inference that, as soon as that Congress had ascertained from the examination of this individual case that there were just claims unsatisfied, they perceived the propriety of referring them for settlement to the officers of the treasury, and therefore passed the suspension act, which had that effect. I hope, sir, we shall follow this example now. But what do these suspension acts of 1787 and 1792 prove, and what was their effect in regard to these claims? They prove, sir, that neither the nine months allowed by the resolution of 1785, nor the twelve months allowed by that of 1787, were considered as affording ample time for their settlement, and that the statutory prohibi tion against their future allowance did not, in the opinion of the Congress of 1792, absolve the Government from its solemn engagements. These suspension acts, and especially that of 1792, evince a disposition to repair, in some degree, the injustice of the original limitation act; but they are both liable to the objection that, like that act, they did not afford ample time and reasonable opportunity for the presentation of all claims. Even in 1792, the nation still recoiled from the full ascertainment and discharge of its revolutionary debt.

Sir, the suspension acts were as sudden and unexpected as the original limitation itself. Under the pre-existing bar, the majority of those claimants who had failed to present their claims in time, and who, probably, had not heard of the limitation until it expired, must have considered themselves effectually precluded from obtaining satisfaction. There is no reason to suppose that they had any expectation that their claims would be again called into life, or that they were on the look-out for such an event. The claim had slept dead and valueless for four years, when the act of 1792 again resuscitated them, and, by giving value to that which was valueless, in effect created a new right, declared to exist in a certain class of citizens, few in number, scattered through all the States and Territories, not individually designated, and not expecting such an act. Looking to these circumstances, and to the state of the internal communication and means of circulating intelligence at that period, I contend that it cannot be supposed that, in two years, all the persons entitled were apprized of their new right of presenting their claims, or had an opportunity of doing so. These alternate bars and suspensions may have had the effect of tantalizing some claimants; they could not have been regarded as cordial invitations by any.

The gentleman from New York seems to consider it some reproach to these worthy officers, to suppose that some, or many of them, did not keep exact pace with the shifting legislation by which their rights were affected; that some of them were ignorant of the commutation, in which they took no part, either in petitioning for it, in consulting upon its terms, or agreeing to accept them, and remained ignorant until after the bar of August, 1786, was closed upon them; and that of these, as well as of those who did know of the commutation, some were ignorant of the first limitation, and of the subsequent suspensions, until it was too late to avail themselves of their knowledge of them. Sir, some of them, upon leaving the army, were compelled to be engaged in more substantial pursuits than to be looking out for the formal variations of empty promises; they were too remote to have immediate and certain intelligence of what subsequently occurred in Congress, and many of them were too little known to be sought out for the purpose of giving them the information. The proceedings of Congress were not then, as they are now, circulated by a thousand channels, through every town and village, and hamlet; and how many, even now, of the respectable and intelligent men of the country are wholly ignorant of these proceedings, or do not minutely understand them? How many are even now ignorant of these limitation and suspension acts? How many are ignorant of the rights conferred by your pension acts of 1818, 1828, and 1832? The records of the pension office exhibit the fact, that applications under the act of 1818 were continued in considerable numbers until within a few months past, and that every applicant, for the last eight or ten years, has sworn that he had but just become acquainted with the terms of the act, and with his title to a pension under it. And this is at a period when, in addition to the usual facilities of intelligence, infinitely greater than in 1792, there had grown up among us a class of dealers, who made it their business to seek out and inform those who were supposed to be entitled, in order to speculate upon them.

And now, sir, upon this review of the proceedings of the Government in relation to these claims, and of the known situation of many of the claimants, I contend that the Government has no right to rely either upon lapse of time, or upon its own limitation acts, in bar of these demands upon its justice; that, having never afforded a reasonable opportunity for the presentation of all just claims, but having, on the contrary, by its unreasonable limitations and its narrow constructions, excluded many such; having, by its peremptory bars, prohibited the allowance of such as were not presented in the three short intervals, amounting in all to but about six years, allowed between the close of the war and May, 1794; and having left them under this interdict for near forty-five out of the fifty years which have elapsed since they originated, its own acts sufficiently account for the delay in asserting them; and it has no right now, when its more liberal legislation has in effect removed the interdict, and again resuscitated and brought them forward, to condemn them in advance, because they were not presented forty years ago. Sir, we are not to be thus released from the sacred promises of 1783. We cannot be released but by actual performance. And if, in the lapse of fifty years, witnesses have died, and memory has become indistinct, and our public records have been partially destroyed—circumstances which not only throw difficulties in the way of refuting, but also in the way of establishing these demands—we have no right to impose upon those who are justly entitled to the fulfilment of our promises, all the consequences of a delay caused principally by our own acts. Even if it were true, that, in consequence of these casualties we could not discriminate every case in which payment had been made, we should not therefore have the right to close the door against all inquiry, and to say that none shall be now paid. We have not entitled ourselves to that position by the liberal opportunities originally afforded to these claimants; we are precluded from assuming it by the public acts to which I have already referred; we are precluded from it by a regard for justice long unsatisfied, and for the sacred origin of these claims; by a regard for the grateful feeling of the nation towards the soldiers of the Revolution, which has for years past dictated the most liberal measures in their behalf; we are precluded by the principles of our own legislation, from which we are not now at liberty to recede.

What, sir, has been our modern legislation on this subject? The pension acts of 1818, of 1828, and of 1832, each more liberal in its provisions than its predecessor, give ample testimony of the gratitude of the present generation for the surviving officers and soldiers of the Revolution, and place its generosity towards them beyond question. These acts of bounty, founded in liberality and gratitude, gave new life to claims originating in express contracts, but which had long lain dormant under the prohibition of 1785 and 1792. While, therefore, we find in the period from 1794 to 1828 but two solitary acts granting commutation pay to individuals, and one of these in a case in which the commutation was clearly not due by the terms of the resolution, in the short period from 1828 to the commencement of the present session there have been nearly thirty of these individual acts; and already, during the present session, this House has passed twenty bills granting commutation, with interest, to the officers or the representatives of officers therein named. And the committee which reported this bill inform the House that many other claims are still before them, awaiting the fate of this measure. It is too late to rely upon the lapse of time, and the limitation acts, in bar of these claims. These obstructions in the path of justice have been already surmounted and beaten down, and the way has been too often travelled, and has become too common, to be again closed up. Sir, these claims will be presented, and they must be investigated. Those who believe themselves entitled to the benefits of a solemn contract, seeing what you have done for others, will continue to demand justice at your hands, until the requisition of justice shall have been fulfilled. You cannot shut the door against their petitions, nor refuse an investigation of their claims. Where, then, shall this investigation be carried on? Shall it be left with Congress and its committees, or submitted to a tribunal whose time and attention will be less divided, whose opportunities of examination and information will be more extensive, and from which accuracy and uniformity of decision may be more confidently expected?

We are told, sir, that if these claims, or any of them, must be investigated, it is proper that they should remain subject to the scrutiny and vigilance of this House; and that it is a violation of our duty, and an abandonment of our just responsibility, to transfer the jurisdiction of them to others. Why, sir, do we not know that twenty bills have already passed this House for the payment of commutation claims, barred, as the gentlemen say they are, by acts of limitation, overwhelmed with the presumptions of fifty years, and rendered suspicious by having been delayed until witnesses have died, memory has faded away, and records have been destroyed? And do we not know that these bills have passed without opposition, without examination, without one word even of inquiry in this House? And do the gentlemen from New Hampshire and New York [Mr. Pierce and Mr. Vanderpoel] still rely upon the scrutiny and vigilance of this House, as the only security against the allowance of improper claims? Where were those gentlemen when these bills were permitted thus to pass? Where was their vigilance, their sense of responsibility and of duty, then? Sir, I mean no reproach by these inquiries. I know it is impossible for the members at large to become acquainted with the merits of the various individual claims which come before this House; and that no sense of duty, however strong, no vigilance, however active, can enable them to do so. I know, sir, that, divided as our time and attention are, between our various and multiplied duties, it is impossible even for all the members of a committee, to which numerous private claims may be referred, to become individually acquainted with the merits of every case.

The several cases are necessarily distributed among the members of the committee, for investigation. The committee acts upon the report of the individual who has the case in charge, and the House acts upon the report of the committee. The individual members of the committee bestow such attention and scrutiny upon the investigation of their cases as their respective engagements or dispositions may permit or require, for coming to a decision satisfactory to themselves. The decision of the individual member stands justified by the approbation of the committee, the report of the committee is sanctioned by the confirmation of the House. In this revolving circle of mutual confidence, and mutual sanction, where is the responsibility? Sir, in its action upon private claims, unless it be in a few special cases, which, from the magnitude of the demand, or some other circumstance of great peculiarity, command the attention of the members, there is in the House at large no scrutiny, no vigilance, no feeling of responsibility. The very opposition to this measure, by gentlemen who have silently witnessed the passage of twenty bills authorizing the payment of commutation claims depending on the same principle as those provided for by this bill, points out the true nature and extent of legislative responsibility, and the real objects of legislative duty. It proves that it is not in the investigation and allowance of private claims, but in the consideration of measures of general operation, or in making general provision for the investigation of claims, and for subjecting them to a scrutiny elsewhere, which they do not find here, that we stand upon our real responsibility, and obey substantially our duty.

The position assumed by the gentleman from New York, in regard to the effect of the act of 1828, I cannot omit to discuss before I proceed to examine the particular provisions and operation of the bill, and the objections which have been made to them. That gentleman, admitting that there may have been some few cases in which the commutation due by the resolution of 1783 was not paid in money or certificates until the presentation of the claims was finally barred in 1794, solemnly argues that all which thus remained unsatisfied were, by the intention and operation of the act of 15th May, 1828, finally satisfied and discharged.

Sir, I utterly deny this position. It is contradicted by the petition which led to the act, by the several reports of the committees which had the subject under consideration, by the terms of the act itself, by the arguments in support of it, by the manner of its execution, and by the legislation of the same Congress which passed it, and of every succeeding Congress up to the present time; from all which it is evident that the act did not propose a substitute for the commutation, or a specific satisfaction for it, but intended to give something additional to it, or paid no regard to the fact of its reception or non-reception. The petition goes mainly on the ground that the five years' full pay was not a fair equivalent of the half pay for life, especially that it was not an equivalent to the petitioners, who, having lived many years, would, under the original promise, have received many times five years' full pay; and that this unequal commutation was, in some measure, forced upon them, in consequence of the mode prescribed for ascertaining its acceptance or refusal. The reports of the committees, and the speeches in favor of the act, enlarge upon these topics, and, like the petition itself, expressly or impliedly admit that the petitioners had received the commutation certificates. The act itself provides that the surviving officers who, by the resolution of 21st October, 1780, were entitled to half pay for life, should receive full pay from the third day of March, 1826; but that no officer should receive more than the full pay of a captain. It bestows this pay upon those who, being originally entitled to half pay for life, were afterwards entitled to the commutation, but it notices and provides for them only as having been entitled to the former. It presents no question as to the fact of their having received the commutation or not; it directs no inquiry into that fact; it authorizes no discrimination founded upon it. The execution of the act was in perfect accordance with this view. The fact of having received commutation was considered as the best evidence of having been entitled to half pay for life by the resolution referred to, and therefore furnished the strongest proof of title under the act of 1828. It accordingly appears that at least nineteen in twenty of the five hundred officers who were adjudged to be within the act had actually received commutation certificates.

When we look to the contemporaneous and subsequent legislation of Congress, we shall find that, within fifteen days after the passage of the act in question, the same Congress enacted three laws, authorizing the payment of the commutation to persons embraced within the resolution of the 21st of October, 1780, and thus conclusively demonstrated that they did not intend the benefits proposed by that act as a satisfaction for commutation never received. The next Congress passed five private acts for the payment of commutation; in regard to which, it is to be remarked, that one of them was in behalf of an officer who applied to Congress for the commutation after he had been admitted to, and while he was receiving the benefits of the act of 1828. Here, then, was a case directly presenting the question, whether the act of 1828 was intended to be in satisfaction or in bar of unsatisfied commutation claims. That question is argued by the committee in their report, and decided in the negative by them, as well as by the Congress which passed the bill. By the next Congress, that of 1831,-'2, seventeen of these commutation acts were passed, in which interest, according to the terms of the funding act of 1790, was for the first time allowed. At this Congress twenty similar bills have, as I before stated, already passed this House.

It is in the face of all these evidences to the contrary, that the gentleman from New York asserts his views of the construction and operation of the act of the 15th of May, 1828. And on what grounds? He tells us that the officers represented themselves in their petition not as begging charity, but as demanding justice; not as asking a favor, but as asserting a debt. And yet, sir, the gentleman himself labors, and labors successfully, to show that Congress did not, and would not, and could not, consider their claim as a debt. He tells us, too, that the act does not say that each surviving officer who had received the commutation, should receive the full pay provided by the act. The act does not, indeed, say so in terms, but the very persons to whom it expressly allows full pay, and the only persons to whom it is allowed, are those who were entitled to the commutation. The officers, on whose prayer the provision was made, had actually received their commutation certificates; and it was assumed and believed then, as it is contended now, that the commutation had been universally, or with very few exceptions, received by those entitled to it. The very end and purpose of the act, therefore, and the expectation of all concerned in it, was, that it should make, and was making, provision for those who had received the commutation. True, sir, it does not exclude from its provisions those who, being entitled first to half pay for life, and then to five years' full pay in lieu of it, had never received any part of either, but they are only included by force of the general terms which embrace all who had been so entitled. And every circumstance shows that satisfaction to them was not only not the peculiar object of the act, but was scarcely, if at all, an object of consideration in its passage.

The petitioners for the act of 1828, urged that, under the circumstances attending the change of contract from half pay for life to five years' full pay, the original promise had not been merged; and, representing that they had lost and the Government gained by the change, they claimed, as a matter of justice, some remuneration. The great depreciation in the value of the certificates was referred to as adding weight, but not as forming the basis of their demand. But though asserted as a debt, this claim addressed itself solely to the generosity, the magnanimity, the gratitude of the nation, and in this spirit it was responded to. The circumstances alleged appealed to the equity of Congress, but could not be acknowledged as constituting a debt. That would have been to acknowledge that the substitution of five years' full pay, even where it had been actually received in money or certificates, had not extinguished the right to half pay for life, nor absolved the Government from its obligation to discharge that specific promise. And this acknowledgment would have opened all the cases in which commutation had been received; binding the Government to make up the deficiency in all cases where the five years' full pay had not equalled the half pay for life, without any prospect of receiving back the surplus in those cases in which the five years' full pay had exceeded the half pay for life. Refusing, therefore, to consider the claim as an absolute debt, standing on the express promise of the Government, but yielding to the equitable considerations already stated, and feeling that no provision which the country could then make for the survivors of the revolutionary army could be too great a recompense for their services and sufferings, when compared with the benefits which those services and sufferings had gained for the country; the Congress of 1828 passed the act in question, making no discrimination between those who had, and those who had not received the commutation; not pretending to measure the allowance it proposed by any existing right or acknowledged contract; giving equal pay to captains, majors, colonels, and generals, and confining all its benefits to the few who survived at its date. Sir, it was a gratuity, a liberal bounty, a generous offering of a grateful nation, intended to give comfort and repose to the declining years of a small class of its benefactors.

Viewed in this its true character, the act of 1828 is an honorable memorial of a nation's gratitude and liberality. But if it was intended to provide for complying with the stipulations of a contract; to make satisfaction for unsatisfied commutation claims—it stands a blot upon our statute book; a stigma upon the justice of the nation; condemned alike by the generality and by the exclusiveness of its provisions. The act was passed nearly forty-five years after the commutation promise was due; and yet its provisions, the object of which, as the gentleman contends, was to carry that contract into effect, not only pay no regard to the terms of the contract itself, but extend their operation to those parties only who had survived through that long course of years. To reconcile this important and distinguishing feature of the act with justice, the gentleman must assume, and must suppose the Congress of 1828 to have assumed, that every officer who had received the commutation was then dead, and that every officer who, being entitled to it, had failed to receive it, was then alive--an assumption which refutes itself. But he must assume this, or he must convict the law-makers of 1828 of this other absurdity and gross injustice: that an act expressly intended to provide for the satisfaction of unsatisfied commutation claims, and which, therefore, admitted the existence of such, was so framed by them that its provisions would necessarily and certainly embrace many claims which had already been satisfied, and necessarily and certainly exclude numbers which had not been satisfied; and that they considered such an act as adapted to make satisfaction for all unsatisfied commutation claims. As if double payment to some was equivalent to full payment to all! As if this was fulfilling the requisitions of justice, which demanded the satisfaction of debts of fifty years' standing, and of a character the most sacred! As if the country could be discharged from its solemn promises to one class of individuals, by heaping bounties and favors upon another! This is not satisfaction; it is not justice; it is not a compliance with the express promises of the Government, to the separate and full performance of which the officers embraced in the commutation resolution had severally entitled themselves by their services, their sacrifices, and their sufferings.

Sir, it is in vain to contend that those, be they few or many, who did not receive their commutation in money or certificates, are satisfied by the provisions of the act of 1828, when a large part of them must, long before the date of that act, have been numbered with the dead; and the provisions of the act extend only to the living. Sir, your pensions, your gratuities, and your bounties, however they may signalize your gratitude and generosity, do not discharge your stipulated engagements; they rather enhance the weight of your obligations, and give irresistible force to the claims founded on your actual promise. A Government that is generous, cannot refuse to be just. A Government that has gone back to services rendered fifty years ago, for objects on which to display its liberality, will be required to go back to its contracts of the same period as proper objects of its justice. A Government that has given for the services of its citizens pensions which it never promised, will be compelled, by continued appeals to its justice, and by the force of a just public sentiment, to make for similar services payments which it did engage to make, and the promise of which formed a part of the consideration for the services performed.

But the gentleman exclaims, again and again, that, while the act of 1828 was confined to the living officers, this bill extends its provisions to the claims of the dead. Yes, sir, this bill, being intended to provide for the performance of your contracts, for the discharge of obligations which die not with the person to whom they are due, does not exclude claims founded on those contracts, though they be now transmitted by the hand of death to the descendants of the parties originally entitled. If those descendants cannot represent the merits of their ancestors, and therefore may not constitute proper objects of your bounty, they do represent their rights, and may in their name demand justice. The surviving officers were the living and present objects of their country's gratitude, and become, naturally, the exclusive objects of their country's generous bounty. But the liberal provisions made for the living, to whom you acknowledged no debt founded on the express letter of a contract, has awakened from the graves of those deceased patriots to whom your promises stand yet unperformed, your plighted faith still unredeemed, a voice, borne hither by their descendants, against which you cannot close your ears; a voice which calls for the performance of promises long neglected, and demands the fulfilment of justice long obstructed, denied, and delayed. And if, in now yielding to these demands, and making provision at last for complying with them, you find that fifty years' refusal to pay, instead of cancelling the debt, has increased it two, or three, or even fourfold, you do but meet with that measure of retribution which justice commonly exacts for difficulties, bars, and obstructions thrown across her path.

I trust, sir, I have succeeded in showing that neither the limitation acts nor the lapse of fifty years are to be relied on as proving that there are no just claims to commutation and seven years' half pay remaining unsatisfied; but that these and other acts of the Government render it sufficiently certain that there are some such still undischarged. Especially, sir, do I hope that I have successfully disproved the position of the gentleman from New York, with regard to the act of 1828; and that it must be perceived by all, that, instead of having satisfied those claims, it has but added to our obligations to discharge them according to the true spirit of the promise on which they are founded.

Sir, instead of extinguishing the rights of the claimants, that act gave new strength and energy to their hopes, and new vigor to their exertions. And your subsequent legislation, your numerous private grants of commutation and half pay, and your act of 1832, reaching to the utmost verge of liberality in giving bounties to the surviving officers and soldiers of the Revolution, have set all men to work in tracing out for themselves, or others, some connexion with the revolutionary army, which may entitle them to participate in the fruits of your generosity or your justice. In this work, none are more zealously or more universally engaged than the descendants of deceased officers; who, finding the survivors, though no more deserving than their own fathers, enjoying bounties in which they cannot participate, and which were not extended to their fathers, are keenly searching for some foundation on which to base a claim, addressed to the justice of the nation. The rapid increase, since 1828, in the number of individual grants of commutation and seven years' half pay, and the great number of petitions for similar grants now presented, attest the effect already produced by your legislation on this subject, and give ample earnest of what is to be expected to follow, if the present mode of action in regard to them be persisted in. They prove that, although there may be but few just claims remaining unpaid, an immense number will be presented and must be investigated. It was in this state of the subject, that the committee to whom these claims had been referred, considered and determined upon the propriety of recommending the measure now under discussion. That committee had seen its bills, of which near thirty were for the payment of claims such as are embraced in this bill, and appropriating many thousand dollars, passed through this House without question or hesitation. It saw still upon its files a number of petitions destined to a great and indefinite increase; it saw itself, by the confidence the House was pleased to repose in it, possessed, I may say almost exclusively possessed, of the power of the House to the extent of this branch of its legislation. Sir, if the members of that committee had any feeling to gratify, in possessing this degree of control over the legislation of Congress, and in being to this extent the dispensers of large sums of public money to individuals, they would have found ample room for its gratification in the prospect before them. They would have continued to report private bills for the allowance of individual claims, with the confidence justified by all that has occurred, that their bills would have continued to pass individually and separately without notice or investigation. Sir, they had no such feeling to gratify. They saw the actual and growing importance of the subject. They felt the disadvantages under which they labored in the investigation of these claims, already so numerous, and so certain to increase. With the most favorable disposition towards them, they saw the necessity of subjecting them to a scrutiny which they had not the opportunity of applying, and which, in individual cases, was not to be expected from this House. The confidence reposed in them by the House made it their duty, as they believed, to bring the subject forward in such a shape as would display its magnitude and importance, and the principles on which it stood, and enable the House, by the exercise of its appropriate powers of legislation, to define and regulate it for the future, and subject it to those rules and limitations in mass, which it could not apply to it in detail. Sir, the committee consider themselves not as abandoning, but as discharging, their duty in reporting and recommending a bill for the general disposition and regulation of these claims, and for transferring the examination of them from Congress.

The claims themselves, similar in their origin and character, and depending on a few simple principles, may easily and appropriately be subjected to general rules, such as the Legislature should prescribe. But for the examination of the facts in each case, or for the application of the rule to the facts, the Legislature is wholly unsuited. It is therefore no abandonment, but a performance of its duty, for the Legislature to transfer, under proper regulations, the jurisdiction of investigating and deciding them, to a tribunal where it may be exercised with greater convenience and despatch, with greater accuracy and uniformity, with greater advantage to all just claims, and with greater security against such as are unjust. It can only be necessary to refer to a few of the circumstances which demonstrate the advantage of making the transfer. The officer, to whom the transfer is made, will have easy access to the public records bearing on the subject; will soon become familiar with them; is required to know their contents, and to apply them to every case which may be affected by them. All the investigations will be made by one mind, all the facts of various cases stored in one memory, all the decisions the result of one judgment. We shall then have the full benefit of growing experience, of increasing skill, of accumulating information on all parts of the subject, and of enlarged means of detecting mistakes or imposition. Another advantage is too striking and too important to be omitted. The officer will be confined to the mere execution of the law upon the principles which the legislative power may now or hereafter declare. He will himself possess no power of legislation, no power of enlarging or abridging those principles. How different is the case with regard to Congress and its committees. They possess the power of making the law; they are invested with will as well as judgment; and may apply the one as well as the other to the decision of cases. Hence, sir, it is not absolutely necessary, in applying to Congress for relief, that an individual should bring his case exactly within a pre-existing law. If he can make out a hard case, which means nothing more nor less than that he is not within any rule already established, but is very near it; if he can adduce circumstances which strongly affect the feelings, or move the will of Congress at the moment: Congress, possessing the power to make the law for the case, cannot be expected always to abstain from its exercise. Sir, it does not always abstain from it, and the consequence is, that the tendency and the certain result of this species of individual legislation, is constantly to enlarge the basis of right. The transfer of such cases to an officer authorized merely to execute the law, will fix the basis of right within such limits as the Legislature, upon a general view of the whole subject, may choose to prescribe.

Having determined, upon these general considerations, to propose the transfer of these claims to the Treasury Department, it was a serious question with the committee whether the bill should merely authorize the Secretary of the Treasury to examine and decide upon them according to his general powers and discretion under the terms of the original resolutions on which they rest, or whether it should contain fixed rules for his guidance and direction. Considering that the construction given to those resolutions, in carrying them originally into effect, was too much restricted, and that, although far within the limits of your private legislation, it might be binding on the Secretary, unless one more liberal should be prescribed, they deemed it just to the remaining claimants to impress upon the bill the main principles of your private legislation, as far as those principles were consistent with a fair interpretation of the resolutions themselves. For I take this opportunity of assuring the House that some of the individual acts to which I have referred, have gone far beyond the principles declared in this bill, liberal and extravagant as some gentlemen consider them to be. But further. Considering the difficulties in the way of establishing just claims, the strong and almost insuperable presumptions under which they labor from lapse of time; and that these difficulties were, to a great extent, the fruits of the unjust and unreasonable action of the Government, in its narrow constructions, and short and sudden limitations; the committee thought it just to relieve the claimants from a portion of these difficulties, by giving them the benefit of such presumptions, with regard to facts now become difficult of exact proof, as seemed to flow naturally and strongly from other facts required to be established—still, however, leaving these presumptions liable to be rebutted by such facts as could alone destroy the right of the claimants; and leaving it in the power of the Secretary to require such proof on the part of the applicant as would bring out those facts, if they really existed, and are capable of proof.

Sir, it seems to me that if you would not consummate the injustice of narrow constructions, and short and sudden limitations, by which the assertion and establishment of these claims was prevented, while records were complete, and memory fresh, and proof abundant—if you would in truth re-open the door of justice, so early and so long closed, and never fully open to them—you must not claim all the advantage of presumptions and loss of proof, arising from lapse of time, from death of witnesses, and from the destruction of records intrusted to your own keeping—but must allow those reasonable presumptions which your own acts, by delaying justice, have rendered necessary. Again, sir; it was the object of the committee to make an actual, and not a mere nominal transfer of these claims, and thus to relieve the House and its members from an immense and increasing mass of private business which withdrew their time and attention from other important duties. For the attainment of this purpose, it was deemed necessary to show, upon the face of the bill itself, that full and liberal justice was not only intended, but secured to all. Nothing less could ensure the transfer; nothing less could reconcile all to it; nothing less could enable us to refuse to hear and examine future petitions, or authorize us, with a consciousness that we had provided for the allowance of all just claims, to refer all to the Treasury.

In thus presenting the general views in which this bill originated, I have also stated its general character and objects. I proceed to a more particular discussion of its provisions and operations. The first section of the bill authorizes the presentation of these claims to the Secretary of the Treasury for examination, at any time within five years from the 1st of July next, and requires him, upon consideration of the proofs adduced, and of the evidence furnished by the public records, to allow or reject them. A Government has undoubtedly the right, in establishing a tribunal, and giving other facilities for the speedy adjustment of claims against itself, to limit the period of their existence. The objections urged against the former acts of limitation, related principally to the suddeness of their enactment and the shortness of the time allowed, until a peremptory bar was interposed. I denied that a Government could by such limitations extinguish an existing right, or discharge its own obligations. I contend now that they can neither authorize it to impute *laches* to its creditors, nor to claim benefit from the presumptions of time. But, by affording reasonable time and facilities for the presentation and allowance of all just claims, a Government may acquire the right to impute culpable *laches*, to claim all presumptions, and to refuse, except on its own terms, any further inquiry or allowance of claims not presented in due time. Sir, it is desirable that a Government should know that such claims are at an end, and when they are to end. It is peculiarly desirable in regard to the present claims. I would, therefore, afford now those ample opportunities for their presentation, which have not yet been afforded. And, considering the present state of the country, the facilities of intercourse and of diffusing intelligence, and the fact that the attention of all likely to be interested is already particularly wakened to this subject, I think five years reasonable and ample time for the presentation of the remaining just claims, and that we may hope, after the lapse of that period, to take our leave of them forever.

The Secretary of the Treasury, being invested with the jurisdiction of examining these claims, will have the power, and it will of course be his duty, to prescribe the form of presenting them, and the general nature and extent of the proof to be exhibited in their support. His requisitions will be made on a full view of the whole act; its provisions and intent are calculated to elicit, as far as circumstances will permit, all the facts which, under the presumptions expressed in the bill, may be necessary for a fair presentation of the whole case. Being invested with the power of deciding on the whole case, when presented according to his requisitions, he will, of course, be governed by the general principles of reason and of law, except as modified by this act. If these are not the powers and duties of the Secretary, or if it is necessary more explicitly to declare them in the bill, I should desire that it might be done. I am sure that neither the committee nor myself wish to give any improper advantage to the claimants, or would advocate any scheme for drawing money unjustly or unfairly from the treasury. But I do not believe it necessary to insert any explicit declaration of powers and duties, which pass with the jurisdiction; and I doubt not that such requisitions will be made as to prevent any applicant from gaining advantage, by presenting only part of his case.

The second section of the bill contains the rules and presumptions on behalf of the claimants, to which the gentlemen, relying so strongly on presumptions against the claims, have made such strenuous objections. As these rules constitute the distinguishing features of the bill, I may be pardoned for discussing the most important of them with some minuteness. The two first rules relate to commutation claims, and grow out of the resolution of 21st October, 1780, which promises half pay for life to the officers then to be reduced, and also to those who should continue in service to the end of the war. The first of these rules declares, in effect, that an officer of the continental line, proved to have been in service as such, up to the time of the arrangement of the army contemplated in that resolution, shall be presumed to have been then reduced, and, of course, entitled to half pay for life, unless it appear he was then retained in service. As to the matter of fact, it is obvious that, of all the officers in service at the sime of that arrangement, those who were not reduced were retained in service, and those not retained were reduced. But as the lists of the officers then reduced, and of those retained, are not perfect, if at all preserved, it might be impossible for an officer who was reduced to prove that fact expressly; he could not, of course, prove service after that time. And if positive proof were required of his having been reduced, he might be deprived of what is justly due. The fact of service up to that period, furnishes no ground for presuming that he was reduced, rather than that he was retained; yet, as his not being subsequently in service would afford the strongest presumption, if not positive proof, of his having been then reduced, and as the fact of subsequent service, if it existed, must, in general, be supposed to be susceptible of easy proof from various sources, it follows that the non-appearance of the fact of subsequent service does afford reasonable ground for presuming the fact that he was reduced. And it is upon the non-appearance of the fact of subsequent service, that the presumption is made to rest. If it appear that he was afterwards in service, the presumption that he was then reduced does not take place. But in the absence of all proof of his being retained in service, and without direct proof of his being reduced, in what condition will those gentlemen who reject the presumption asserted in the bill, place the officer? He must have been either reduced or retained. Will they presume that he was retained? Then he was in service after the arrangement spoken of, and comes within the second rule or principle asserted in the bill.

The second rule is, that a continental officer, proved to have remained in the service after the arragement mentioned in the first rule, shall be presumed to have continued in service to the end of the war, or to have retired entitled to half pay for life, unless it appear that he died in the service, or resigned, or was dismissed, or voluntarily abandoned an actual command in the service. The propriety of this rule depends upon the construction of the resolution of October, 1780, and upon the reasonableness of the presumption asserted. In determining both, it is to be recollected that, within one year after the date of the resolution, the decisive event of the capture of Cornwallis took place, after which the active operations of the service were greatly limited. The resolution embraces in its promises every officer in service at the time the contemplated arrangement was to be effected. To those who should be reduced, its promise is absolute; to those who should be retained, its promise is on condition. The construction of this resolution assumed by the bill, is, that every officer, remaining in service under this resolution, was entitled to the half pay for life, if, without his own fault, his actual service to the end of the war was prevented by the act or omission of the Government. I shall endeavor to demonstrate the correctness of this construction.

The half pay for life allowed by this resolution to the reduced officers, was not given in consequence of any previous engagement to that effect, but because it was deemed a just recompense for past services and sacrifices, and because it was considered "hard and dishonorable for those who had made every sacrifice to the service to be turned out of it at the pleasure of those in power, without an adequate compensation." On both of these grounds, those retained in service would, independently of the conditional promise, have had a highly equitable claim to the same compensation, if they had, at any subsequent period, without fault on their part, been turned out of service by the positive act of those in power, or dropped out of service by the failure of those in power to provide the means of service. If those who had served to the close of 1780 deserved half pay for life, those who, after having served to the same period, continued to serve still longer, cannot have deserved less; unless, by some act or omission of their own, their merits were diminished. But these equitable considerations acquire additional weight, if, indeed, they are not merged by the conditional promise, which converts them into a positive right. That promise held out terms to the officers retained, which they are to be considered as embracing, with the object of securing to themselves the promised compensation, and with the confidence that it was in their power, so far as the Government was concerned, to secure it. And that the Government would not, and could not, by dispensing with their service at its pleasure, put an end to the contract. This must have been the honest intent and understanding of the parties at the time. I contend it is the true legal effect of the contract.

For the purpose of improving the discipline and economy of the army, by securing the services of valuable officers, many of whom are called upon by private interest and private duty to resign, the Government promises that those who should continue in service to the end of the war, shall be entitled to receive half pay for the residue of their lives. Under the inducements of this promise, the officers, foregoing all private calls, remain in service, intending to earn the compensation proposed, by serving faithfully, according to the requirements of the Government and the duties of their several stations, to the end of the war. What more was necessary on their part to a performance of the condition on which the promise depended? Was it necessary that they should continue in active service till the war was actually closed by the ratification of peace? Was it necessary that a colonel should continue actually to command a regiment, and actually to execute orders, when the Government, having no longer any occasion for him or his regiment, furnished him no men to command, and gave him no order to execute? After the Government had engaged the services of these officers, by the promise of half pay for life to such as should continue to the end of the war; after it had received the benefit of their services under this promise, until they were no longer required by its necessities; after it had gained the full advantage of the contract on its part, and obtained the very end and purpose for which the promise was made; after it was thus enabled, by the faithful exertions of these very officers, in the fulfilment of their part of the contract, to dispense with the further service of a portion of them, could it by then discharging them, or by dispensing with their further service, or omitting further to employ them, or failing to furnish the means of further active service on their part, release itself from the performance of its part of the contract, or absolve itself from the obligation of its promise? I do but apply to this case those principles of reason and justice by which contracts between individuals are construed, when I answer that it could not; or, that, if it could, the promise of half pay for life was but a delusion.

Every officer, then, who remained in service under the arrangement of October, 1780, had, by the resolution in question, a contingent right to the half pay for life, which could not be defeated by any act of the Government without his fault, and which must have been confirmed and become absolute, if he served as long as the Government permitted and desired his service. If the officer served actively to the end of the war, of course the condition was fully performed, and the promise, as to him, became absolute. If he served until he was reduced by formal re-arrangement of the army, authorized by resolution of Congress, he was discharged from further performance of the condition, and his title became perfect, though the resolution under which he was reduced did not renew the promise. For this position, full and precise authority is furnished by the Congress itself. The resolution of 31st of December, 1781, which authorized the reduction to be made in a certain corps of officers, gave no promise of half pay for life to those who should be reduced, but, being silent on the subject, left them to stand upon the promise of October, 1780. In March, 1785, after passing the restrictive resolutions already noticed, which, in effect, excluded them, Congress resolved that those officers are entitled to the half pay for life equally with those who retired under the resolution of October, 1780. This resolution admits a right—it does not create one.

But there was no express, nor even implied, promise of half pay for life to those who were reduced at the close of 1781, on which this admitted right was founded, except what is contained in the resolution of October, 1780. If, then, that resolution, either expressly or impliedly, promised half pay for life to those who, at any time after the arrangement immediately contemplated, should be reduced by direction of Congress, it could only have been upon the ground that such reduction was an absolute discharge from further performance of the condition; or that service, up to the time of such reduction, was itself a substantial performance of the condition. But if, upon a fair construction of the resolution of 1780, those officers who were reduced at the end of the year, 1781, without any express reference to that resolution, or any renewal of its promise, were entitled to the half pay for life, I ask upon what ground those officers can be excluded from the full benefit of the promise, who were either taken prisoners, and on their return from captivity found their places supplied, no command allowed to them, and their names omitted from the rolls; or those who, having served up to some period in the year 1781 or 1782, or even to the spring or summer of 1783, were, by the dissolution or transfer of their corps, without being formally reduced, actually thrown out of active service, and who being thus, towards the close of the war, without troops to command, or duties to perform, or orders to execute, were also omitted from the rolls, and not returned as in service at the end of the war?

Sir, I answer, that, on the same principles on which the officers reduced in 1781 were determined or admitted to be entitled—and on a fair construction of the resolution of October, 1780, officers in the circumstances I have mentioned cannot be excluded—that, so long as these circumstances existed, they amounted to a dispensation from further service in performance of the condition, and all that could be required of the officers, all, indeed, that they were permitted to do, for rendering their title absolute, was to retain their commissions, holding themselves ready and willing to answer any call which their country might make upon them, and to perform any service which they might be required, or have an opportunity to perform; and that the fact of having served till further service was thus dispensed with, and afterwards continuing to hold their commissions, (there having been in fact no further call upon them,) is sufficient evidence of their readiness and willingness to serve to the end of the war, and constitutes a substantial performance of the condition, entitling them absolutely to the promise of half pay for life. Sir, I contend that officers who, under these circumstances, continued to hold their commissions to the end of the war, did continue in service, or if, from being reduced to inactivity, and perhaps omitted from the rolls, they are to be considered as retiring, that they retired, by act of the Government, entitled to half pay for life, and were therefore embraced in the proposed communation, and in the acceptance of its terms by their brother officers. Various resolutions, adopted between that of October, 1780, and the close of the war, confirm the construction I have contended for, as they seem to imply the understanding that a dispensation, by the Government, with further service of the officer, perfected his right to the half pay for life. These resolutions need not be read, as the construction contended for is not, and I believe will not, be denied or assailed, but by the general charge of liberality and extravagance. And now, sir, this construction being established, I am not able to conceive, and I have not heard suggested, any other mode by which the officer, retained in service by the arrangement of October, 1780, could lose or forfeit the right to half pay for life then promised, but by death, resignation, dismissal for fault, or abandonment of the service. If none of these facts occurred, he must have served until his service was dispensed with; or if there is any other fact by which his service could have terminated before it was dispensed with, I would be glad to see it inserted in the rule. None other is suggested. What, then, is the objection to this second rule? or to the first and second jointly? Not that the construction assumed is not the fair and just construction of the resolution of October, 1780; not that every officer in service, up to the time when the arrangement then provided for was effected, was not in fact entitled to half pay for life, unless in the case of any who were retained, death, resignation, dismissal, or desertion, intervened before their service was dispensed with, (for this has not been controverted;) but the objection is, that these officers, who were undeniably entitled unless one of these facts actually existed, are, by the rule, presumed to have been entitled, unless one of these facts appear to have existed. The objection rests upon the allegation that it is impossible for the Government to make any of these facts appear, and that the effect of the presumption, therefore, is to give half pay for life to all who were in service up to or after the arrangement of October, 1780, though one of these facts might, in any case, have intervened to defeat the title. If the proof of these facts, when they did occur, were in truth impossible, does that furnish a ground for presuming, in all cases, or in any case, that some of them did exist? When it is proved that an officer remained in service after the arrangement of 1780, and under the promise of half pay for life then made, is it to be presumed, in the absence of all proof, that he died in service, or resigned, or was dismissed, or abandoned his command? The intent of the rule is only to prevent the presumption of these facts, where there is no proof of them; by its terms, the proof of any one of them destroys the presumption. Sir, the proof of continuance in service, under the promise of half pay for life, affords reasonable ground for inferring a further continuance in service, with intent to comply with the terms of that promise; and the contrary is not to be presumed without proof. The facts required by the rule to be affirmatively established, afford fair ground for inferring other facts, sufficient, under the construction assumed, for completing the title. And when the claimant has thus laid a foundation for his title sufficient to establish it, unless some one of the facts I have mentioned existed to defeat it, shall the possibility that such fact may have existed have the effect of depriving him of the just construction and operation of the contract, and of the fair inference from the proofs he has adduced? Or shall the difficulty of proving such fact, of the existence of which there is only a possibility, have that effect? The Government threw early and long-continued obstacles in the way of investigating these facts—the Government had the custody of the records which should contain full evidence in relation to them—and shall the Government claim all advantages from failure of evidence and loss of records? These records contained not only the evidence of such facts as, in any case where they existed, would defeat the title, but also the evidence, and evidence for the preservation of which the officers had a right to look to the Government, of many of those facts which would establish the title—evidence without which it is impossible at this day to prove positively all the minute circumstances which might be required to show when and how the further service of the officer was dispensed with, and the destruction of which has rendered it proper that some reasonable presumptions should be indulged in favor of the claimants. It is sufficient to subject the applicant to the difficulty of establishing the main facts from which his title may be reasonably inferred; and it is easier for the Government to make the facts appear (if they existed) which would defeat this presumptive title, than, by reason of the destruction of records and failure of other evidence, it is in general for the applicant to make direct and positive proof of the circumstances under which, and the time when, they or their ancestors ceased active service.

Sir, let us look at these alleged difficulties on the side of the Government, and we shall find that they are not so great, nor their consequences so appalling, as gentlemen seem to imagine. I have already spoken of the power and duty of the Secretary, in prescribing forms for the presentation of the claims, and in making requisitions as to the nature and extent of the proofs to be exhibittd in support of them. By means of these forms and requisitions, he will be enabled to draw from the party presenting the claim, not only all the direct evidence in relation to the service on which it is founded, which could reasonably be expected if the rule had thrown the whole burden of proof upon him, but also all which may be reasonably supposed to exist in relation to the facts which are declared to be sufficient to defeat his claim.

If the officer on whose service the claim is founded is himself the applicant, he may be required to state upon his own oath, and to prove by others, as far as practicable, all the important particulars of his service, and of the time and manner of its discontinuance. His own application sufficiently negatives the idea of death in service, and he may be required expressly to negative the other facts which might, if they existed, have defeated his title. If the application is made by the representatives of a deceased officer, they may be required to bring forward proof on each of these points, where it is attainable, and to prove all the facts relating to the service of their ancestor, which it is in their power to prove. Especially may they be required to prove with precision the time and circumstances of his death, by which, whenever the death of the officer did actually occur before the close of the war, or the termination of his service by actual discharge, that fact may be made to appear. They may be required to prove when and where their ancestor actually served; where he resided from the time his service ceased till the close of the war; and various other circumstances, which admit of proof, and which will throw great light upon the merits of the case, and afford reasonable ground of satisfaction as to all the points involved. With regard to death in service, which, though certainly not to be presumed from the mere fact of not being returned as in service at the close of the war, did frequently occur, there can be no difficulty in making that fact appear. The death of an officer in service, either in battle or by disease, is not soon nor easily forgotten; and besides the means of making it appear which have been indicated, the circumstance that death in service generally gave right to a different class of persons from those who would be entitled, if death occurred after the right to half pay for life had become complete, produces a contrariety of interest in the two cases, which leaves little probability that the one would be permitted to pass for the other. Besides, sir, the resolution extending the seven years' half pay to the widow or children of the officer dying in service, as well as previous resolutions, show that, in respect to merit, or the compensation earned, death in service was considered equivalent to a discharge by the Government, or a continuance of service to the end of the war, and render it highly probable that if, in October, 1780, five or seven years' full pay had been promised to those who should continue to the end of the war, the same provision would in like manner have been extended to the widows or children of those who should die in service. If, therefore, it should, as it possibly may happen, that, in a very few cases, where the same individuals might now be entitled to either of the compensations, a claim really of half pay for seven years, on account of death in service, should pass for and be allowed as a claim to five years' full pay, on account of continued service till discharged, I do not think it will be any great outrage upon justice, or give just cause of complaint. But there is little probability even of this.

It may be more difficult to make the fact of resignation appear by any proof to be extracted from the applicant, but it is not impossible. It is certain, however, that the instances of resignation, by those who remained in service under the promise of half pay for life, were exceedingly rare. Those officers knew well that such an act would cut them off from all right to the promised compensation. The journals of Congress exhibit the fact that, in May, 1782, certain officers (Generals Glover and Parsons) were expressly permitted, by resolution, to resign on account of ill health, and be placed on the half-pay establishment; and that unsuccessful applications were made by other officers for the same privilege. The officers were well aware of the consequences of resignation, and desirous of avoiding them; and, though it may have occurred in some few instances, we may be assured it was from extraordinary causes, which probably had some notoriety; and it cannot be presumed, in any individual case, without some positive proof to render it probable.

The remaining facts, dismissal or abandonment of the service, are still less to be presumed than death or resignation. But if in any case either of them did actually occur, it is not too much to suppose that a person, inquiring into the minute occurrences of that period, might find some clew to the discovery of a fact of so uncommon a character. In addition to the sources of evidence which I have already particularized in relation to all these facts, the individual who may be intrusted with the execution of this act will have open to him the history and traditions of the times. He will find, too, increased information and increased means of detection as he proceeds with his investigations, and the various cases which come before him will furnish reciprocal tests of the proofs on which they respectively stand. He will also have open to him the whole mass of testimony which the remaining records here, and in the thirteen States that carried on the war, may furnish on the subject; and it cannot be doubted that, however imperfect they may be, they do furnish much evidence in regard to these claims, and many checks upon the allowance of such as are unjust. In relation to the records of that period now in the Departments here, I believe there is not an individual connected with the Government who fully knows their nature and extent. Even since the burning of the Treasury building last year, a mass of papers relating to the revolutionary army has been discovered, the existence of which had long been unknown, and the contents of which are not yet ascertained. Under this bill, the officer will consult these various sources of evidence, or may require from the applicants extracts or certificates of their contents; and, if he may be expected in some instances to fail in discovering or applying to the case before him the facts which may be drawn from these sources, how much greater is the probability that your committees, with whatever diligence and determination they may pursue their work, will fail in many instances?

I proceed to the third rule or principle asserted in the bill. It declares that an officer, dying within three months after he was with his command, shall be presumed to have died in service. It is intended to apply in the investigation of claims for seven years' half pay arising on the death of an officer in service. When an officer, wounded or sick, has sought the comforts of his own, or some other private residence, for the purpose of aiding his recovery, and then dies, it may be extremely difficult to determine by direct proof whether he had resigned or not before his death. The rule presumes that he did not resign within three months. Sir, when we reflect upon the consequences of resignation, that, if the officer had a prospect of recovery, his resignation would cut him off from the promise of half pay for life, and that, if he had no prospect of recovery, it would deprive his wife and children, the dearest objects of his affection, of half pay for seven years, we are compelled to presume not only that he did not resign in three months, but that he did not resign at all; and the real objection to the rule is, that it limits the presumption to so short a period. Little objection has been made to this rule, and nothing has been expressly urged (except by the gentleman from Georgia) against the provision made in the bill for the investigation and allowance of the claims for seven years' half pay. It is obvious, however, that the views I have presented, in regard to the effect of the acts of limitation, the lapse of time, and the presumptions arising from it, apply with even stronger force in favor of these than of the commutation claims; since, from the very nature of the case, the holders of these claims for seven years' half pay, must, from ignorance or inability, have omitted in many instances to present them for payment. The two remaining rules have not been questioned and need not be defended.

The third section of the bill provides for the payment of such claims as may be allowed under the provisions of the bill, with interest according to the terms which the funding act of 1790 provided for those who had already obtained certificates. It is this allowance of interest, which the delay of fifty years has accumulated to an amount perhaps three times as great as the principal, that gives peculiar importance to this bill and to the subject at large. But if the lapse of fifty years has not discharged the obligation to pay the principal, neither has it discharged the obligation to pay the interest. The commutation resolution promised five years' full pay; it was due at the end of the war, and to be paid in money, or in certificates bearing six per cent. interest. No payment having been made in money, the interest is as much a part of the promise as the principal itself; and the same justice which requires payment of the one requires payment of the other. The question of allowing interest on the seven years' half pay does not stand upon ground exactly the same. The promise on which these claims are founded does not expressly include interest. The punctual payment of the principal, as it should annually fall due, was contemplated and intended. If the alternative of giving certificates had been presented, doubtless the interest would also have been embraced; but payment was promised, and payment has not been made. It stands upon the basis of a solemn contract, by which brave men, having families dependent upon them, were induced to risk their lives in the service of their country. It is not for the payment of unliquidated damages, but of a sum fixed and certain, due by record upon the happening of a certain event. The happening of which event was indeed contingent; but when it did happen, every thing was fixed and certain, and the sum was due by record obligation. On every principle of justice and of law, the debt thus due, and remaining unpaid, carries interest with it. And if we are now willing in very deed to carry out the pledge of our fathers, we cannot stop short of allowing to both classes of claimants at least that rate of interest which, having been accepted in 1790 by those whose claims had been previously adjusted, may also be considered as equal justice to those who now present themselves. But the questions whether principal or interest shall be paid, or to whom, and in what portions, are alike addressed to the liberal justice, and dependent upon the will of Congress. Having given my own opinion on these questions, and attempted to answer the general arguments urged in opposition, I cannot omit to notice the peculiar views advanced by the gentleman from Georgia.

The gentleman from Georgia [Mr. Gilmer] argues, that payment even of the principal should not be made to any except the person in whom the claim originally vested; and that no interest should be allowed but in cases where the applicant shall show that he has used due diligence in endeavoring to obtain the allowance of his claim. And he objects to the bill because it does not make these discriminations. Why, sir, if these discriminations are just, and proper to be applied to these cases, there is little necessity for the passage of this or any other general bill for their settlement. The first one alone would reduce the whole subject of the commutation claims to insignificance, by cutting off all claimants except the very few surviving officers (if indeed there be any) who were entitled to half pay for life, and had never received the commutation. I need not repeat again the considerations which seemed to me to demand that, after having been already so liberal to the living beyond what we had promised, we should make provision for performing, to the descendants of the dead, our solemn promises, never fulfilled to their ancestors. The same considerations apply to the claims for half pay, in cases where persons originally entitled to the promise have died without receiving its benefits. The principle on which the bill stands in this respect is, that these promises of half pay and commutation, vested in those who came within their terms, a right which, if not extinguished by being satisfied while they lived, passed by their death to their representatives. I will not enlarge on this principle. If we are bound to pay to the living what we promised and have not yet paid, we are equally bound to pay to the representatives of the dead. The other discrimination on which it is proposed that the payment of interest shall depend, would, in my opinion, be equally exceptionable. There is the same ground for applying this discrimination in determining to whom you will pay the principal, as in determining to whom you will pay the interest. If the action of the Government on this subject has been such as that it can properly impute culpable negligence to those who have not yet presented their claims, it can with the same justice take advantage of these *laches*, to withhold the principal debt, as to withhold the interest which belongs to it, and forms a part of it. I have endeavored to show that the Government has no right to assume this position. Sir, it would be vain, as well as unjust, to attempt to make the discrimination proposed. It would be as impossible to fix upon any just standard of due diligence, as it would be vain to expect that proof could now be made of any step that may have been taken or attempted, or intended, fifty years ago. But who is to determine what degree of effort shall be considered as amounting to due diligence? Is it to be left to the discretion of the officer who may have the administration of this act? Sir, this is a question which must be determined in open day, and by the representatives of the people. What, then, is due diligence? or, what shall be said to have been culpable negligence? I maintain the opinion, as I have already argued, that your sudden limitation did not leave to these claimants, and your acts of suspension did not give to them, reasonable time and opportunity for presenting all just claims; that having thus, by your own acts, prevented or postponed their full adjustment; having yourself given cause for the delay, you cannot require those who now come forward to account for it; you cannot, by imputing culpable negligence, claim any part of the forfeiture which culpable negligence might deserve to incur; but that if you would enforce that forfeiture in any individual case, you must show the circumstances which constitute culpable negligence in that case.

Sir, there were, as we have seen, two classes of officers entitled to half pay for life, who were excluded from having their claims allowed, and, in effect, barred from presenting them by the construction given to the resolution. What diligence could be required of them in presenting claims which the Government had declared should not be allowed? Even of those officers who, having served to the actual close of the war, stood upon the record as clearly entitled to commutation, we cannot doubt that some, finding no provision made for immediate payment, removed with their families to the distant frontiers, in search of support, intending, when they had provided a comfortable settlement there, to repair to commissioners for the establishment of their claims. In some of these cases, the bar of 1785 prematurely cut off all opportunity of asserting their claims; while, in others, death may have intervened and thrown the rights of the officer into the hands of a helpless widow or still more helpless children. Of those who retired under the arrangement of 1780, entitled to half pay for life, but who, instead of receiving it, became the objects of obloquy and reproach for deserving it, many were under the same necessity of seeking, in distant regions, the immediate means of subsistence, and were in the same manner prevented from asserting their claims. Unless, indeed, we are to suppose, as the gentleman from New York has done, that they were intently looking to the measures of Congress; watching, with eager anxiety, for some change which might give them something substantial, when they painfully felt that there was nothing substantial to give—that promises were paid with reproaches, and the most meritorious services with ingratitude. If they had pursued this course of conduct—if they had whiled away their lives, and wasted their remaining resources of strength and property, in thus looking out for the promised compensation from the Government, they would, indeed, have deserved the scoffs and scorns of their contemporaries. They acted more wisely in throwing aside so groundless a hope, and placing their reliance upon their own exertions and the bounties of a fertile soil; and they cannot be justly subjected to any forfeiture of their rights by having done so.

Sir, may we not suppose that some of those noble spirits, finding that their services, their hardships, their sacrifices, their blood spent in the establishment of their country's independence, availed only to bring reproaches and opprobrium upon their heads, sought refuge from the humiliations to which they were subjected, in the bosom of the western wilderness, where rumor of their country's injustice might not reach them more; where, at a distance from the noisy bustle and news of the busy world, they might, in the daily exertion of their own war-worn sinews, and in the endearments of a quiet home, heal those wounds which black ingratitude, "sharper than the serpent's tooth," inflicts on generous minds; and where they might await, in tranquillity and peace, the return of justice with the growing prosperity of their country. And now, sir, may I not ask to which of these classes of officers, when they or their descendants shall come to you for justice so long delayed, to which of them will you say, "You have not used due diligence in demanding what was promised, and no interest shall be allowed!" May they not all retort that, by unjust interpretations of your own promises, or by sudden and short limitations, you have prevented them from asserting their claims within the periods prescribed; and that, seeing a positive and reiterated bar upon your statute book, they dared not hope or ask for relief from Congress, until the liberality displayed in your pensions and gratuities, having induced some claimants bolder than the rest, to present themselves before you, your just and generous legislation for them has invited all to come forward, and has opened the door for all? Sir, there can be no just discrimination founded upon the requisition that the applicant shall prove due diligence. If there is to be any limitation of interest, it seems to me it should be made in the rate of interest to be allowed. If there is to be any discrimination between different classes of claimants, it seems to me it should be founded, not upon facts of this character, difficult, if at all susceptible of proof; but upon the necessary consequences of the public acts of the Government, and the evidence of its public records: and that the highest rate of interest should be given to those claimants who were absolutely precluded from establishing their claims by construction of the contract; while the lowest rate should be given to those whose names, being returned on the roll of officers in service at the close of the war, which roll still exists, furnished record evidence of a clear title. But even this discrimination it would be difficult, if not impossible to carry fairly through. And while it is not required by the condition of our resources, it is at war with the great mass of our individual legislation, which has granted interest according to the terms of this bill. It is inconsistent with the spirit which I hope now prevails, to repair, liberally and amply, the injustice which these claimants have experienced at the hands of the Government. It is for this House, however, and for Congress, to determine what measure of justice they will accord to them; and if in affording, at this late day, facilities long withheld, Congress may think itself at liberty to limit the full measure of justice, I shall cheerfully and cordially concur in any near approximation to it in which the majority may agree, and which may be expected to put a final end to these claims.

The gentleman from Georgia further objects to the bill, that it does not particularize the several facts detailed by him, which might have discharged the commutation promise, and that it does not expressly give to them that effect, in all cases, in which any of them occurred. It cannot, surely, be necessary to enact expressly in this bill that claims which have been already satisfied shall not be again satisfied, much less can it be necessary to reassert the efficacy of the several modes of discharge provided by the law-making power of that day. The bill does not deny nor diminish the effect of any resolution of Congress applicable to the subject, except that it restores the true construction of the contract itself, and removes the bar against the examination and allowance of those claims not yet presented. The delivery of a commutation certificate to the officer entitled, or his agent, was a literal compliance with the commutation promise, and needs no enactment to give it effect as such. With regard to the regulation denying commutation to invalid pensioners, and to officers who had not fully accounted for public moneys in their hands, the bill leaves them as they are, with such means of enforcement as may be found to exist, and with such effect as the Secretary of the Treasury may give to them. If we were now to legislate on the subject, their effect might be diminished instead of being increased. If they were authoritative when made, they remain so until changed by authority.

But, sir, the real ground on which alone the apprehension of double payment, or double satisfaction, seems to stand, is the supposition that the presumptions asserted in the bill apply to the question of payment, and that the record evidence of payments or other satisfaction is so imperfect as to be entirely inadequate to rebut them. The bill, it is true, impliedly assumes that some claims originally just, may be still unpaid; it does not assume that all such are unpaid. Its expressed presumptions apply not to the question of payment, but relate exclusively to the question of original title. They are intended to facilitate the establishment of the original justice of such claims as were originally just, and not the allowance of such as have been satisfied. The bill does not pretend to furnish a rule for determining whether payment or other satisfaction has been made or not: it opens the investigation of the particular facts of each case, and thereby disavows the general presumption that all just claims have been satisfied; but it does not affect the reasonable presumption of payment in any particular case, which may arise from the facts of that case, and be consistent with the general assumption that some just claims may remain unpaid.

We know that the business of adjusting these claims was in active progress from about the close of the war, to August 1786—and that the Commissioner, Mr. Pierce, was engaged in issuing certificates, which were distributed to agents of the several lines, to be delivered to the officers entitled, or placed with the Executive of the State, if no opportunity of delivery occurred. It is certain, therefore, that the great mass of just claims must have been long since settled; but it is also apparent that this mode of distributing certificates does not apply to those cases in which proof, from without the record, was necessary to establish the title, as that implies the presence of the claimant or his particular agent, to whom alone the certificate should have been delivered. There still remains a list of the officers who were in service at the end of the war, and therefore obviously entitled.

In the absence of all other evidence, the presumption is almost irresistible that certificates were made out for these officers, and that, unless when peculiar circumstances existed to prevent it, they were universally received by them. And so with respect to other officers whose title was apparent upon the record, and probably known to themselves. But it weakens as the difficulties of establishing the title increase, whether, from the individual circumstances of the claimant after the war ended, (which might prevent personal attention to the subject,) or from the circumstances under which his service ceased, and the obstacles in the way of establishing his right. It vanishes altogether with regard to those cases in which, the facts being admitted, the right was altogether denied. Now, sir, these presumptions are not displaced by the bill; they belong to the subject; they will, doubtless, be indulged by the officer who executes its provisions, and will have their effect in dictating the requisition of proof to be made in support of the claims presented. They will not amount to conclusive evidence of payment, but will render it important that the applicants should show, as far as practicable, the circumstances which prevented the previous settlement of their claims, and will thus ensure a full presentation of their cases

But although these presumption are not displaced by the bill, they are, to some extent, limited by the fact, of which, from such inquiries as I have been enabled to make, I am well satisfied that the records, as they now exist, though not complete, will be found to furnish sufficient evidence upon this branch of the subject to form a reasonable guarantee against double payments. Besides other evidences contained in detached records, there are several copies of four printed volumes containing complete lists of the certificates issued by Mr. Pierce in settling the army accounts, showing the dates when, the persons to whom, and the sums for which, they respectively issued, and amounting in number to something like one hundred thousand. These volumes were published in 1786. The certificates which were subscribed in the public funds, or were in any other manner taken up by the Treasury, are marked off in one of the copies, so as to show such as are still outstanding. These lists certainly exhibit the great mass of settlements and certificates, nearly all, I should think, which were made before the bar of August, 1786, or by Mr. Pierce. I learn that entries with regard to a few, not comprised in these lists, have been met with by the Third Auditor, in the course of his long acquaintance with the Treasury books. Of the few settlements since made at the Treasury itself, I have no doubt there are sufficient evidences.

Upon the whole, sir, the records relating to this branch of the business are much more complete than those which would exhibit the rolls of the army from 1780 to the close of the war; and I am convinced that there is little danger of double satisfaction being made. It is probable that the greatest number of unsatisfied claims consists of such as accrued to those officers who were improperly excluded by construction. With regard to others, vigilance will be awakened, and numerous means of detection may be applied. That they will be more eagerly sought for, and more diligently applied at the Treasury Department than by the committees of Congress, can scarcely be doubted. And if, after all, there should be some few cases of double payment, I for one, would rather see two of these claims twice paid, than see the sacred promise of the Government remain unperformed to one officer of the Revolution whose services have entitled him to its fulfilment.

I return to the gentleman from New York, [Mr. Vanderpoel,] who has, in one respect at least, anticipated correctly the operation of the bill, and founds an objection upon it that is entitled to full consideration. This bill does not exclude from its provisions those officers who, being alive at the date of the act of 1828, were embraced in the terms, and have actually received the benefit of that act, but who have never received the commutation itself in money or certificates. In this respect the bill does not pursue the principle of the act of 1828 itself, and the practice of both the legislative and executire departments under it; by both of which the right of commutation and the right to the benefit of the act of 1828 have been uniformly held to be concurrent rights, of which each might be fully enjoyed without any abatement of the other. The bounty of 1828 was given in addition to commutation, where that had been received, and commutation has been since given in addition to the bounty of 1828. But we are not bound implicitly to follow this practice, though the committee did not feel that they were called on to depart from it. We have given a gratuity to a number of officers, of whom some are our creditors, though we may not at the time have known that they were so, or that they would ever demand payment. Payment, however, is demanded by some, and we are making provision for paying all. Shall we, in making payment, claim a credit for what has been given and received, not as payment, but as a free offering? This is the exact question. I should concur in any decision of it. If the bill were now amendable, I should be perfectly willing to claim the credit for what has been received under the act of 1828. But the question is not so important as the gentleman seems to consider it. The number to be affected by it is exceedingly small, and the money to be saved not large in amount, as it will be found that but little has been received, under the act of 1828, by those officers who have not, either before or since that act, received the commutation.

In his untiring opposition to this bill, the gentleman from New York, drawing arguments from all sources, has told us that it will give commutation, with fifty years' interest, to the officers of two Virginia regiments, who have already received half pay for life from Virginia, or from the United States, under the act of 1832, which provided for the settlement of the Virginia claim, and some of whom have also received considerable sums under the act of 1828. There is not, as I conceive, the slightest ground for this charge against the bill, which, to me, is as wonderful as it is new. A short statement of facts will sufficiently vindicate the bill and the committee.

In May, 1779, Virginia promised to her officers, both State and continental, who should serve to the end of the war, or who, becoming supernumerary, should reenter the service if required, that they should be allowed half pay for life, unless Congress should make tantamount provision for them. I state the substance of the promise. In October, 1780, Congress, as we have seen, did make tantamount provision for the continental officers then in service, by making substantially the same promise to them; the effect of which was to discharge the promise of Virginia to her continental officers who were embraced in the promise of Congress, leaving her State officers, to whom Congress had promised nothing, still entitled, on performing the conditions prescribed. Virginia long shrunk from a full acknowledgment of the obligation of her promise, making, in the course of fifty years, only partial payment under it. Within a few years past, it was admitted in its full extent by her courts, and she found herself compelled to make provision for its full performance. She then represented to Congress that this liability, amounting to more than half a million of dollars, having been incurred in the common cause, and in the prosecution of common objects, ought to be discharged by the common means; and asked that Congress should reimburse her what she had already paid in discharge of her own promise, and assume the fulfilment of so much of it as remained to be performed. Acceding to the justice of this demand, Congress passed the act of June, 1832, for complying substantially with its terms. That act names the regiments whose officers, if they had not already received it from Virginia, should be entitled to receive half pay for life, and among those named are the two regiments alluded to by the gentleman—the second, and that commanded by Colonel Gibson, both of which had served some time with the continental army, and one of them as a substitute for a continental regiment; but both of these, as well as the others, are named as State regiments, as they were in fact State regiments. It was only in that character that their officers claimed or were entitled to half pay for life from Virginia, and they had, individually, no claim upon the United States. In asserting their claim against Virginia, they have fixed upon themselves the character of officers of the State line; in admitting their claim, Virginia has acknowledged them to be such; and, in providing for discharging the liability of Virginia, Congress viewed them in the same character. If they were entitled to half pay for life from the United States, they were not entitled to it from Virginia; but they have asserted title against Virginia; she has acknowledged her liability; and Congress has since assumed to discharge it as her liability. But the commutation was due to those only to whom the Congress had promised half pay for life, and not to those who, after that promise, were entitled to half pay for life from Virginia. The commutation was a substitute for the half pay due from Congress, (and as to the Virginia officers, the half pay promised by Congress was, in effect, a substitute for that promised by Virginia,) and these officers, having received performance of the original promise, have no shadow of claim for the substitute, even if it had been offered to them. But they never were within its terms. The service of these regiments with the continental army, and in the place of continental regiments, did not make the officers continental officers. These facts seem, indeed, to have induced a decision of one of the Departments, by which one or more officers of Gibson's regiment were admitted to the benefits of the act of 1828, as having been embraced in the resolution of October, 1780. But these facts, though they may recommend to favor, do not constitute a right. It is not necessary to discuss the propriety of the decision alluded to. When it was made, these officers had not received the half pay from Virginia; the act of 1828 did not provide for the payment of a debt, but granted a bounty; and the admission of these officers was a liberal extension of its generous provisions. It cannot authorize them to change the character fixed upon them by their own act, and by the acts of their State and the United States. It has been reversed by all these acts, which are not only binding on the Virginia officers, but upon the officer who will execute the provisions of this bill; and it is impossible that the claims of any of those Virginia officers can be admitted, unless by fraud or mistake. To exclude them expressly, could not ensure their exclusion more certainly than it is already ensured; but I should have no objection to it.

But the gentleman from New York, whose imagination is as remarkable in creating alarms as to the consequences of this bill, as his ingenuity is in construing statutes, thinks that this bill will be a splendid lure to impostors; and that the general forms and requisitions of proof, and rules for the presentation of claims, which the Secretary will prescribe, will enable cunning men, by the aid of fraud and perjury, to bring within the rule many claims utterly false and unfounded. And what is to secure us from similar impositions, attempted by the same practices, if we retain the cases in this House? Is it the fact that we have no rule on the subject, but may make the rule as we want it? Sir, these cunning men can find a rule in every case in which you have paid these claims by individual acts. And if they can bring one hundred cases within one rule, it would certainly be easier for them to bring them within some one or more of twenty rules; and easier still for them to make them so plausible, or bring them so near some rule as to require a new rule for them in the opinion of those who, when the facts do not reach the law, have the power to make the law reach the facts. If this bill, in giving facilities for just claimants, operate also as an invitation to impostors, they will probably find, in the tribunal to which they will be referred, such ample means of detection as will make it rather a terror than a lure to them. The gentleman has clothed his objection to these general rules and forms of proceeding, in habiliments that seem to have been borrowed from a tailor's shop. He tells us it would be much wiser to undergo the trouble of cutting the garment for each invidual, than to establish one general pattern for all. Sir, I should admit the propriety of this advice, if it was given to a tailor coveting business, and desirous of accommodating all customers, whatever might be their size, figure, or quality. And such really has seemed to be our condition and disposition; and we shall surely enjoy the fruits of it, by having our hands full of business, while we entertain and accommodate all sorts of private claimants. But I wish to close our doors against this class of business, and, by establishing one unvarying pattern of fair and just proportions, to exclude all comers who cannot fit the prescribed measure. Certainly the calls upon us will, in that case, be much fewer, our customers much more select, the draughts upon our time, our labor, and our means, much smaller, than if we continue to cut garments of all sizes, to suit the tastes and dimensions of all men. But, to leave this tailor's shop: I think we may confidently expect that the greater attention, the stricter scrutiny, the more extensive means of information and detection of the new tribunal, will constitute it a restraint upon imposition, for which we may look in vain in this House.

Sir, the controversy now going on with regard to the executive and legislative powers of this Government, has been alluded to by gentlemen as a dissuasive against the passage of this bill, which they say transfers power from the Legislature to the Executive. Certainly, sir, I have no disposition to connect the fate of this bill with the result of that controversy, and still less to bring into this discussion the investigation of constitutional powers. But I may say, that I see nothing in the present state, or in any possible result of that controversy which should operate against the passage of this bill. Sir, I do not believe that the passage of this bill will give the President any power over the subject for which it provides. I do not believe that the vesting of a discretion in an inferior officer, vests it in the President. I cannot embrace the theory that he is responsible for every act of every executive officer in this nation, or that every such act may be properly considered as his, or that he has, in fact, through the power of removal, the right to direct and control every officer in every act committed to such officer by law. I can as easily admit the right of the President to direct payment out of the Treasury of a claim which he may think just, without the money being appropriated by law, as I can admit his right through the power of removal to affect the decision of any claim which might, under this bill, come before the Secretary of the Treasury. These, as I understand the subject, are the doctrines on which the executive side of the controversy rests, or to which it leads. Their permanent establishment would, in my opinion, work an entire change in the whole frame and operations of our Government. It would, as I most sincerely believe, prostrate the constitution, obliterate all its divisions of power, concentrate all power in the hands of the Executive, and overwhelm the liberties of the people. I cannot, therefore, admit, either that the coordinate branches of the Government, or the people themselves, will sanction these high claims. And I cannot admit that those who oppose them are called upon now to act as if they were already established. Sir, I do not believe they ever will be established. If they should be sanctioned by the vote of this House, I believe the people will themselves vindicate the power of their representatives as the best means of preserving their own. But, if these doctrines are to be established in our day, if we are to see them consummated as the practical features of our Government, bringing with them, as I verily believe they will, the revolting consequences I have mentioned what vain and idle mockery would it be to attempt, against convenience and appropriateness, the form of legislating on these individual cases, when the substance of power would be gone, and the Legislature would become, as certainly the mere instrument of executive will, as it is now contended all executive officers are. No, sir; if this is, indeed, to be so—if these doctrines are to be consummated in our day; I find in this fearful fact a powerful, a most solemn requisition, that we shall now, without longer delay, provide for the immediate payment of these claims. Sir, they are the remnant of the debt of our Revolution; they are a part of the price of our independence, our liberty, our constitution, our Union. Let us, while these yet remain, while we claim yet to be free, while our institutions still retain the forms impressed upon them by a race of heroes and sages; before these glorious realities pass from our view like the baseless fabric of a vision, let us hasten to pay to the uttermost farthing the price for which they were obtained; to redeem, to the last letter, the sacred pledges on the faith of which they were established.

Sir, I have done. I have endeavored to place these revolutionary claims upon the ground which they ought to occupy, and to explain fully the provisions and intended operation of this bill. I no longer bear any peculiar relation to it. Its shape, as well as its fate, rest upon the responsibility of the House. If it is not a safe bill, I hope it will be made so. If its provisions are too liberal, I hope they will be narrowed down. If additional guards are required, let them be added. If the House should consider the bill as deficient in any of these particulars, I shall most cordially co-operate in any amendment which will not defeat or infringe upon the principles of substantial justice. I am only desirous that provision should be made for ascertaining and paying all just claims; that we may know, and may be able to say, that we have provided amply and honorably for discharging this debt of the Revolution. Sure I am, that my own constituents, and the whole people of this great nation, will congratulate us and themselves upon such provision being now made, and that they will cheerfully contribute something from the sweat of their brow, in consideration of those blessings, for the attainment of which their fathers lavished their worldly substance, the highest efforts of their minds, the severest toils of their bodies, and the blood of their hearts.

When Mr. Marshall had concluded—

Mr. BAYLIES obtained the floor: when some conversation took place as to whether he should now proceed, or allow Mr. Gilmer to move a recommitment of the bill. It was finally concluded that the motion to recommit should not now be pressed.

The hour having, in the meanwhile, expired—

The House passed to the order of the day, being

THE DEPOSITES AND THE UNITED STATES BANK.

The House, at 1 o'clock, resumed the consideration of the resolutions reported from the Committee of Ways and Means, together with the amendment offered by Mr. Wilde, declaring the reasons given by the Secretary of the Treasury for removing the deposites to be insufficient and unsatisfactory.

Mr. HARDIN resumed the floor, and concluded his speech in opposition to the report of the Committee of Ways and Means, approving of the removal of the public deposites from the Bank of the United States. Mr. Hardin's speech is given below entire.

Mr. Speaker: On Friday, it is well recollected by the House, it was either my good or ill fortune to make an attempt to obtain the floor, for the purpose of submitting to the consideration of the members my views upon the resolutions and amendment now under discussion. In that attempt I was successful; but the hour was late, and I was not then immediately prepared to proceed with my argument. I was compelled to ask for an adjournment, and throw myself upon the kind, liberal, and generous feelings of the members of this honorable body. The appeal was not made in vain; the favor was accorded to me. This is the first opportunity I have had to declare how deeply penetrated with gratitude I am, and at the same time to make my most profound acknowledgments for the manifestations of that kindness towards me. I should be happy if I had any return to make more than an expression of thanks; but, in candor, I must declare I have nothing. I cannot promise to be brief, for the resolutions and amendment embrace such a variety of matter, so diversified, and so important, that to pursue the course of argument I propose to do, and at the same time to answer some of the most prominent arguments used by those opposed to me, would render it out of my power to redeem the pledge were I to make it.

It would be some comfort and consolation to me, and, perhaps, to the House also, if I could give any assurances of casting and throwing any new and additional lights upon the subject of debate. But I declare that, although I have thought much, and given to the question all the reflection I am capable of, yet the more sensibly do I feel my inadequacy to perform the task I have undertaken. I have often felt conscious of my want of capacity for the investigation of great, complicated, and important subjects; but never, never, was I so sensible of it as upon the present occasion.

There has been one charge alleged against those who are opposed to the conduct of the President in removing the deposites, and deem the reasons of the Secretary of the Treasury insufficient. This charge has not only been made in this House repeatedly, but also in the Senate, and re-echoed back by every hired mercenary and collared press in America. It is the alleged coalition between the national republicans and State rights party, upon this question, and also the resolute and determined opposition that both parties display to the high-handed measures of the Executive.

They allege that the union of these parties is so unnatural, that corruption must be the ruling and governing principle of their action.

This is a great, grievous, and heavy accusation; and should not, without strong proof to support and sustain it, have been made.

When they are called on for their proof, it is mere conjecture and inference, from the two parties being united against the administration upon the question now under consideration, and other high-handed, arbitrary, and despotic measures of the Executive, connected with it.

I would not descend so low as to answer seriously such charges and accusations, from a consciousness of their being untrue and unfounded, and that the asserters of them do not believe them, were it not that, out of this House, where these statements and assertions are read, and no answer given, it may by some be taken as admitted.

I beg the indulgence of the House until I examine the political principles of the national republicans and State-rights party, so far as the two parties differ. I will call the attention of the House to the following parts of the constitution of the United States:

Congress shall have power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." The national republicans contend that the power given to Congress to regulate our commerce with foreign nations, necessarily carries with it the power to say whether the United States shall carry on commerce with a foreign nation or not; and if we are permitted to trade, upon what terms, conditions, limitations, and restrictions, the same shall be carried on; because, in having the power to regulate trade without any limitation in the constitution, we have also the power to regulate the condition of such intercourse.

This construction of the constitution is further supported and sustained by the tenth section of the first article of the constitution, which reads thus: "No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility."

"No State shall, without the consent of Congress, lay any impost duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of Congress. No State shall, without the consent of Congress, lay any duty of tonnage; keep troops or ships of war in times of peace; enter into any agreement or compact with any other State or with a foreign Power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

To protect the domestic industry of the country is an attribute of sovereignty granted to Congress, and inhibited to the States. The two Governments, to wit, the State Government and the General Government, make one complete sovereignty, with all the powers, rights, and attributes belonging thereto, in as full and ample a manner as any nation upon earth can possess them. Other nations can, and do protect the labor and productions of their own country from foreign competition, whenever it comports with their views of sound policy to do so; and, strange to tell, it is now gravely contended that this power to furnish protection to domestic industry is somehow or other lost in the formation of the General and State Governments; and those who contend it is lost cannot tell what has become of it, although they admit that it is an inalienable right belonging to all nations.

The State-rights party contend that a duty on foreign imports can only be laid for revenue, and no discrimination made for protection.

Another point upon which the two parties differ, is the effect of the laws made by Congress for protection. The State-rights party aver that the States, in their sovereign character, have a right to nullify such laws, upon the ground, and for the reasons, that, in their opinion, the protective system of laws is unconstitutional. The national republicans contend that the laws are constitutional; and further, that the constitutionality of the laws is to be decided on by Congress and the Judiciary of the United States; that the constitution of the United States was made by the people, and on the people directly do the laws operate; and resistance to the laws of Congress, on the part of the people, must be in their individual capacities, however they may attempt to color and clothe it in the dress and garb of State sovereignty; and that such resistance is nothing more nor less than rebellion. The nullifiers contend that the constitution is a compact between the States, and the States are parties to it, and, as such, have a right to judge and act for themselves.

I have now, Mr. Speaker, endeavored to point out the two great points of collision between the national republicans and the nullifiers. I will call the attention of the House to the points involved in the present controversy. We allege that the measures of the President, in relation to the public deposites, were arbitrary, despotic, and unconstitutional. Arbitrary and despotic, in the removal of Secretary Duane for a faithful and conscientious discharge of his official duty; and unconstitutional, in seizing the people's money, before it was appropriated by law, with a strong arm, bearing it off with a high hand, and an insulting air of defiance, vauntingly and arrogantly declaring "that he would assume the responsibility." When the national republicans and nullifiers unite in their opposition and condemnation of such alarming and overbearing conduct in the Executive, and with one voice denounce it as a dangerous usurpation of power, is there any thing incompatible in such opposition and denunciations with the former professions of either party? I declare most solemnly I can see none; and any gentleman who can, must surely have a singular gift of sagacity.

What positions ought these two great parties to occupy on the present occasion? Each is friendly to civil liberty, as secured by the constitution of the United States and the constitutions of the several States. They differ as to some points of doctrine in the construction and exposition of those instruments; but, in the great cardinal points of equality, liberty, and freedom, they unite most cordially, and differ only as to the mode of attaining them. Both parties are equally enemies to all arbitrary Governments, despots, and tyrants, whether he should be called King, like William the Fourth, or President, like Andrew Jackson. Shall Christians differ about immersion and sprinkling, when the enemy of their faith is in the field, and such difference might endanger the existence of their entire religion? Did our forefathers and Teutonic ancestors, under Charles Martel, when they met the Mahometans on the plains of France, and fought for the existence of Christianity, act thus? No. They united and fought like heroes, and as became Christians upon such a momentous and awful occasion; and left the fate of the battle to God, who gave them a splendid and glorious victory.

I will now, Mr. Speaker, proceed to the investigation of the first resolution—"That the Bank of the United States ought not to be rechartered." The question first presented for inquiry is, have the stockholders of the bank, by their official agents, the president and directors, petitioned or memorialized Congress to renew their charter? It is a fact, well known to every member of this House, that no such petition or memorial has been presented to Congress during the present session. Who has the right, and the right only, to apply for a renewal of the charter? The stockholders, and none other. Because, if all America besides were to petition, and Congress were to renew the charter, yet the stockholders, at its expiration, would have an undoubted right to withdraw their interest in the bank. To offer a renewal before it was asked for, might be considered, like any other offered favor, an act of great politeness; but, to deny a favor before it is petitioned for, is rude and uncourteous, and a great breach of the common civilities between man and man.

I will ask, nay demand, of the Committee of Ways and Means, why did you present that question at this time for the action of the House? It is an act of supererogation and uncalled for legislation. They, to that interrogatory, can give but one answer consistent with the fact, that it was intended to mislead and divert public attention from the real questions. On our part, we arraign the President of the United States at the bar of public opinion for tyrannically dismissing the Secretary of the Treasury for doing his duty; for seizing the people's money before it was appropriated by law; for trampling the constitution under foot, and stabbing civil liberty to the heart. What answer is given by his friends and supporters to these momentous charges? Do they attempt a justification, or even an apology? I answer, no. But cry out, Coalition between the national republicans and State-rights party! To that I reply, this is no answer at all. They then cry out, the Bank of the United States ought not to be rechartered! I answer again, that has nothing to do with the question. No art, adroitness, or address of the advocates of the Executive shall, if I can help it, divert the attention of the people from the real issue.

I acknowledge the consummate skill displayed by the President's defenders in their efforts to mislead public opinion; and, whenever I see extraordinary ingenuity exhibited, I will give it its due praise; I will render unto Cæsar those things which belong to Cæsar. But now, once for all, in the presence of this august assembly, and in the presence of the American people, I enter my most solemn protest against the question for rechartering the bank being a subject of investigation, until we settle the great questions of high national concern in relation to the conduct of the President, and until the violated, wounded, and bleeding constitution of our country is healed, and restored to its original health and vigor.

I have thought it necessary, Mr. Speaker, to make these preliminary remarks, to prevent, if possible, the judgment of the people from being misled and deceived, and to show that it was the conduct of the President which was the subject of inquiry, and not the rechartering of the bank. But I am, by the rules of the House, compelled to vote upon the first resolution; and, as I intend to vote in the negative, I will ask the attention of the House until I offer some of the reasons which have induced me to come to that resolution and determination.

The first question for investigation under this branch of the subject is, Has Congress the constitutional power to renew the charter; and, if such a power exists, is it expedient that the charter should be renewed?

It will be necessary, in presenting my views to the House upon the constitutional power of Congress to recharter the bank, to refer to several parts of the constitution of the United States, from which, principally, I deduce the power. The parts and clauses of the constitution on which I rely are these: Section 8. "The Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

"To coin money, regulate the value thereof and of foreign coins, and fix the standard of weights and measures.

"To provide for the punishment of counterfeiting the securities and current coin of the United States.

"To raise and support armies; (but no appropriation of money to that use shall be for a longer term than two years.)

"To provide and maintain a navy.

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the Government of the United States, or in any department or officer thereof."

Before we advance further into the constitutional part of our argument, it will aid us greatly in the investigation to settle upon some certain fixed principles in examining the extent and limits of the implied powers under this last clause of the constitution which I have read, and which are necessary to carry completely into effect the whole of the powers expressly granted by the constitution, some of which I particularly noticed a few moments ago. Under this branch of the inquiry, the first question is, What means has Congress a right to resort to, to carry these delegated powers into effect? Are they only such means as are indispensably necessary to effect the end? That rule is too narrow, too much restricted. I will ask, are they, then, such means as are most fit, proper, and appropriate? That definition, I humbly conceive, is also too limited. My exposition of the implied powers given by the constitution to carry the delegated powers into full and complete effect is this: Congress has a right to resort to all means which may, to a reasonable and rational extent, conduce to effect an execution of the powers expressly granted; and the members of Congress are to judge how far the means they resort to do conduce to the execution of these delegated powers. The President and the Judiciary never can interpose and say the act is unconstitutional, if, in any degree, it conduces to effectuate and carry into full operation the powers granted. This position seems to me to be incontrovertible.

The next inquiry is, What are the kind and description of means which Congress can resort to, to execute the delegated powers? Are they such means as existed when the constitution was made; or such means as exist at the time Congress is called on to act? The moment this part of the question is propounded, all men capable of reasoning will say, the means are such as exist at the time the action of Congress is required; because means attainable in 1789, when the constitution went into operation, may not be so now; means, fit, proper, and appropriate now, may not have been in use, may not have been invented, in 1789.

To confine Congress, in its selection of means, to those exclusively which existed when the constitution was made, would compel the Government to lose all the benefits and advantages resulting from the improvements made since, and which may from time to time be made hereafter; such a rule of construction would prevent the conveyance of the mail, by steamboats, as the invention of steam power has been made since 1789.

In the selection of the means by Congress to effect all the delegated powers in the constitution, Congress must take a comprehensive view, like a politician and philosopher, of the present situation of the United States, its commerce, manufactures, and agriculture, its currency, and whole internal situation; also its foreign connexions and relations; and, independent of all this, Congress must keep steadily in view the usages and customs of other nations, with whom we trade and have intercourse.

Before the formation and adoption of the present constitution, one of the great evils experienced by the people of the United States was the want of a good, sound, healthy, uniform, national currency. Every State had its own currency, its own coin of precious metals, and its own paper money peculiar to itself. The money of one State would not pass in another, except at a discount; and the nation had no currency at all of its own. This state of things greatly embarrassed the commerce between the States, and was injurious and prejudicial to us in our trade and intercourse with other nations. It was, in fact, an evil not to be endured.

One of the great national objects to be attained, in making the present constitution, was, to remedy this evil, intolerable in itself. Hence the constitution gave to Congress the power to coin money, and regulate the value thereof, and to establish a national currency; and inhibited the States from coining money, emitting bills of credit, or making any thing a tender, in payment of debts, but gold and silver. In establishing and regulating a national currency, which Congress by the constitution is commanded to do, the members of that body must look around, and take a cool, dispassionate, and comprehensive view and survey of our powers and means, not only with reference to the situation of the several States, and the powers which they claim, and do in fact exercise and enjoy, but also with reference to the usages and customs of the other commercial nations of the earth, with whom we trade and have intercourse. We must, after taking this view, regulate the action of Congress in the best manner practicable to effect the object intended.

Among nations, what shall be the medium of exchange, of the productions of one country for those of another, what kind of currency shall be used, depends upon the implied contract between them. This implied contract is manifested by the usages and customs of nations. In Sparta, in ancient times, iron was the metal used as a medium of exchange. In the early days of Rome, it was cattle; shortly after, gold and silver succeeded as the medium of exchange throughout the commercial world. Things remained in this situation until one or two hundred years ago; when nations, as they extended their commerce, found the transportation of the precious metals expensive, hazardous, and inconvenient; they imperceptibly and gradually commenced the use of a paper currency, such as bills of exchange, bank notes, and bank checks, bottomed upon a metallic basis.

A paper currency, with the use of the precious metals for small and inconsiderable transactions, is required by all commercial nations as the medium of exchange; by the use of paper, when it is kept up equal in value to gold and silver, the expense of the transportation of those metals is saved, and the risk and hazard of the operation are avoided. That for every dollar in specie, in boxes and vaults, two in paper can be circulated, and the paper kept at par value, is so true in political economy, and so well established, as now universally to be considered incontrovertible. I will ask gentlemen, what is the effect of this? The answer is obvious: it increases one hundred per centum the circulating medium of the country, and gives life and activity to commerce, manufactures, and agriculture.

Having taken this view of the situation of the money and currency of other nations, let us turn our attention to the different States comprising this Union. There are something like four hundred and fifty banks incorporated by the different States, which banks now circulate about one hundred and thirty millions of paper; a great deal of the paper is below par, and a disposition strongly manifested by the States to increase the number of banks, and the banks are displaying the same strong propensity to increase the paper out.

In this situation of the circulating medium of the world, and the several States of this Union, what course ought Congress to take? Some say return to a metallic currency. To that I answer, this we cannot do; and if we could it would be inexpedient, unless other nations would return to it likewise; because we must use the same medium of exchange they do, and to return to a metallic currency when they use paper, would diminish half the amount of our money in circulation, and diminish correspondently the price of labor, the productions of labor, and the capital of the country. Besides, the convenience of commerce requires a more portable circulating medium than silver; moreover, it would be ruinous to debtors, because, diminish the money of the country one-half, and you double the debt in reality, inasmuch as it takes as much again labor and property to buy money. But some have been found bold enough to say, let other nations use in their commercial transactions bills of exchange, bank notes, and bank checks, still compel the United States to return to gold and silver, be the loss and sacrifice what it may. To that I answer, Congress has not the power to do that, unless the several States would repeal all the bank charters heretofore granted by them, and grant no new charters. This we know the States will not do. In this situation what is Congress to do? It has no power to regulate the currency of other nations, it cannot put down and destroy the State banks, or prevent the States from incorporating other banks. How, then, is Congress to regulate the currency of the United States? It is obvious there is but one way, in this state of things, practicable; that is, to make a paper currency of its own; that currency will be uniform all over the United States. Let Congress give to that currency a solid metallic basis, which will keep its paper at par with gold and silver. When this is done, what is the effect? You stop the inordinate increase of State banks, and put out of circulation the notes of all banks that do not redeem their paper, at sight, with silver.

There are other views which press themselves upon our consideration, independent of regulating the currency, and to which I beg to call the attention of the House. The Government of the United States has to maintain an army and navy, and an expensive civil list; it has to collect and disburse annually a revenue of twenty or thirty millions; and in times of war, perhaps sixty millions. I will ask gentlemen, how can it do this without a currency of its own? How can it do justice to all its debtors by paying them their debts in money of equal value all over America, unless the same money is used, and, by judicious regulations, the value of it is made uniform? If we use the bank paper of the States, that paper will not have the same value every where, nor will it be at par every where. What will be the situation of the debtors of the United States, if the General Government have no currency of its own? The debtors will not be able to pay gold and silver. The Government will be compelled to receive from them the paper of the State banks; and what will be the effect of that operation? This: some debtors will pay money of less value than others, according to the paper of the State they live in, which will be a palpable violation of that part of the constitution of the United States which I have read, and which says: "But all duties, imposts, and excises shall be uniform throughout the United States."

I now put it to gentlemen, and ask them to tell me how we can collect twenty or thirty millions annually, and distribute the same to the army, navy, and civil list, pay each creditor equal, and collect equally from each debtor, according to what he owes, unless the money used is of the same kind and of the same value all over the United States? The answer is obvious, that it cannot be done unless Congress has a currency of its own; and that currency must be paper, based on a solid metallic capital.

We have now arrived at another part of the question: if Congress have the power, and is in fact bound by the constitution and sound policy to have a proper currency of its own, has it not a right to adopt the usual and customary means of making that paper? If this position is yielded, I will then ask gentlemen what are the usual and customary means resorted to by all states and nations? The answer is, a bank.

The United States are bound not only to make a currency, but to make it uniform, and I trust I have shown they have a right to make a bank to do it. They are bound to collect a revenue; to keep it safely, and disburse it in the United States and Territories, wherever it is wanting. That a bank of the United States is not only fit and proper for this purpose, but the best possible means that could be resorted to to effect it, is evident and manifest to every gentleman here.

To illustrate this position, let us abandon for a moment towering theory and speculation, and descend to what vain and visionary men may consider low and vulgar; that is, matter of fact and experience.

Since the present bank has been in operation, it has, as collecting agent of the United States, received $440,000,000; and as a depository of the public money, it has kept it safe without the loss of one cent, and has paid every dollar of it to the order and to the creditors of the Government, at such times and places as directed, without any risk, cost, or charge to the United States. The finances of the United States, until the fatal experiment of General Jackson commenced last fall, have never been so flourishing; never have we had so good a currency; never has our public money been so safely kept, and faithfully disbursed, at any other period of our history, as it has been since the bank has been in operation.

It has not only furnished a good, sound, and uniform currency, been a fit, proper, and appropriate agent for collecting and disbursing the revenue, and a safe depository of the public money, but it has answered another valuable purpose; it has regulated and checked the inordinate issue of paper by the State banks, and driven out of circulation the paper of all banks which did not pay specie. We all know the deplorable situation of the paper currency of the United States, when the present bank went into operation. No silver in circulation; no bank south of New England redeemed its paper with specie. The whole country south and west of the Hudson was flooded with a rotten, spurious, depreciated State bank currency. The United States Bank cleared and purified the commercial world of that kind of money, like a thunder-storm in the summer, when the air becomes foul from excessive heat and dry weather, purges and purifies the atmosphere.

Mr. Speaker, the operations of all new Governments, for a number of years after their formation, is nothing but a series of experiments; and more especially is this the situation of the United States. Under the articles of confederation we could not get along; the Government had no power, no energy. Patriotism kept the States together during the Revolution, but when peace returned, self-interest was near dissolving the Union; necessity drove the people of the United States into the trial of a new experiment, a new form of Government, which resulted in the formation and adoption of our present constitution, that admirable monument of human wisdom and political sagacity. In which instrument certain powers are given to Congress, and all other powers as incidental and necessary to administer the Government, according to its true spirit and interest. The members of the convention knew that nothing but the operation of Government could point out the necessary implied powers; they, therefore, did not attempt to enumerate them, but gave all powers that were "necessary."

What is or what is not necessary to be done to administer the Government, according to the letter and spirit of the constitution, none can tell until the Government passes through a variety of experiments. It must go through the alluring and dangerous trials of an excess of prosperity, and, also, encounter the storms of horrid war, when every resource and every energy of the nation are called into action. In the vicissitudes of fortune, whether an excess of prosperity or an alarming and frightful war is most dangerous to a republic, is a question in politics difficult of solution; however, be that as it may, both are necessary, before those who conduct the vessel of state can tell what is needful to be done. No man can make a good pilot for a ship unless he has tried the seas in all kinds of weather, in sunshine and in storms.

The last war told to the people of the United States that a bank of the United States was necessary to the finances of the nation, and the management of its fiscal affairs. The same administration who conducted the nation through the storms of the last war, with that sage and patriot for President who draughted the constitution, made the present bank.

I have, Mr. Speaker, discussed the constitutional powers of Congress to make a bank, on first principles. I will now call the attention of the House to authority. In 1791, Congress incorporated a bank of the United States; a number of the members of the convention who made the constitution, were in Congress, and voted for the bill; General Washington was president of the convention, and was the President of the United States, he approved and signed the bill. This charter expired in 1811, and in 1816 the present bank was chartered. Madison, who was a member of the convention, and draughter of the constitution, was then President of the United States; he approved and signed the bill. Every court of judicature in the United States, both State and Federal, has decided that Congress has the power to charter a bank. Upon the score of authority, I do not, Mr. Speaker, stop here. I will prove that General Jackson himself, first through his Secretary of the Treasury, Mr. McLane, and then in his famous veto message, has said that Congress can constitutionally charter a bank. Mr. McLane, in his annual report to Congress on the finances, speaks thus of the Bank of the United States: "The important charge confided to the Treasury Department, and on which the operations of Government essentially depend, in the improvement and management of the revenue and the support of public credit, and of transferring the public funds to all parts of the United States, imperiously requires from the Government all the facilities which it may constitutionally provide for those objects, and especially for regulating and preserving a sound currency.

"As early as May, 1781, the Congress of the United States, convened under the articles of confederation, approved the plan of a national bank, submitted to their consideration by Mr. Morris, then superintendent of finances; and, on the 31st of December, of the same year, 'from a conviction of the support which the finances of the United States would receive from the establishment of a national bank,' passed an ordinance incorporating such an institution, under the name and style of 'The president, directors, and company of the bank of North America.' The aid afforded by that institution was acknowledged to have been of essential consequence during the remaining period of the war; and its utility, subsequent to the peace, of little less importance.

"The authority of the present Government to create an institution for the same purpose cannot be less clear. It has, moreover, the sanction of the executive, legislative, and judicial authorities, and of a majority of the people of the United States, from the organization of the Government to the present time. If public opinion cannot be considered the infallible expounder, it is among the soundest commentators of the constitution. It is, undoubtedly, the wisest guide and only effective check to those to whom the administration of the constitution is confided, and it is believed that, in free and enlightened States, the harmony not less than the welfare of the community is best promoted by receiving as settled those great questions of public policy in which the constituted authorities have long concurred, and in which they have been sustained by the unequivocal expression of the will of the people.

"The indispensable necessity of such an institution for the fiscal operations of the Government in all its departments, for the regulation and preservation of a sound currency, for the aid of commercial transactions generally, and even for the safety and utility of the local banks, is not doubted, and, as is believed, has been shown in the past experience of the Government, and in the general accommodation and operations of the present bank.

"The present institution may, indeed, be considered as peculiarly the offspring of that necessity, springing from the inconveniences which followed the loss of the first Bank of the United States, and the evils and distresses incident to the excessive, and, in some instances, fraudulent issues of the local banks during the war. The propriety of continuing it is to be considered not more in reference to the expediency of banking generally, than in regard to the actual state of things, and to the multiplicity of State banks already in existence, and which can neither be displaced, nor in other manner controlled in their issues of paper by the General Government. This is an evil not to be submitted to; and the remedy at present applied, while it preserves a sound currency for the country at large, promotes the real interest of the local banks, by giving soundness to their paper.

"If the necessity of a banking institution be conceded or shown, that which shall judiciously combine the power of the Government with private enterprise is believed to be most efficacious. The Government would thus obtain the benefit of individual sagacity in the general management of the bank; and, by means of its deposites and share in the direction, possess the necessary power for the prevention of abuse."

General Jackson, in his veto message, in reference to a Bank of the United States, uses these words: "That a Bank of the United States, competent to all the duties which may be required by the Government, might be so organized as not to infringe on our own delegated powers, or the reserved rights of the States, I do not entertain a doubt. Had the Executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed."

This House will plainly perceive that, in the message, a part of which I have read, the power of Congress to make a bank is recognised; yet it is alleged by General Jackson, that this bank is unconstitutional. How he can admit the power of Congress to make a bank, and still decide this to be unconstitutional, I am at a loss to determine. It is not on the mere details of the bill, that the great question of constitutionality is to be decided; it is not whether the United States may own all the stock, or none, or one-fifth of it; it is not who are corporators, or who are not corporators, that is the pivot on which the question must turn; it is the power of Congress to create a corporation, with the corporate powers of suing and being sued, and of owning property; and when General Jackson surrendered to Congress the power to make a bank, he surrendered the question of the constitutionality of the present bank.

I have now, Mr. Speaker, said what I intended and contemplated upon the question of the constitutional power of Congress to make a bank, both on principle and authority; and if, in this part of my argument, I have only proved that a bank conduces the better to carry into effect the powers delegated to Congress, or any of them, I have established the position I assumed at the outset. On this branch of the subject I have but one more remark to make; that is, to appeal to this House, and ask of the honorable gentlemen present, Is this vexed question never to have an end? Will you not abide by so many repeated decisions of the question, by such high authority as General Washington and the Congress of 1791, and Mr. Madison and the Congress of 1816, and every court in the United States, before which the question has come, for forty-three years past? The welfare of the nation, the repose, happiness, and prosperity of the people, demand that, when a question has been so often decided, the decision should be acquiesced in. But I am struck with the inconsistency of gentlemen, when it suits them; they plead and rely upon the conduct of Mr. Crawford, when Secretary of the Treasury, in relation to some of the public deposites having been made by him in State banks, without Congress ever having acted on the subject, as a precedent binding on Congress, and settling the present question; nevertheless, when it suits their purpose, they will deny the force, efficacy, and binding effect of such a series of precedents, as none before them ever had the courage and hardihood to resist.

The next division of the subject to which I design calling the attention of the House is the expediency of rechartering the Bank of the United States. Before, however, I do that, it becomes me to say a word or two which has a direct reference and relation to myself. I had the honor of a seat in this House when the present bank was chartered. I was then one of the youngest men in the House, and equally young as a politician. I voted against the bank bill; one reason was, I was then inclined to the opinion that Congress had not the power, by the constitution, to charter a bank; since which time I have thought much on the subject, and my reflections have resulted in a conviction of my error on that point, and a settled and firm belief that Congress has the power. The operations of the bank since that time, as it relates to the finances of the nation and the management of its fiscal affairs, have conduced much to the change of my opinion. Whenever I discover that my opinions, upon any subject, are erroneous, I renounce them with pleasure. I am anxious to arrive at truth. If some other men in high places had less perverseness and obstinacy in adhering to their opinions, and shutting out all lights that are cast on the subject, entertaining the ridiculous idea that it is a mark of weakness to give up an erroneous opinion, instead of its being a display of magnanimity, we would have the deposites returned; the bank rechartered; peace, plenty, happiness, and prosperity, restored to this distressed, embarrassed, and ruined country. Instead of thousands being thrown out of business, and compelled to beg their bread, with starvation staring them in the face, we would see the prices and productions of labor increased; commerce, manufactures, and agriculture, resume their wonted activity; and the cheering hum and bustle of industry would be again heard all over the land.

In my opposition to the bank, I had another reason: I believed the capital was too large; I knew that money was power; and that, owing to the interest which the United States had in that bank, and the patronage the Executive controlled in its management, it was possible that it might be converted into a great political engine, and co-operate with the Executive of the Government; and, whenever it did, it would then, in matter of fact, be the union of the purse and sword of the nation in the same hands, and thereby endanger the liberties of the people. My fearful anticipations have not been realized. The officers of the bank were caressed and courted; when they refused, they were then threatened and menaced; which threats and menaces they defied. They would not become partisan-tools in the hands of the Executive, or, more properly speaking, the kitchen cabinet. Denunciations then followed, and all the train of misfortunes which, with the besom of destruction, have swept over this land, have been the consequence. I deem the bank the main check to executive usurpation and universal domination; and now I am propelled, by a love of civil liberty, to be for the bank. Mr. Speaker, this explanation, as I remarked before, I owe to myself. Some of the members of this House know the editor of the Globe; he occasionally glides around this Hall, and looks like the ghost of famine; I have known him from his youth. Although some dislike him, I am much attached to him; [and, good-humoredly, the other day, he threatened me, if I made a speech, he would publish my speech of 1816, which, if done, would place me in an awkward situation, without the explanation which I have given. This is the apology I make for the present digression. It is not agreeable to me; it is unpleasant for a man to speak of himself.

I will now proceed with the discussion of the main question, and commence where I left it; that is, the expediency of rechartering the bank. I have already given to the House my views of the necessity of a uniform currency, as it regards the finances of the nation; the necessity increases as you look towards the private commercial transactions of this country. The territorial limits of the United States are of vast extent, embracing a great variety of soil and climate, and, consequently, a great diversity in the pursuits of the people. It is the policy of the General Government to unite us as intimately as possible, not only in our political relations, but also in our private transactions and intercourse, and to make every section of the Union dependent on the residue; this system binds us together by the strong chain of interest; a uniformity in the currency, and a nationality in its character gives strength and stability to the union of interest; this consequence, resulting from having a national bank, ought not to be lost sight of by gentlemen.

If we have no Bank of the United States, then our only currency is composed of the paper of some four hundred and fifty State banks, with a strong feeling in the States to add to the number of banks, and an inordinate desire in the banks to add to their issues of paper. The consequence of all this will be, that the paper of the several banks, out of the neighborhood of their location, will be below par, and will not pass at all five hundred or a thousand miles from the bank, except at a discount of from five to twenty per cent. What effect is this to have upon the commerce of the country, its work and labor, and the productions of labor? The answer is, a very injurious one. In the great currents of trade that set in at different periods of the year in this country, the traders and merchants want funds at a distance. First, the current sets from the North to the South, for the Southern productions; then back, from the South to the North, for its imports. The imports of the West come from New York, Philadelphia, and Baltimore; its exports go across the mountains into the South, in stock, or down the rivers to New Orleans. I ask gentlemen, how are remittances to be made when the paper of the banks will not pass at a distance? The answer is, in no other way than by selling the paper, at a discount, for such funds as will pass.

This state of things will bring into existence and active operation your heartless money dealers, shavers, and brokers, who always emerge into notice and consequence amidst the misfortunes of the people, and increase in number as the distresses of the people increase. They are a hot-bed growth of miserable beings; and nothing heats the bed so fast or so intense as a derangement of the currency of a country. As political men, amidst sedition's waves, emerge to honor, so do they, from humble obscurity, emerge to wealth amidst the ruin of their country.

Mr. Speaker, to bring the minds of gentlemen down to the details of the operations of those money-dealers, and to make something like a fair estimate of their gains growing out of the derangement of the money of the country, and the consequent loss to the other parts of the community, would gentlemen suppose it an extravagant calculation to estimate their number all over America at five thousand? I deem that number within reasonable bounds. What profit will gentlemen suppose it probable these brokers will make, one with another? Some, I know, will make more, and some less. Two thousand dollars is a fair calculation; these, when added together, make the enormous and startling sum of ten millions—which the commerce, manufactures, agriculture, and labor, of this country will have to pay by having a depreciated and deranged currency; and that loss will fall heaviest upon the labor and capital, and the joint productions of both. An additional loss to the country is, these five thousand shavers and brokers are withdrawn from other useful employments, because the wealth of the country is the labor of the people.

Whilst I am on this part of the subject, I will invite the attention of the honorable gentlemen who represent the States of Ohio, Indiana, Illinois, Missouri, and Kentucky, those five great States west of the mountains, which grow grain and raise stock. You know, gentlemen, that our exports are sold principally in the South and at New Orleans, a distance of seven or eight hundred miles from our States; and that our imports come to us through the ports of New York, Philadelphia, and Baltimore, equally distant, and in an opposite direction, from the destination of our exports.

When our exports are sold, the proceeds are to be brought back. What will be the loss of bringing the paper of the State banks of the places where the sales are made, to our own States? I answer, not less than three or four per cent. When our merchants want to go to New York, Philadelphia, and Baltimore, for our imports, the local bank paper of our States must be sold, to get funds in those cities. The loss will, in the discount, be not less than two per cent. These two operations of selling our exports and buying our imports are to be performed every year. Put both operations together, I hazard nothing in saying the loss will be five per cent. Let us see for a moment what this will amount to annually for those five States. The imports and exports of Ohio I estimate at $12,000,000 each. Three per cent. loss on the exports, and two on the imports, amount to $600,000. The exports and imports of Kentucky, $8,000,000 each; loss, $400,000. Indiana, exports and imports, $3,000,000 each; loss, $150,000. Illinois, exports and imports, $2,000,000 each; loss, $100,000. Missouri, about the same; making an aggregate of $1,350,000, of a dead loss to those States annually, from a deranged state of State paper money. I demand of gentlemen now to tell me, on whom does this loss fall? I say on the farmers of the country and the consumers of the imports; for, when the trader loses three per cent. in bringing back the proceeds of our produce, he cannot afford to give as much by three per cent. for it; and, when the merchant loses in the exchange of money two per cent. to make his remittances, he puts that on his goods, which the consumers pay. This enormous sum of $1,350,000 annually is saved by the Bank of the United States. Its paper is as good as gold and silver, and at par all over America. Is this the sacrifice we are to make to General Jackson, annually, for his military services? Shall we pay this much to give him the pleasure of calling the bank a "monster?" And shall we be thus ruined to gratify his spirit of revenge against the bank, whose whole and sole offending was its unwillingness to subserve his purposes in being used as a powerful engine to crush the laws and constitution of our country, and to enable him to assume the haughty and insulting appellation of being "the Government?"

I have, Mr. Speaker, when on this part of my subject, endeavored to point out the conveniences which would result from a uniform currency, and the inconveniences resulting from a deranged currency; the losses upon the whole community at large, and especially the Western country; and that the Bank of the United States has, can, and will furnish a sound and uniform currency; and, without a Bank of the United States to rule and control them, the State banks will certainly flood the country with a worthless, depreciated paper. Upon this part of the subject there is yet another view, which may not be unworthy of our consideration. The United States Bank, from the locations of its branches in the different States of the Union, can accommodate the commerce of the country by selling funds wherever the merchants and traders may want them, however distant it may be, by drawing on the branches located in the States or cities where the person may want the money. This operation of the bank is sometimes done without a premium, and at other times for a small one. These bank checks, if properly drawn, can be transmitted without risk. No State bank can furnish, to the same extent, these facilities to remit money.

Another great object to be attained by all banks is, to enable the industrious, enterprising, and solvent trader, to anticipate his means and realize his capital, when, by the ordinary operations of trade, he could not do it.

To illustrate the idea I intend to convey, I will take some of the growing business cities west of the mountains, for instance, Pittsburg, Cincinnati, Louisville, and St. Louis. The exporter of the produce of those countries ships ten thousand dollars' worth of pork, beef, whiskey, tobacco, or any thing else: the regular operations of trade, without a bank, would be to wait without further using the capital, until it would reach New Orleans, was there sold, and the money brought back; which operation would consume two months; but by branches of the Bank of the United States being located at those cities and at Orleans, what then is the operation? It is this: the moment the exporter makes the shipment, he calculates what will be the nett proceeds of it; how long before it can be coveyed there and sold. After making these estimates, he goes into the branch bank, located at the city from which the shipment is made; sells a bill to the bank on his consignee at Orleans; discounts the interest until the maturity of the bill; receives the money for it, and the next day commences purchasing again. This operation can be performed, twenty shipments made in one season, and the money paid to the farmers every time for their produce. A man can, upon ten thousand dollars capital, buy and ship two hundred thousand dollars' worth of the produce of the country, in a shipping season of eight months; when without the aid and assistance of the bank, he cannot make more than four shipments in one season.

It is this operation, in part, that has given such life and activity to all business in the West, for ten or twelve years back, as our country never experienced before; which prosperity is now blasted by the fatal experiment of General Jackson. I will ask, can State banks furnish these facilities to trade and commerce? It is certain they cannot, because they cannot locate branches at those different points.

But let us trace the operation of these inland bills of exchange a little further. The banks at the cities of Louisville, Cincinnati, Pittsburg, and St. Louis, send the bills to the bank at Orleans for collection; the bank at Orleans, to accomodate the Northern shipping merchants, sells to them the money for bills on New York at sixty or eighty days; the bank at Orleans remits these bills to the branches at Louisville, Pittsburg, Cincinnati, and St. Louis; and those bills are then, by these banks, sold to the importing merchants as Eastern funds. By these several operations the bank only makes a fair profit, and all branches of trade and commerce are accommodated. The money of the country is kept in it, and our exports and imports form but a barter at last, which is the life of all trade. The misfortune peculiar to the Western country, formerly was, that, owing to the points to which our exports went, and the places from which our imports came, all our money was packed over the mountains to the East, to buy the imports; and hence our country was ever kept drained of the precious metals. The Bank of the United States remedied this evil for the last ten years; and hence no part of these United States has flourished like the West. But our misfortunes have at last come upon us, and all these fair prospects and flattering hopes are about to be blasted by the actings and doings of one man.

To the trade of the West the Bank of the United States furnished one other accomodation, which ought not to be overlooked. Our produce and stock are taken to a distance; these sometimes cannot be sold for cash at a fair price, but can upon a credit of six or eight months. The trader cannot keep them on hand; he sells on a credit; gets a note well endorsed, which the bank discounts; he receives his money and returns home. This mode of transacting business, through the Bank of the United States, prevents those enormous sacrifices which our traders had sometimes to make, and which not unfrequently resulted in their ruin.

The Bank of the United States has rendered to the whole country west of the mountains one other service and benefit of infinite importance. Our trade and commerce were generally embarrassed, and our farmers injured in the sale and price of their produce, by the depreciated State bank paper being our only circulating medium. The Bank of the United States has cleared the whole country of that kind of paper, and substituted, in its stead, it own paper, which is preferable to gold and silver on account of its portable quality.

Mr. Speaker, we are told by some gentlemen, let us dispense with the Bank of the United States, and try the experiment of State banks again. To that I answer, we have suffered heretofore too grievously by State banks; they cannot accommodate the trade of the West, as I have already attempted to show.

If gentlemen will turn their attention to the course of our trade, they will perceive that State banks cannot long exist, and keep the precious metals in their vaults, give them what capital you may of specie, without the assistance of the Bank of the United States. The reason is, the State banks cannot supply our merchants with all the Eastern funds they may want. The effect of that is this: they get the notes of the State banks from their debtors, cash them, and carry the money to the East to buy the imports. This operation prevents the State banks from either keeping their paper out, or retaining their specie. But if we have also a bank of the United States, that bank can and will sustain the State banks, by receiving their paper in payment of Eastern funds, and, instead of cashing it, re-issue the paper. This will enable the State banks to keep out their paper and retain their specie. One other consideration I will mention, as not entirely unworthy of notice, is the temptation held out to counterfeiters of the paper of State banks; for in proportion to the difficulties of detection, and the facilities of passing the counterfeit paper, do you increase their numbers. When we have but one bank, the notes of which circulate every where, all persons engaged in trade are able to distinguish the genuine bill from the counterfeit one, and thereby avoid the consequent loss of receiving bad money.

I will now, Mr. Speaker, call the attention of the House to some of the most prominent objections to rechartering the bank; and, without noticing the objections made in this House and out of it, I will go to their text-book itself, which is the famous veto message; that message contains this remarkable expression: "Had the Executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed. In the absence of such a call, it is obviously proper that he should confine himself to pointing out those prominent features in the act presented, which, in his opinion, make it incompatible with the constitution and sound policy." Such language no Governor of a State, or President of the United States, ever used before to their respective Legislatures; and no King, at the peril of his head, dare use such language to a Parliament of Great Britain. It is no more nor less than the arrogant language of a proud and haughty dictator—such as Cæsar or Bonaparte would have used to their subdued and humbled Senates. What! Congress to consult him, before the members of that body pass a bill, as to what kind of a bill he wants; and that he would give the members the plan and form of such bills as would suit him!

The members of this House and the Senate act upon their responsibility to their constituents, and are not accountable to the President. When a bill has passed both Houses, then, and not till then, is the President to be consulted; and he acts upon his responsibility. To consult him beforehand, and conform to his will, the law-making power would, of necessity, all concentrate in the Executive, which would be a despotism; and nothing in effect different from the great monarchies of Europe, such as Austria, Prussia, Russia, and Turkey; for these Governments have their courts of justice.

To excite the prejudicies of the people against the bank, every art, device, and effort, which demagogues could use, have been put in requisition, and played off with great success. It has been called a "monster." The name is arbitrary, and any thing else can be called so if the user of the term be skilled in the low and vulgar abuse of the day. It has been called "a great moneyed aristocratic institution." As to the money part of the name, I had much rather see a bank with a great money capital, than like some favorite banks of late, to have little or none. As to the term "aristocratic," that term is equally arbitrary with the word "monster." It is a mere political watch-word, and is much abused, to arouse an unwarrantable jealousy in the people, like the word "democracy," a word dear to the ears of every republican, is now abused, misused, and prostituted, by every unprincipled mercenary, collared demagogue of the country, when he wishes to court popular favor and mislead the judgments of the people.

To poison the hearts of the people, it is proclaimed every where that the bank belongs to foreigners. I admit that eight millions of the stock belong to people of this description; but who owns the residue? The whole people of the United States own seven millions, and the other twenty millions belong principally to widows and orphans, to helpless women and fatherless children. It is, in fact, in part our own bank; and yet our President makes a ruthless and unrelenting war upon it, because it would not subserve his political purposes, his towering pride, and insatiable ambition to govern alone.

As the fact of foreigners owning stock in the bank has been used with more success than any other charge against the bank, to render it unpopular, let us examine into the nature of that charge, and see what merits are in it. By the terms of the charter, no foreigner can fill any office in the bank, or vote for any officer; consequently, they cannot, in any manner, direct and control it. It is alleged, that in time of war they can have an undue influence upon the administration of the affairs of the nation. For my part, I cannot see how, when they can in no way intermeddle in the concerns of the bank. British capital is invested in the Bank of the United States to the amount of eight millions. Let us now suppose we were going to war with that nation; the first preparatory step would be a non-intercourse law, the next a declaration of war, and, during its whole continuance, the foreign owners of stock could get neither interest nor principal, and we would be fighting their own nation upon their money. That state of things would not be prejudicial to us; besides, the foreign stockholders will operate upon their Government so as to compel it to do us justice, and, when that is done, peace will follow; for all the United States want is justice from all nations, as they are determined to render it to all. But I go further, Mr. Speaker, and say, we need foreign capital for all purposes of commerce, agriculture, and manufactures; that our march in the career of prosperity is great and rapid without a parallel among the nations of the earth; our resources are just developing themselves, and we need foreign capital to accelerate them and bring them into action.

The persons having capital in this country, in general, will not put it into banks, because they can make more out of it by employing it in trade and business; or, if they put it in, they will borrow it out again; which circumstance renders the State banks either insolvent, or without a real, solid, substantial capital.

Why is it that foreigners invest their money in the Bank of the United States? The reasons are obvious: First, they may wish to retire from business; secondly, they have confidence in the management of the affairs of the bank, and also confidence in the good faith, justice, and integrity of those who administer the Government, and confidence in the permanency and stability of the Government itself, when at the same time they have not the same faith and confidence in their own. These causes may all conspire to induce them to invest their money in the bank. But, Mr. Speaker, I will concede to gentlemen, that foreigners owning stock in the bank is an evil. I will then ask them how they will remedy it? You may forbid by law their taking or holding stock in their own names, but they will procure persons who are citizens, to lend them their names, and for them to be the ostensible owners of the stock, and still the foreigners in reality to be the beneficial proprietors.

As long as our Government observes good faith towards all men and all nations, so long as the principles of common honesty are respected amongst us, and integrity is considered a virtue in the administration of the Government, and so long as our Government exhibits stability and permanence in our institutions, will foreigners invest, either directly or indirectly, their money in our stocks. There is but one plan, and I think that a certain and infallible one, to stop such investments; let General Jackson remain our ruler, and let him put all our moneyed institutions under the control and management of his secret, confidential advisers, the kitchen cabinet, and my life on it, a foreigner will not take one cent of stock in our institutions thus managed, and under a Government administered without a proper regard to good faith.

There is yet another reason assigned by those opposed to the rechartering of the bank, "that the bank is a monopoly, and it is a perpetuation of it." That argument is more plausible than substantial; it is an argument only in favor of capitalists who want to invest their money in a bank. It is a matter of no concern to the borrower from the bank whether he pays six per cent. to the old or new bank; whether he borrows from bank A or bank B. The great branches of industry of this country cannot be interested in procuring acommodations and commercial facilities from a new bank in preference to the old; nor is it material to the laboring man or the farmer whether he is paid for his labor or his produce in the paper of the new bank or the old one, if the paper of both is equally good. In justice to this part of the subject, I must remark, that there is one class of borrowers that are greatly interested in chartering a new bank; it is those who have borrowed largely from the old bank, and are now under protest; and who can borrow no more until they pay what they owe; and as they never intend to do that, they are now hostile to the bank, and want a new one chartered, where they can get new accommodations, incur new debts, and be guilty of like defalcations; and, I think, if the kitchen cabinet stood before me, I could put my finger upon some three or four members of that famous cabal, who stand in the predicament above described. The capitalist and fraudulent defaulter, Mr. Speaker, need not be the peculiar objects of our legislative care and attention; they are a set of gentlemen who always can carve for and take care of themselves.

I ask gentlemen to take into their consideration this further and additional injury that will be inflicted on our country, if the bank not be rechartered. There are about sixty millions of dollars due the bank, twenty-five of which are due from the West. The whole paper out does not exceed eighteen millions; after the paper is taken in, the residue of the debt is to be collected in gold and silver, in about two years. Imagine to yourselves, gentlemen, the prostration of all business which such a pressure will occasion; and the wide spreading ruin which will be inflicted on the country; the judgments, executions, sales and sacrifices of property; and then your imaginations will not portray half the reality, because the new bank cannot go into operation until the charter of the old one expires; and, consequently, no relief can be obtained from that quarter. I will ask, what are all these evils to be inflicted on the country for? You may, gentlemen, answer and say, for the purpose of enabling a new set of capitalists to lend us their money. I say that is only a pretext; the real motive, I believe, is, General Jackson thus wills it; and why he wills it, I have endeavored to point out. Some may say, the stockholders make too great a profit. If that be the fact, reduce the rate of interest. But, in this profit which is made by the bank, it must not be forgotten that the United States are the owners of one-fifth of the stock, and receive one-fifth of the profits; and any loss which the stockholders may sustain by refusing to renew the charter, the people of the United States lose one-fifth of it.

There is yet another reason, which, in considering this part of the subject, ought not to be overlooked. If we do not recharter the bank, these eight millions of foreign capital will be withdrawn from the United States; and, I ask, in the present scarcity of money, can we spare so much from this country?

I have now, Mr. Speaker, said what I designed, and which I deemed material and necessary for our consideration of the first resolution. I will now proceed to the investigation of the second and third, together with the amendment offered by the honorable gentleman from Georgia, [Mr. Wilde.]

The amendment of the honorable member from Georgia is the only proposition which has been submitted to this House, calculated to obtain a fair expression of its opinion upon the merits of the controversy between the President and the bank. I shall confine my remarks, principally, to that; but, in its discussion, I shall necessarily be compelled to notice the second and third resolutions offered by the Committee of Ways and Means, which I denounce as an artful evasion of the question; and I have no doubt, by a call of the previous question, this House will never be permitted to vote upon the naked, insulated proposition of the sufficiency of the reasons of the Secretary of the Treasury for removing the deposites. Before I proceed further, I beg leave to call the attention of the House to the fifteenth and sixteenth sections of the charter of the Bank of the United States, which read in these words:

"Sec. 15. *And be it further enacted*, That, during the continuance of this act, and whenever required by the Secretary of the Treasury, the said corporation shall give the necessary facilities for transferring the public funds from place to place, within the United States, or the Territories thereof, and for distributing the same in payment of the public creditors, without charging commissions, or claiming allowance on account of difference of exchange; and shall also do and perform the several and respective duties of the commissioners of loans for the several States, or any one or more of them, whenever required by law.

"Sec. 16. *And be it further enacted*, That the deposites of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order or direction."

Sir, proceeding in our inquiries into the sufficiency of the reasons of the Secretary, we must establish, settle down, and agree upon some preliminary principles to facilitate our investigations; those principles are, what kind and description of reasons can exist which would justify the removal of the deposites. They cannot surely be arbitrary, and dependent upon the mere will, whim, caprice, or pleasure of the Secretary of the Treasury, and upon the will and pleasure of Congress. The great rights of persons must be better secured and more stable than that. The rights of no man, or set of men, in this country, which boasts of its being a Government of laws, should ever be dependent upon the will and pleasure of one man, or any set of men. The will of man is the creature of his passions, and they are directed frequently by his health or habits of body. I, for one, Mr. Speaker, protest against a doctrine which places the great rights and beneficial interests of any set of men, entitled to the protection of our constitution and laws, at the disposal of the arbitrary power of any man. It is too brittle a tenure to enjoy rights or hold property by.

If the removal depended upon the will and discretion of the Secretary, why did the charter make it his duty to lay his reasons before Congress at its next session? and by what rule could Congress say whether his conduct was right or wrong in the removal, unless Congress had certain fixed principles to go by?

The act incorporating the bank was a contract proposed by Congress for the acceptance of those who would subscribe stock upon the conditions therein mentioned; and when all the stock was taken, as required, then the contract became perfect in all its parts: it lost then its character of an ordinary act of legislation, and became a solemn agreement between the United States as one party, and the stockholders as the other. It is now to be viewed and construed as every other contract between parties capable in law to contract.

All covenants in that compact which are for the benefit of the United States, and to be done and performed by the bank, are the considerations moving from the bank to the United States; and every covenant for the benefit of the bank, to be performed by the United States, is the consideration given by the United States to the bank. The covenants, stipulations, and agreements of each are the mutual considerations to each other.

The substantial covenants on the part of the United States, for the benefit of the stockholders, are these: the grant to the stockholders of the exclusive right of banking until the 3d of March, 1836, and the right to the public deposites. In consideration for these covenants, the bank agreed to pay one million and a half of dollars, as a bonus to the United States; to be collecting agent of the public revenue; to keep it safely until the Government might want it; and to distribute the same to the public creditors, as directed by the Secretary of the Treasury, at any point within the United States and Territories, free of all cost and charges, and at the risk and hazard of the bank; and, "also, to do and perform the several and respective duties of the commissioners of loans for the several States, or any one or more of them, whenever required by law."

Some gentlemen have contended that the whole contract between the parties is the grant of the exclusive charter to the bank on the one side, and the *bonus* on the other; and that the residue of the covenants and stipulations on each side are only the ordinary acts of legislation, and can be abrogated at pleasure. That construction is entirely too narrow and contracted, and cannot stand the test of scrutiny for a moment. Every gentleman in this House, who is a lawyer of tolerable standing at the bar, would not peril his legal reputation by contending in favor of such a position. There is another principle of law that it may not be amiss to mention, although not absolutely necessary to maintain the grounds which I have assumed; it is this, that whenever there is a doubt, it is always to be construed in favor of the covenantee against the covenantor, taking care so to expound it as to give it full effect, according to the intent and meaning of the contracting parties.

Having advanced thus far into the question, and settled the meaning, interpretation, and exposition of the mutual covenants contained in the charter, so far as respects the consideration given and received, the next question is, what are the legal rights and remedies of the parties under these covenants, if either contracting party fail to perform the whole or a part of their respective agreements?

If the bank fails on its part, and violates its charter, the United States have the right to revoke the same. The manner by which that revocation is to be obtained is, "by Congress directing, or the President ordering a *scire facias*" to issue and to be served on the officers of the bank. They have the right to be heard, and a trial is had by an impartial jury of the country, which is the birthright of every man in America. But if the bank fails, and refuses to perform any of its covenants, in relation to the revenue of the country, its collection, safe-keeping, and disbursements, or, by the mismanagement of its funds, the ultimate safety of the public money is endangered, then it would not be prudent for the Government to wait the slow and tedious proceedings of the remedy by *scire facias*. But in that case it would be wise to have a more summary remedy; and hence the Government reserved to itself the right to remove the public money from the bank. This right was vested in the Secretary of the Treasury; and the reason why it was confided to him, in preference to any other officer, was obvious. He is the great officer of the Government whose business it is to superintend and manage the finances of the nation.

Having made these remarks, Mr. Speaker, we come up fairly to this question: Can the Secretary of the Treasury remove the deposites for any other cause than a violation of some one or all of the covenants of the bank, connected with and concerning the public revenue, which are its collection, safe-keeping, and disbursement? I contend he cannot. The removal of the public deposites is a virtual rescission of that part of the contract by the United States; which power to rescind, by the action of one of the parties, is reserved by the contract itself. But yet, although that reservation of the power is contained in the charter, the rescission cannot take place for any cause not connected with that part of the agreement.

How absurd it would be in a contract for a tract of land, or any thing else, between A and B, for A to claim a rescission of the contract, and allege for cause that B was not a moral man; that he was turbulent at elections, and intermeddled with the elective franchise; or that he was not a regular and constant attendant at divine service on the Sabbath day, although, in relation to every thing connected with the agreement, B had complied with great punctuality. Such frivolous excuses and pretences, on the part of A, to avoid and get clear of his contract, would be laughed at, and not treated seriously. The court, chancellor, or tribunal trying the cause, would tell him that no conduct of B, unconnected with the contract itself, would authorize a rescission of the agreement and his release therefrom; and that the conduct, on the part of B, must be some failure, or refusal to perform, on his part. Every sound lawyer will acknowledge that no collateral cause, unconnected with the contract itself, can justify its rescission.

If the doctrine I have this moment laid down, in relation to a contract between A and B, be correct and sound law, how can honorable gentlemen distinguish that supposed case, in point of principle, from the question as to the sufficiency of the reasons of the Secretary? Are they not to be tested by the same rules, and governed by the same principles?

It is in vain for gentlemen to say we are law-givers, and we will act upon motives of policy. I say we have no such power. We are, by the terms of the charter, made the judges, in the last resort, in a contest between the Secretary and the bank; and, as judges, we are to decide the controversy with the same strict regard to justice that a judge or chancellor of a court would be bound to observe. Nay, more: as we are substantially one of the parties, and the bank is obliged to submit the question to us, and abide by our determination, let us observe a strict impartiality, instead of manifesting a spirit of vindictiveness in imitation of the President; weigh our justice with equal scales; and, if we are compelled to decide against the stockholders, do it with a kindness and a dignified condescension, "which gives even affliction a grace." This kind of conduct is worthy of us, and worthy of the Congress of the United States.

Some gentlemen, in argument, have contended that Congress, in deciding on the sufficiency of the reasons of the Secretary of the Treasury, take up the subject *de novo*, and can confirm and approve the action of the Secretary upon reasons of their own, although they may believe his reasons insufficient. This position I think a hard one to maintain; for, if Congress, in its deliberation and decision, were not to be confined to the reasons of the Secretary, why did the act require him to lay his reasons before Congress, in preference to reporting the fact only of removal? But yet, in my present argument, I will concede it; and, when I do that, gentlemen will certainly agree that Congress is bound by the same rules in its decisions which I have laid down to be observed by the Secretary of the Treasury.

Having, Mr. Speaker, attempted to settle as I think right and correct the principles which should govern this House in deciding upon the reasons of the Secretary of the Treasury, or any other reasons suggested by gentlemen, I will now proceed to an examination of the reasons themselves, and will pursue nearly the same order in the investigation which has been observed by the Secretary in presenting them.

The first reason is, that the charter will expire on the 3d of March, 1836. This reason is so frivolous, that had it not emanated from such high authority, it would be doing injustice to the patience of the House to spend one moment in its consideration. Can any gentleman, however devoted he may be to the present administration, believe this reason good and sufficient? Did not Congress know, when the charter was granted, that it would expire on the 3d of March, 1836, and, with that knowledge, the bank was to have the deposites during the continuance of the charter, unless it did some act to forfeit it? That reason embraces no action of the bank—no cause whatever except this: that the Secretary thinks the deposites ought not to remain there until the expiration of the charter, and that Congress, when it granted it, acted injudiciously in that particular; that he will correct and remedy that bad act of legislation. How futile is such a reason! The only question is this: Are the deposites given to the bank during the whole period of its continuance? If that be the fact, it is then some action of the bank, after it goes into operation, which must forfeit the right to them, and justify their removal.

It is a palpable violation of the contract, on the part of the United States, to remove them for that cause. But, to fortify that reason, the Secretary uses this language in his report:

"It is obvious that the interests of the country would not be promoted by permitting the deposites of the public money to continue in the bank until its charter expired. Judging from the past, it is highly probable that they will always amount to several millions of dollars. It would evidently produce serious inconvenience if such a large sum were left in possession of the bank until the last moment of its existence, and then be suddenly withdrawn, when its immense circulation is returning upon it to be redeemed, and its private depositors removing their funds into other institutions. The ability of the bank, under such circumstances, to be prompt in its payments to the Government, may well be doubted, even if the ultimate safety of the deposites could be relied on. Besides, the principal circulating medium now in the hands of the people, and the one most commonly used in the exchange between the distant places, consists of the notes of the Bank of the United States and its numerous branches. The sudden withdrawal of its present amount of circulation, or its sudden depreciation before any other sound and convenient currency was substituted for it, would certainly produce extensive evils, and be sensibly felt among all classes of society."

I will remark that the amount of the deposites that may be in the bank on the 3d of March, 1836, cannot alter, or in any manner affect the question. The charter has no reference to the amount, be it great or small, much or little.

I have been forcibly struck with the strange discrepancy between the two reports of the same Secretary: one giving his reasons for the removal of the deposites, dated 3d December, 1833, in which he supposes the excess of revenue to create a large surplus, which will be in deposite on the 3d of March, 1836; the other, his annual report to Congress, dated the 17th December, 1833, in which he seems to apprehend that the revenue for the year 1835 will not be equal to the public expenditures of the Government; consequently, in March 1836, there will be little or no money on deposite. The part of the report I allude to reads thus: "From this state of the finances, and of the proposed appropriations, it is evident that a reduction of the revenue cannot at this time be made without injury to the public service. Under the act of the last session, the receipts of 1835 will be less than those of 1834, as a further reduction in the rate of duties will take effect on the 1st of January, 1835; and if the appropriation should be kept up to the amount authorized for the present year, the charge upon the treasury in 1835 would be more than it could probably meet. But the debt will then have been entirely paid; and if a guarded rule of appropriation is at once commenced, there will be no difficulty in bringing down the expenditure without injury to the public service."

What an unaccountable inconsistency there is in the two reports; but it is a fatality which falls to the lot of all men who have not good memories, when they draw on their imagination for their facts. Perhaps it may be accounted for from an ardent desire to imitate the head of the executive department, with whom consistency in politics has long ceased to be a virtue. The Secretary of the Treasury, in his report to Congress, giving his reasons for the removal of the deposites, says that it was the conduct of the bank in making curtailments of its discounts and bills, in the months of August, September, and October, which induced him to remove the deposites before the session of Congress. The part of his report I allude to, reads in these words:

"The situation of the mercantile claims also rendered the usual aids of the bank more than ever necessary to sustain them in their business. Their bonds for previous importations were, as before stated, constantly becoming due, and heavy cash duties were almost daily to be paid. The demands of the public upon those engaged in commerce were consequently unusually large, and they had a just claim to the most liberal indulgence from the fiscal agent of the Government, which had, for so many years, been reaping harvests of profits from the deposites of the public money. But the bank about this time changed its course.

"By the monthly statement of the bank, dated 2d August, 1833, it appears that its loans and domestics bills of exchange, purchased and on hand, amounted to -	$64,160,349 14
By the monthly statement of the 2d of Sept., 1833, they appear to have been	62,653,359 59
By that of the 2d of October, 1833, they were - - - - - -	60,094,202 93
Reduction in two months, -	$4,066,146 21
By the same papers it appears that the public deposites, including those for the redemption of the public debt, the Treasurer's, and those of the public officers, were, in August, - -	$7,599,931 47
September, - - - - -	9,182,173 18
October, - - - - - -	9,868,435 58
Increase of the public deposites in two months, - - - - -	$2,268,504 11
Total amount collected from the community, - - - - - -	$6,334,650 32

"Thus, upwards of six millions of dollars were withdrawn from the business of the country by the Bank of the United States in the course of two months. This, of itself, must have produced a pressure on the money market, affecting all commercial transactions. But the curtailment in the bank accommodations of the community was much larger. The policy adopted by the Bank of the United States compelled the State banks to take the same course in self-defence; and the Bank of the United States appears to have resorted to the expedient of drawing from the State banks the balances due, in specie, and to have hoarded up the article in its own vaults.

In August, 1833, the bank had in specie,	$10,023,677 38
In September, - - - -	10,207,649 20
In October, - - - -	10,663,441 51
Showing an increase of specie, in two months, of - - - -	$639,764 13

"This sum, it is believed, was chiefly drawn from the State banks. To fortify themselves those banks were compelled to call on their debtors, and curtail their accommodations; and so large a proportion of these calls are always paid in their own notes, that, to obtain $100,000 in specie, they are probably obliged to call for four or five times that amount. To replace the specie taken from them by the Bank of the United States, and to provide for their own safety, the State banks, therefore, must have curtailed from two to three millions of dollars. On the whole, it is a fair estimate, that the collections from the community during those two months, without any corresponding return, did not fall much short of nine millions of dollars. As might have been expected, complaints of a pressure upon the money market were heard from every quarter. The balances due from the State banks had, during the same time, increased from $368,969 98 to $2,288,573 19; and, from the uncertain policy of the bank, it was apprehended they might suddenly be called for in specie. The State banks, so far from being able to relieve the community, found themselves under the necessity of providing for their own safety. A very large proportion of the collections of the bank, in August and September, were in Philadelphia, New York, and Boston.

In August and September the curtailment in Philadelphia was - - -	$195,548 69
Increase of public deposites, - -	646,846 80
Actual collections by the bank, -	$842,395 49
Increase of public deposites in N. York,	$1,396,597 24
Deduct increase of loans, - -	331,295 38
Actual collections by the bank, -	$1,065,301 86
Curtailments in Boston, - - -	$717,264 45
Increase of public deposites, - -	48,069 88
Actual collections by the bank, -	$765,334 33
Total collections in the three cities, -	$2,673,031 68

"It will be perceived that it was solely through the increase of the public deposites that the bank raised balances against the State banks in New York, and was placed in a situation to take from them, at its pleasure, large sums in specie. And when it is considered that those curtailments and collections of the bank of the United States necessarily compelled the State banks to curtail also, we shall be at no loss to perceive the cause of the pressure which existed in the commercial cities about the end of the month of September. It was impossible that the commercial community could have sustained itself much longer under such a policy. In the two succeeding months, the collections of the bank would probably have exceeded five millions more, and the State banks would have been obliged to curtail in an equal sum. The reduction of bank accommodations to the amount of nineteen millions of dollars in four months, must have almost put an end to trade; and, before the 1st of October, this pressure in the commercial cities had become so intense, that it could not have been endured much longer, without the most serious embarrassments. It was then daily increasing; and, from the best information I have been able to obtain, I am persuaded that if the public moneys received for revenue had continued to be deposited in the Bank of the United States for two months longer, and it had adhered to the oppressive system of policy which it pursued during the two preceding months, a wide-spread scene of bankruptcy and ruin must have followed. There was no alternative, therefore, for the Treasury Department, but to act at once, or abandon the object altogether. Duties of the highest character would not permit the latter course, and I did not hesitate promptly to resort to the former.

"I have stated the condition of the mercantile classes at the time of the removal, to explain why it was impossible to postpone it, even for a short period; under other circumstances, I should have been disposed to direct the removal to take effect at a distant day, so as to give Congress an opportunity of prescribing, in the mean time, the places of deposite, and of regulating the securities proper to be taken."

The Secretary of the Treasury has not dealt fairly with Congress and the nation, in making that statement; he knows that the removal of the deposites was determined on by General Jackson, to be made before the session of Congress, for the purpose, as Amos Kendall declared in Philadelphia last summer, to anticipate the action of Congress; and if that body did attempt to act, then to use the veto power upon their action. Let us see what the President himself says on the subject, as given to the public by Mr. Duane, in his letters. The verity of the statement has not been denied. In the third letter we find the following passages:

"My commission bore the date of May 29, 1833, and on the 30th I reached Washington. After waiting upon the President on the next day, I went to the Treasury Department, and took the oath of office on the 1st June. On the evening of that day, Mr. Reuben M. Whitney called upon me at my lodgings, at the desire, as he said, of the President, to make known to me what had been done, and what was contemplated, in relation to the United States Bank. He stated that the President had concluded to take upon himself the responsibility of directing the Secretary of the Treasury to remove the public deposites from that bank, and to transfer them to State banks; that he had asked the members of the cabinet to give him their opinions on the subject; that the President had said, 'Mr. Taney and Mr. Barry had come out like men for the removal;' that Mr. McLane had given a long opinion against it, but had given no written opinion; and that Mr. Woodbury* had given an opinion which was 'yes' and 'no;' that the President would make the act his own, by addressing a paper or order to the Secretary of the Treasury; that Mr. Amos Kendall, who was high in the confidence of the President, was now preparing that paper; that there had been delay, owing to the affair at Alexandria, but, no doubt, the President would soon speak to me on the subject; that the paper referred to would be put forth as the proclamation had been, and would be made a rallying point; that he (Mr. Whitney) had, at the desire of the President, drawn up a memoir or exposition, showing that the measure might be safely adopted, and that the State banks would be fully adequate to all the purposes of the Government. He then read the exposition to me, and, as I desired to understand matters so important and so singularly presented, I asked him to leave the paper with me, which he accordingly did. He also read to me divers letters from individuals connected with State banks. The drift of his further observations was to satisfy me that the executive arm alone could be relied on to prevent a renewal of the United States Bank.

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* "It is due to this gentleman to state, that I subsequently learned he was opposed to a removal prior to July, 1834, and was for only a gradual change afterwards."

"The communication thus made to me created surprise and mortification. I was surprised at the position of affairs which it revealed, and mortified at the low estimate which had been formed of the independence of my character. I listened, however, respectfully, to one who gave such evidence of the confidence reposed in him, and awaited the explanation which he intimated the President would give.

"On the next evening (Sunday) Mr. Whitney again called on me in company with a stranger, whom he introduced as Mr. Amos Kendall, a gentleman in the President's confidence, who would give me any further explanations that I might desire as to what was meditated in relation to the United States Bank, and who then called on me because he was about to proceed forthwith to Baltimore. I did not invite or check communication. Very little was said; and perhaps I could not wholly conceal my mortification at an attempt, apparently made with the sanction of the President, to reduce me to a mere cipher in the administration.

"The next morning, June 3d, I waited upon the President, and, as I had been apprized by Mr. Whitney would be the case, he soon introduced the subject of the bank. I stated that Mr. Whitney had made known to me what had been done, and what was intended, and had intimated that his communication was made at the President's desire. The President replied, in a tone of dissatisfaction, that it was true he had conferred with Mr. Whitney, and had obtained information from him as to the bank, but that he did not make him his confidant, nor had he told him to call on me. I enumerated the representations which Mr. Whitney had made, and their correctness was admitted. I said I feared that I should not be able to see the subject in the light in which the President viewed it; to which he remarked, that he liked frankness; that my predecessor and himself had sometimes differed in opinion, but it had made no difference in feeling, and should not in my case; that the matter under consideration was of vast consequence to the country; that unless the bank was broken down, it would break us down; that if the last Congress had remained a week longer in session, two-thirds would have been secured for the bank by corrupt means; and that the like result might be apprehended at the next Congress; that such a State bank agency must be put in operation before the meeting of Congress as would show that the United States Bank was not necessary, and thus some members would have no excuse for voting for it. My suggestions as to an inquiry by Congress, as in December, 1832, or a recourse to the judiciary, the President, repelled, saying it would be idle to reply upon either; referring, as to the judiciary, to decisions already made, as indications of what would be the effect of an appeal to them in future. After mentioning that he would speak to me again before he departed for the Eastward, he said he meant to take the opinions of the members of the cabinet with him, but would send them to me from New York, together with his views, and would expect me, on his return, to give him my sentiments frankly and fully."

These quotations, Mr. Speaker, prove several important facts. That the removal of the deposites was determined on last spring or summer, and that the same should take place before the session of Congress; that General Jackson insinuated that the last Congress had been bought up by the bank, and that it was probable that the members of the present Congress would sell themselves in the same way; and also they go far to convict the Secretary of the Treasury of duplicity and insincerity in his report to Congress.

The next reason assigned by the Secretary is, that the business of the bank is, to a certain extent, transacted by committees and agents. I will ask how it can be done in any other way? A great part of the business of the bank is done at its branches; all the officers of those branches are appointed by the directors of the mother bank, and to that bank are they responsible; and the officers of that bank are responsible to the public for their official conduct. The mother bank, within her own walls, and in the transactions of her own business, is obliged to employ agents, to divide out the labors of the directors, and confide them to committees, and the committees to report to the board. They could not transact the business of the bank, it is so various and diversified, without this kind of subdivision of labor.

We, in this House, transact our business by committees who report to us for our approval or disapproval, although we cannot delegate our legislative powers; but the convenience of doing business, and the impracticability of doing it in any other way, requires this course to be pursued. Can we, then, blame the directors for doing that which we do ourselves? Our situation and that of the directors are somewhat different. We have no express power derived from the constitution to appoint committees; the power is to be found in the usages of Parliament, which makes the law of this House as to the mode of proceeding. The directors have the power to delegate to subagents the transaction of a great part of their business. I will call the attention of the House to the tenth section and fourteenth article of the eleventh section of the charter, which read in these words:

> "SEC. 10. *And be it further enacted*, That the directors for the time being shall have power to appoint such officers, clerks, and servants, under them, as shall be necessary for executing the business of the said corporation, and allow them such compensation for their services, respectively, as shall be reasonable; and shall be capable of exercising such other powers and authorities for the well-governing and ordering of the officers of the said corporation, as shall be prescribed, fixed, and determined, by the laws, regulations, and ordinances of the same."
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> "SEC. 11. ART. 14. The directors of the said corporation shall establish a competent office of discount and deposite in the District of Columbia, whenever any law of the United States shall require such an establishment; also one such office of discount and deposite in any State in which two thousand shares shall have been subscribed, or may be held, whenever, upon application of the Legislature of such State, Congress may, by law, require the same: *Provided*, The directors aforesaid shall not be bound to establish such office before the whole of the capital of the bank shall have been paid up. And it shall be lawful for the directors of the said corporation to establish offices of discount and deposite wheresoever they shall think fit, within the United States, or the Territories thereof, and to commit the management of the said offices and the business thereof, respectively, to such persons, and under such regulations, as they shall deem proper, not being contrary to law or the constitution of the bank. Or, instead of establishing such offices, it shall be lawful for the directors of the said corporation, from time to time, to employ any other bank or banks, to be first approved by the Secretary of the Treasury, at any place or places that they may deem safe and proper, to manage and transact the business proposed as aforesaid, other than for the purposes of discount, to be managed and transacted by such officers, under such agreements, and subject to such regulations, as they may deem just and proper. Not more than thirteen, nor less than seven, managers or directors, of every office establised as aforesaid, shall be annually appointed by the directors of the bank, to serve one year; they shall choose a President from their own number; each of them shall be a citizen of the United States, and a resident of the State, Territory, or District, wherein such office is established; and not more than three-fourths of the said managers or directors, in office at the time of an annual appointment, shall be re-appointed for the next succeeding year; and no director shall hold his office more than three years out of four in succession; but the President may be always re-appointed."

The reason assigned by the Secretary for the removal of the deposites, that the bank transacts a portion of its business by committees and subagents, the House will perceive, from the charter itself, is not good and substantial; the conduct of the bank, in that particular, is warranted by the charter, and by the usages of all banks. The convenience of banking business imperatively requires it.

Another charge is, that none of the directors appointed by the Government are put on the exchange committee.

All the members of the directory cannot go on that committee; and the fair presumption is, that the directors selected for that and all other committees are on account of their talents and experience, and the fitness and adaptation of those talents for the particular business which they have to transact, and which appropriately belong to the several committees, like the committees in this House are filled, or at least should be filled. The Speaker selects each member of this House for a committee with an eye to the business which is to come before that committee, and the qualification of the member to do the business.

The most important committee of this House is that of Ways and Means; it is to consist of nine members. How idle and ridiculous it would be in the other two hundred and thirty-one members to complain that injustice had been done them, because you, Mr. Speaker, had not selected them for that committee. The Government directors, it is evident, did not accept their appointments and go into the bank as directors to aid in the management of its great and complicated concerns; they went in as Government spies upon their brother-directors; they descended to the low and degraded situation of being tools in the hands of the kitchen cabinet, detested and execrable informers upon their associates. I speak of them officially; I know nothing of them individually; I am told they are respectable; and it is greatly to be lamented and regretted by their friends, that they ever accepted their appointments upon the secret conditions they did.

I deny the position assumed by the Government directors in their report, and also by the Secretary of the Treasury, that a part of their duty is, that they are to be informers. The charter never contemplated such mean offices to be done by any man; it did not go upon the presumption and predication that informers were necessary.

The Government directors, like the other directors, were to aid and assist each other in managing the complicated concerns and diversified interests of the bank. As the United States owned one-fifth of the stock, it was nothing but right and fair that the Government should appoint its proportion of directors. This was the reason why the President, by and with the advice and consent of the Senate, appoints five directors, and not that the Government wanted five spies and secret informers in the bank. Mr. Speaker, I ask, nay, demand, of the gentlemen present, is there any one of you who can pronounce this last reason which I have noticed, sufficient? I am sure, they, in candor, must answer they cannot.

There is a principle assumed by the Secretary of the Treasury in his report, which certainly cannot meet with the sanction of a majority of this House; that is, the right to take any part, or the whole of the deposites, and give them to the State banks on account of their weakness, if they are making honest exertions to get through with their embarrassments. He certainly has no greater right to loan the money of the public to a State bank, when it is distressed and likely to fail, than he would have to any company of men, or any individual, who might be pressed for money. Simplify the proposition, and what is it? Congress, by law, fixes on a place for the safe-keeping of the public money, where it is perfectly safe, and where it may be loaned out and thrown into circulation for the benefit of trade and commerce. One-fifth of the profits of the loans belongs to the United States. The Secretary takes upon himself to say, I will hunt out for State banks which are tottering, or on the brink of bankruptcy, but yet their exertions are honest, and I will aid them in their difficulties. In vain you may tell him Congress has said, by a solemn act and contract with the stockholders of the Bank of the United States, that that bank shall have the public deposites. If the Secretary has a right to assist the State banks when distressed for money, he has equally a right to take the money of the public, and hunt out individual objects of charity, and relieve them with it; for this is, in fact, the amount and extent of the ground thus assumed. That position of the Secretary is so utterly untenable, that I will not delay the House longer with its examination. Another charge preferred by the Secretary of the Treasury against the bank is this: that, from the 31st of December, 1830, up to the 31st of December, 1831, the bank extended its accommodations from $42,402,304 24, to $63,026,452 93, and that, by the 1st of May, 1832, the bank accommodations amounted to $70,428,670 24. The inference which the Secretary draws from these extensions of loans and accommodations is, that the bank was opposed to the election of General Jackson; and, to enable it to act upon the public with greater effect and power, it increased the amount of its outstanding debts. This reasoning is predicated upon the baseness and corruption of man, and that all men in debt have no principle, no independence, no sentiments of their own. I never will admit that course of argument to be legitimate, which is predicated upon the hypothesis that man is mean and low, and is ever in market for money; a poor man, or one in debt, has as high and strong feelings and sentiments of honor, as the first officer in this nation, or any honorable member here.

But, Mr. Speaker, I am at a loss to know how either General Jackson or the Secretary of the Treasury knew that the bank was opposed to the election of General Jackson, in 1831, and up to the 1st of May, 1832—the period when the loans and accommodations reached the highest point. Up to that time he had shown no hostility to the bank. In the report of his Secretary of the Treasury (Mr. McLane) in December, 1831, to which I had the honor a short time since of calling the attention of the House, and which report General Jackson evidently read and approved of, (for his annual message, a few days before the report was made, referred to it, and made quotations from it,) the Secretary speaks in the highest terms of the bank, declares it to be constitutional, that the Government cannot manage its fiscal affairs without it, and that the bank, in its relations to the revenue, had performed its engagements. The public up to that time supposed that General Jackson would sign a bill to recharter the bank; and when in July, 1832, his famous veto message came out, it astonished the whole American people, and none more than his own party. The bank had given no indications then of being opposed to his administration. It is an afterthought of General Jackson; as he thinks, his Secretary thinks; and it is dragged into this controversy, to justify, as he supposes, his unaccountable warfare waged against a bank, which may be styled the bank of the people.

Let us examine the argument a little more in detail. The bank has a capital of $35,000,000; the public deposites are equal to, and will average $8,000,000, making $43,000,000 of nett capital. A bank may always fairly, and without any risk and hazard, either in reference to the value of its notes in circulation, or its own soundess and solidity, extend its accommodations to double the amount of capital. Apply this rule to the Bank of the United States, and it could, without any danger, have extended its accommodations to $86,000,000, instead of $70,420,074 24. So if there be any just cause of complaint against the bank, it is not for extending its accommodations to $70,000,000 by the 1st of May, 1832, but it ought to be because it did not extend it that high, or even higher, long before; so the General and his Secretary have got hold of the wrong end of the cause of complaint. As an evidence that $70,000,000 were not too great an extension of its accommodations, compared with its capital and means, we are not left to theory and speculation, but we have matter of fact to test it by. The paper of the bank never fell below par, nor was its credit impaired, nor did the price of stocks fall in the market. These facts amount to certain and infallible proofs that the accommodations were not higher than the capital of the bank warranted. But only for one moment see how inconsistent General Jackson is: he complains that the bank extended its loans to defeat his election, by increasing them to $70,420,074 24; and since he has withdrawn the deposites, equal, upon an average, to $8,000,000, and threatens the bank with further hostilities, even to a war of extermination; the bank, to meet this state of things, has called in its accommodations, and reduced its outstanding debts to about fifty-eight or sixty millions of dollars. He now abuses the bank for doing this, calls it "a monster;" and when the suffering people petition him for relief, he spurns them from him, and insultingly taunts them by telling them to go to Biddle, he could relieve them if he would, and that his curtailments of the debts of the bank are greater than its situation and exigencies require, and that Biddle intends to oppress the people without any just cause.

I have said thus much, Mr. Speaker, upon the hypothesis that the statement of the Secretary of the Treasury was correct, as to the extent of the outstanding debts due the bank on the 31st of December, 1830; but the Secretary is mistaken. It appears, from an inspection of the books of the bank, that the debts due that institution on that day were $52,706,738 39, instead of $42,402,304 23. How he fell into this error, I am at a loss to determine.

The old story of the three per cents. is brought again before us; yes, "Monsieur Tonson has come again." That has been a subject of complaint before Congress, at two preceding sessions, and by Congress fully examined, and the bank exonerated from all blame, nay, its conduct highly approved.

In the better days of this republic an idea prevailed, that when a man, or a set of men, were once tried fairly upon charges, and found not guilty by the proper tribunal, he never should be again tried for the same offence. A new order of things has commenced; a man shall now be harassed upon the same charge as often as the malice of his prosecutors may desire to be revenged: this is Jacksonism in its true character.

I will not trouble the House with a detailed account of the three per cents. as that transaction has been fully explained by the reports of the Committee of Ways and Means of a former Congress. I will, however, remark, that the bank assumed the payment of the debt to the holders of the stock, which was, originally, upwards of thirteen millions; being the interest on the old national debt, when it was funded under the administration of General Washington. That assumpsit exonerated the United States, which was all the Government could ask. The motive of the bank in doing this was not the want of means, but to prevent so large a quantity of specie from being taken out of the United States at one time, lest the pressure might embarrass the commercial operations of the country.

One other case of complaint is, that the bank has expended about fifty thousand dollars in printing and publishing documents. There is the semblance of plausibility in this charge; and it requires some attention to other facts to explain it. It is well known to this House and the whole nation, that after the veto of the President upon the bill to recharter the bank, a large portion of the Jackson party throughout the United States commenced a ruthless war against it and all its officers. This war has been carried on by the President in person; the kitchen cabinet, a disciplined and hired press, the office-holders, and aspirants after office, with but a few exceptions, have lent their aid; every thing which malice could invent, or falsehood suggest, has been said, written, and published against the bank, the directors, and officers. By some it was proclaimed insolvent; by others, a monster; by others, a great sink of foul corruption. The directors and president were denounced and vilified. Every term of reproach and abuse has been exhausted upon them. What could the directors, thus circumstanced do? To be silent, credulity would take every charge and aspersion upon the bank and its officers admitted. In this situation, there was but one remedy left. The principle of self-defence, sanctioned by the laws which govern all animated nature, pointed it out. That was, to confront their enemies, demand a trial, and call for proof. This was done, and Congress appealed to as the tribunal; the subject was referred to committees of both Houses; men of first rate talents were members of those committees; both parties were fully heard; the committees and Congress acquitted the bank and its officers. The directors, by their president, to let the nation know what had been the decision of Congress upon the subject, published and circulated the reports of the committee, and speeches of members of Congress made in their defence. The interest of the institution and the public required this, lest the credit of the paper in circulation might be affected, and the value of the stock injured. The directors owed this course of conduct to their own reputation, which had been wantonly assailed. If one man slanders another, what do the laws of self-defence permit? To prove the charges false; to prove the witnesses who attempted to support them not entitled to credit; to prove that the man who uttered the slander was actuated by malice, and is a base defamer of character. To whom, and before whom, was the bank to make this proof? To Congress and to the nation. How could it be made to the nation, except by publishing the documentary evidence of the falsehood of the accusation and their proclaimed innocence? The President, who stands pre-eminently conspicuous in the band of the accusers of the bank and its directors, and his followers, have appealed to the nation in their accusations and denunciations of the bank and its officers, and before that tribunal must the bank appear and make defence. The poison has been disseminated throughout the United States, and the antidote, to be effective, must have the same circulation. When we consider who were the accusers of the bank, and their power, the conduct of the directors, in the bold, manly, and independent defence they have made, instead of deserving censure, is highly honorable to themselves, and what the high interest of the institution required of them.

Another charge alleged against the bank is, that it entered the political arena in the presidential election, and opposed the re-election of General Jackson. By this charge against the bank, I suppose the directors and other officers are intended and pointed at. I will ask, Mr. Speaker, does any man in this country lose or forfeit his right of suffrage by following an honest calling for a support? Surely not; because a man is an officer in the Bank of the United States, has he no civil, political, and religious rights? Are they impaired, abridged, or taken from him? or, is he compelled to exercise them only in a particular way? This charge is a vital stab at the great and republican doctrine of free suffrage. It has been attacked in this administration all over America; and men in office have been made to feel it every where; and from the conduct of General Jackson in relation to turning men out of office for opinion's sake, when that opinion was against him, I have no doubt that the whole and sole cause of offending in the bank and its officers is, that they would not prostitute the power of the bank to perpetuate his political power, and they themselves, individually, were opposed to his re-election. Had the bank and its officers subserved his purposes, we should have heard nothing of its being a "monster;" it would then have been a necessary, valuable, and constitutional institution.

The next charge which I shall notice is the French bill. That bill was sold to the bank at the pressing instance and solicitation of the Government, for the full amount thereof. The negotiation took place in the District of Columbia; the bank sold the bill to a house in London; the bill was presented by the holder, and by the French Government protested. The bank had the money to pay in Paris, to the holder of the bill, after protest; and it now claims that the money be repaid back, with such costs, charges, and damages, as are given by law, which law I will call the attention of the House to, and is as follows:

Section 1. Every bill of exchange drawn by any person or persons, body politic or corporate, co-partnership, company, or society, in the District of Columbia, upon any person or persons, body politic or corporate, co-partnership, company, or society, out of said District, and in any foreign place or country without the limits of the United States, and of every State and Territory thereof; and every bill of exchange drawn by any person or persons, body politic or corporate, co-partnership, company, or society, out of the District of Columbia, and in any foreign place or country without the limits of the United States, and of every State and Territory thereof, upon any person or persons, body politic or corporate, co-partnership, company, or society, in the said District of Columbia, shall be held, taken, and deemed to be a foreign bill of exchange, according to the law merchant; and, as such, possessed of all the properties, qualities, privileges, and advantages, and liable to all the incidents, regulations, restrictions, and qualifications, thereunto belonging or appertaining, except in so far as is hereinafter otherwise provided. And every bill of exchange, or order for the payment of money, drawn by any person or persons, body politic or corporate, co-partnership, company, or society, in the said District of Columbia, upon any person or persons, body politic or corporate, co-partnership, company, or society, within the said district, or within the United States, or any State or Territory thereof; and every bill of exchange drawn by any person or persons, body politic or corporate, co-partnership, company, or society, in the United States, or in any State or Territory thereof, upon any person or persons, body politic or corporate, co-partnership, company, or society, in the Disirict of Columbia, shall be held, taken, deemed, and considered to be an inland bill of exchange, and, as such, possessed of all the properties, qualities, privileges, and advantages, and liable to all the incidents, regulations, restrictions, and qualifications, thereunto belonging or appertaining, according to law and usage, except in so far as is hereinafter otherwise provided.

Sec. 2. Whenever the holder of any foreign bill of exchange, drawn or endorsed within the District of Columbia, for a sum of money equal, or exceeding, in value, twenty dollars of the lawful current coin of the United States, shall, according to the law merchant, have a right to recover from the drawer, or any endorser of such bill, who shall have drawn or endorsed the same within the said District, the principal sum of money in such bill mentioned, with re-exchange or damages, interests, and costs, such drawer or endorser shall be liable to pay to such holder of such bill, such sum of lawful current money of the said United States as would, at the time when such drawer or endorser first had notice of the dishonor of such bill, have purchased in the said District of Columbia, or (in case the same could not then and there have been purchased) in the city nearest thereto, a good bill of exchange of the same tenor with such dishonored bill, together with fifteen per centum damages thereupon, and interest at the rate of six per centum per annum from the time of the dishonor of such bill until payment, and, also, the costs of protest; and such drawer or endorser, having paid the sum as aforesaid, shall have a right to an assignment of such dishonored bill from the holder thereof, and to recover the whole amount so paid by such drawer or endorser as aforesaid, with lawful interest thereupon, from any person or persons, body politic or corporate, co-partnership, company, or society, who may, according to the law merchant be liable to the said holder on the said bill.

Does the bank claim one cent more than by law it is entitled to? No, not one cent. Do not the United States invariably exact, not only the principal, but all cost, charges, and damages, if they purchase a bill and it is protested? The uniform course of the Government is such. I ask, is it then come to this, Mr. Speaker, that it shall be esteemed an offence for a man, or any set of men, in the United States, to demand of the Government that which by law they have a right to; and, if they make such a demand, other great rights shall be taken from them? As an apology for this charge, it is veiled over by saying the bank had the public money on deposite; to that I answer, the bank had already paid for that in the bonus of one million and a half of dollars, and in services in collecting and distributing the public revenue. That charge I consider a daring outrage upon the constitutional rights of every American citizen.

There is one argument that has been used by a number of gentlemen in this House, which I must notice. The argument is, that they believe the reasons of the Secretary of the Treasury insufficient; but they will not vote for a restoration of the deposites, because it will increase and strengthen the claims of the bank to a renewal of its charter, which measure they are opposed to. The respectability and talents of the gentlemen who have pressed this consideration and view of the subject on the attention of the House, demands from me a respectful and particular examination of it. Upon every reflection which I can give to this part of the subject, I confess I cannot feel the force of the argument: if even I were opposed to a renewal of the charter, how it can in any form, shape, or way, in the smallest degree, operate in favor of a renewal of the charter, is impossible for me to perceive. I cannot imagine the smallest bearing it can have.

I will ask gentlemen who advocate this proposition, to suppose that the restoration might remotely strengthen the claims of the bank to a renewal of its charter; and we will suppose further, that the longer continuance of the bank is an evil after its charter may expire. I will then ask them, can any measure be presented to us for legislative action, that has not some objection to it? No human institution can be perfect. In all our legislation, we are to view the good and evil of every measure, and on which side preponderates and rests the most good and least evil. Let us apply this rule to the present question. Has not the removal of the deposites withdrawn eight or ten millions of actual capital from circulation; deranged the whole commerce of the country; prostrated the manufacturing establishments; lessened the price of labor, and the productions of labor, thirty per cent.; occasioned a universal alarm and panic in the cities and throughout the country? These are evils intolerable, and by a restoration they will be remedied. Are these considerations to weigh nothing with gentlemen? If they believe General Jackson had no right to remove the deposites, then it is a violation of the contract with the bank; and will they support a violation of an agreement upon such principles? Will they permit the country to do an act of dishonesty, which they, as individuals, would scorn to do? I tell gentlemen never to permit this Government to do an act, which an honorable man could not do.

With those gentlemen who advocate this position, there is another consideration which deserves great weight. By sanctioning this conduct in the President, you sustain him in an open and flagrant violation of the constitution, which no question of a corporation or no corporation should ever induce you to do. Besides, Congress, in this matter, cannot act from considerations of policy; the charter makes Congress the judges in the last resort between the Secretary and the bank; as judges, apart from all politics, we must decide this controversy; and, as judges, can any gentleman, for a moment, believe that the mere possibility of an application for a renewal of the charter forfeits the right to the public deposites? Did not the contracting parties know, at the time they contracted, that such an application might be made? If Congress intended that such an act would forfeit the right to the deposites, why not say so in the charter?

I have now, Mr. Speaker, gone through, as briefly as I could, the reasons of the Secretary of the Treasury for the removal of the deposites, and also one among the most prominent reasons assigned by some gentlemen why they will not vote for their restoration. In taking a retrospect of the whole of the reasons, there is not one, except the transaction of the three per cents., which comes within that class of reasons which could justify the removal, because they have no connexion with the collection, safe-keeping, and distribution of the public revenue. According to the position I endeavored to establish when I commenced this general head of the argument, the removal can only take place for some reason and cause directly and immediately connected with the safe-keeping and distribution of the public money. The charge about the three per cent. stock, if founded in fact, comes within the class of reasons that would justify the removal, because it connects itself with the duty assumed by the bank, to pay the public creditors as directed by the Secretary of the Treasury; but the charge is untrue in point of fact, and the bank has been tried by Congress for it heretofore, and acquitted. To bring it forward again is unjust, as it relates to the bank, and is a direct indignity offered to Congress.

I have been considering these reasons as if they were the proper and genuine reasons of the Secretary of the Treasury, and treating them as such; but we all know they are not. To know whose reasons they are, we must take a retrospective view of some of the most prominent transactions of last summer, so far as they are connected with the removal. On the first day of June last, the day that Mr. Duane took the oath of office, and entered on its duties, Mr. Whitney, an acknowledged subordinate member of the kitchen cabinet, and the known emissary of Amos Kendall, called on and informed him of the determination of the President to remove the deposites, and that Kendall was then drawing his reasons for so doing. During that summer, Mr. Kendall was sent to make arrangements with the State banks, to become the depositories of the public money. Kendall, when on this tour in Philadelphia, declared that the President would remove the deposites before Congress met, so that if Congress should act on the subject, and disapprove of what was done, the President might use his veto power. The President assembled his cabinet, and read to them the communication which Kendall had prepared, in which he declared "that he begged the cabinet to consider the measure as his own; its responsibility is assumed." The Secretary (Duane) disapproving the measure, and believing that he alone was to act without the dictation and authority of the President, refused to remove the deposites. That opinion was based and predicated on the charter itself, and on that part of the President's communication which says, "the power of the Secretary over the deposites is unqualified." The President then looked around for a man of more compliant principles; such a one was found in Mr. Taney. Duane was then removed, and Taney put in his place. Why was Duane removed? The President has declared over and over again, "because he was a refractory subordinate," in not obeying his mandate. And why was Mr. Taney put in? Because he would come at the bidding of the President, and obey his commands.

The reasons assigned by the Secretary (Mr. Taney) are not his own; they are the reasons of the President; and, finally, their paternity can be traced to Amos Kendall.

I know that Mr. Taney has signed and sent them to this House; but "the responsibility," in the President's own language, "is assumed by himself." Is the man who gives the mortal stab, or the tool he uses, responsible for the murder? The answer to this question gives the answer where the responsibility rests for the removal.

Mr. Taney draws heavily upon our credulity, and that of the nation, when, after assigning his reasons, he says, "Upon the whole, I have felt myself bound by the strongest obligation to remove the deposites." He knew that Congress could not be imposed upon by the assertion that he had done the act; but it was intended for the public, and all who might read would not have the means to discover the fraud and imposition; and hence some would believe it. A large portion of the documents which emanate from the executive department, and which are sent to Congress, are not intended for this body alone, but they are addressed to the prejudices of the public, and to the bad passions of men; to those passions which are common to us all; they are incidental to the infirmities of human nature. It is the duty of the patriot to address and bring into action the good, noble, generous, feelings of the soul; it is the insidious and covert design of the demagogue to arouse to a fury the bad and turbulent ones.

It is alleged that the President has the power to remove the Secretary of the Treasury at his will and pleasure. Be it so; and is he not responsible to this House and the nation for the abuse of that power?

To ascertain whether the President, in the removal of Mr. Duane, has abused his power or not, let us see what the Secretary had done. The Government and the stockholders of the bank had made a contract in relation to the public deposites. If the bank violated its agreement, the Government reserved the right to remove the deposites, and a judge was mutually chosen, by both parties, to decide the fact; that is, when a violation of the contract took place on the part of the bank; and whenever, in the opinion of that judge, that event happened, the judge was to remove the deposites, and report his reasons to Congress at the next session. The President, a party no way concerned, so far as respects the deposites, takes it into his head, or rather it is put in by the insinuations of others, that the bank had failed to comply with its agreement, and had forfeited its right to retain the deposites, reads a long argument, drawn up by one of the evil spirits who stand behind the throne, to the Secretary, in which the Secretary is told that "the power of the Secretary over the deposites is unqualified," and that he does not intend to intermeddle with his (the Secretary's) duties. The Secretary, after due consideration and deliberation, was of opinion that the bank had done no wrong, and said, "As I have been made the sole judge between the bank and the Government, I will not remove the deposites; and in this determination and opinion I am supported by the vote of the House of Representatives at its last session." The President becomes enraged, and says he is betrayed; and for no reason but that refusal removes him from office.

I put the question to every gentlemen here: Is not the conduct of the President, in removing Mr. Duane, for no other reason but a conscientious discharge of his duty, a most outrageous and flagrant abuse of his power of removal; and ought not this House and the nation to hold him responsible for it?

Some gentlemen on the other side have advanced these positions: that, in the executive department, there was but one head and one will, and that head and will was the President; that he is bound to see the laws executed as he understands them; and that the power of appointment and the power of removal, both appertaining to his office, necessarily confer on him the right to superintend and control the whole executive department. Those positions can only be maintained to a very limited extent. The ordinary duties of the Departments of State, of the Navy, and of War, are under his control. The Treasury Department is differently organized; a large portion of the duties of that department, and particularly as far as respects the money of the people before it is appropriated by law, is independent of the President.

To illustrate my ideas on this subject more in detail, an examination into the constitutional divisions of power will be necessary. This Government is divided into three separate, distinct departments—Legislative, Judicial, and Executive. The Legislative includes the members of

Congress; the Judicial is composed of the judges of the federal courts of the United States; all officers but those appertain to the executive department. Suppose the United States circuit court for the Kentucky circuit was to render judgment against a man for debt, or any other demand, or any cause of complaint; the President, upon examining the record, was of opinion that the judgment was erroneous, and forbids the marshal to levy the execution, or make sale under it, because he was bound to see the laws faithfully executed; and that power conferred on him the right to see the decision of the court was warranted by the law and fact. The court would owe it to their own dignity, and to the independence of their department, to order the marshal to obey their mandate, and levy the execution, or serve the process and order of the court. If the marshal attempted to do what the court ordered, the President would remove him from office, and hunt out some other man who would obey him; there would be no difficulty in providing such a one, for the country abounds with them. Carry the doctrine of gentlemen out, by extending the principle, and the judiciary department is annihilated, to all substantial and useful purposes. The judges cannot, by law, execute their own judgments; the writs, executions, and other processes of the court, must be executed by executive officers, who are removable by the President. If, from having the power to appoint and to remove the marshal of the court, you confer upon him the right to see that the judgments of the court are correct, before the same are carried into execution, we have only the shadow of a judiciary department; the substance is gone.

Let us apply the doctrine of gentlemen to the legislative department. Suppose Congress wants to raise a revenue to support Government; laws are passed imposing a duty on foreign imports; the public lands are directed to be sold; and, if needful, a direct tax is imposed. Public officers are designated to transact the business and collect the money. These officers all belong to the executive department. Suppose, further, the President should say to these officers, I do not understand these laws as you (the officers) do; and, in fact, there was no necessity for so much revenue; Congress has transcended its constitutional powers; you must stop, and not proceed one step further, under the pain and penalty of incurring my displeasure, and being removed from office "as a refractory subordinate." In this situation, few, very few Duanes could be found, who would prefer duty to the emoluments of office; at least, the Taneys would be much more numerous. This abominable doctrine, Mr. Speaker, would paralyze the legislative department. In truth, the Government could not move at all, and the several departments could not perform their respective functions, assigned them by the constitution, if the Executive had the enormous power contended for by gentlemen. That part of their position is so preposterous, that I will not pursue the argument in answer to it any further. The meaning and intent of the constitution, where it says the President shall see the laws faithfully executed, is this: not that he can interfere in the execution of the laws, and take them out of the hands of those appointed by law to execute them; but that he shall, as commander-in-chief, so order the military force as to prevent the obstruction of the execution of the laws. Suppose an armed force is assembled to resist the execution of the laws; he is to furnish the force competent to put down the resistance. This construction is natural, plain, and can be comprehended by all; and then each department of the Government performs its several functions in the true spirit of the constitution. The other construction would prostrate the legislative and judicial department, and make the President the fountain of all power.

I consider it an undeniable proposition, that Congress and the judiciary can have special agents to perform their appropriate business, and do certain services, independent of the Executive; and over those agents he has no constitutional control.

Let us now apply that principle to the particular case under consideration: Congress collects a revenue, and has it on hand, subject to be appropriated for the service of Government; appoints an agent to take care of it; that agent is the Bank of the United States; and, as Congress could not always be in session, and the bank might not always keep the money safely, Congress appointed an officer to watch over the bank, and see that it performed its contract, kept the money safely, and disbursed it as directed by law. The President takes upon himself to judge, instead of the officer appointed by the parties; nay more, in opposition to the judge of the contracting parties, mutually chosen, takes the money from the bank, and keeps possession of it. These pet banks are his agents; Congress has nothing to do with them. The stockholders might not have agreed to make the President the judge, instead of the Secretary of the Treasury, when the deposites should be removed; because, in the appeal to Congress, upon the sufficiency of the reasons, the influence of the Executive might be dangerous to the interest of the bank.

In whose possession and custody is the public money before it is appropriated by law? It is in the possession of the people and such public servants as they may direct to keep it. All well-regulated Governments must have a revenue system, and collect money before it is appropriated; for it would be absurd to appropriate money, and at the same time have none. If the President can take possession of the public money in despite of Congress, then it is a union of the purse and sword, a concentration of all power in one man.

I flatter myself that I have made good the grounds assumed in this part of my argument: That the President has abused his power of removal in the dismissal of Duane; that he has abused it again in the appointment of Mr. Taney; that he has acted arbitrarily, unjustly, and vindictively towards the bank; that he has violated the constitution of the United States, in taking possession of the money of the people, and retaining it, and to that outrage he has added insult and contumely, which, to a free people, is intolerable in the midst of their misfortunes.

I will appeal to this House and the nation, and ask, Will you submit to this? Will you consent to be slaves? Will you be so degenerate as tamely to surrender the birthright of freemen, that rich inheritance, purchased by the blood of our fathers, and bequeathed to us? Will we make the world and after generations doubt our parentage, and say, such sons never could have descended from the patriots of the Revolution? Will we give to Andrew Jackson, as an additional reward for the victory at New Orleans, half our worth?

> "———For God decreed, whatever day
> Made man a slave, took half his worth away."

The President has now the sword of the nation in one hand, and the purse in the other. In this situation, what chance has civil, political, and religious liberty to survive? None, unless an alteration be made to take place. Julius Cæsar said, give him money, and he could get men; and give him men, and he could get money. The people, as long as they control their own money, can manage their Government and control the Executive.

Look to Great Britain, and see how the people govern the nation, and control their King, seated on his magnificent and splendid throne, surrounded by his proud and ambitious ministers, his brilliant court, and haughty hereditary nobility. This is effected by one principle alone, in the structure of their Government. Their King has their sword, but it is powerless without money; and they give or withhold it, as, in their opinion, a due regard to liberty and sound policy may dictate. With that potent ever they can compel him, if engaged in war, to make peace when they please; they can compel him to pass whatever law they choose, whether it be to equalize their representation in Parliament, or to take off and repeal the odious and abominable pains, penalties, and disabilities imposed on the dissenters from the established church, or to emancipate that good, pious, and orderly class of his subjects, the Catholics. If the ministers are unpopular, or their policy is not approved of by the people, they can compel their King to dismiss them, and appoint such as public sentiment may point out, I care not who may be at their head. Even Wellington, the victor of a hundred battles, and who has proudly vaulted over a hundred bloody fields, who is the boast and pride of the nation, and an ornament to the nobility, experienced the power of the displeasure of the people, by a dismissal from the ministry. Charles I. attempted to seize the money of the people without authority of law; his head paid the forfeit due to the rashness of the act. James II. made an effort to tread in the footsteps of his father, and was compelled to abdicate his throne and regal power.

I now, in the presence of this august assembly, ask every gentleman present, and I ask every man in the nation, are you prepared to surrender your money and Government without a struggle? Your fathers commenced the war of the Revolution for principle. You are called on to do it now for your political existence. Let us rise in the majesty of our strength, put down the tyrant, break his chains, and effect our deliverance, peaceably, if possible, by a decisive vote at the polls; but, at all events, let us live and die freemen.

I have, sir, investigated the sufficiency of the reasons of the Secretary of the Treasury for the removal of the deposites, and also traced them to their true source. I have considered the whole as the act of the President, and that selfish, interested, and desperate cabal that govern this nation.

There is another point of view in which this subject ought to be considered by this House; that is, the policy and expediency of the measure. It is admitted, on all sides in this House, that there are great distress and suffering in the country; that all branches of business have been paralyzed; that the commercial interest has been prostrated; the manufacturing establishments have had to stop, or considerably suspend their operations, and, in some instances, been broken up entirely; the productions of the land have been reduced thirty or forty per cent.; the price of labor has fallen, and scarcely any employment for it; all active business has ceased; gloom and horror are depicted on the countenances of all.

This state of things, we are all compelled to admit; none can be so incredulous as to doubt it, after memorials and petitions have been presented to Congress, signed by hundreds of thousands. The only point upon which we now differ is, what are the causes which have produced and brought them about. The opposition party says it is panic and alarm artificially and insidiously excited and got up by the bank and its supporters, to drive Congress and the nation into the renewal of the charter of the bank. On our part, we allege that it is the natural and necessary consequence resulting from the conduct of the Executive in removing the deposites; in the war of extermination which he is waging against the bank, and the extraordinary experiment he is making upon the currency of the country. Before this experiment was commenced, commerce, manufactures, agriculture, and all branches of business, flourished in a remarkable manner; prosperity crowned the land, and gladdened every heart; plenty visited as a welcome guest every house, and cheerfulness smiled upon every countenance.

The question now is to find out the real cause of the evil, and correct it, if possible. Up to the period of the removal of the deposites, although the Government collected a revenue of twenty-five or thirty millions of dollars annually from the people, and disbursed it again, yet not one dollar of the money was withdrawn from circulation, but in truth and fact the circulation increased by the operation. Every dollar, when collected, was put into the Bank of the United States; on which the bank issued her own paper, discounted or dealt in exchange at the rate of near two for one. Whenever the bank paid the money to the public creditors, it was again in circulation; and when it was not paid out, it remained as deposites, and was banked on.

The deposites were equal, on an average, to eight millions; the bank could extend its accommodations to the people on these deposites to sixteen millions; by a removal of the deposites, that amount is withdrawn from circulation. The bank must call in her discounts and other accommodations, to meet this state of things. In addition to a removal of the deposites, the Treasurer, by the command of the Executive, gave to the cashiers of the pet State banks floating drafts on the Bank of the United States to the amount of $2,300,000, without notifying the bank of it, contrary to the usage of the Treasury Department. This operation was intended for a twofold purpose: one to enable the pet banks to fortify themselves, as they were weak, should a run be made on them; the next was to enable those cashiers to make a run upon the Bank of the United States, or any of its branches, to embarrass it in its regular operations. The bank not knowing when or where these floating drafts would be presented, and specie demanded, the probability was, the holders would call on the branch which least expected it. In this state of things, what was the bank to do for self-preservation, to meet the approaching crisis? There was no alternative left to the bank; it had to contract its business; call in its discounts and accommodations. The withdrawal of the deposites made this necessary; the floating drafts made it indispensably necessary for self-preservation. When the bank commenced its preparations to meet its then situation, what would be its operations? It had to call on its debtors for payment; the debtors would pay about three dollars out of four in the paper of the bank; and hence the bank would have to collect eight millions to fortify itself with two millions; for nothing but specie would meet these floating drafts; and if not paid in specie, the kitchen cabinet would instantly have trumpeted and proclaimed the bank insolvent.

The State banks cannot discount on the deposites, because their capital is small, and their specie not one dollar in five to what they owe. The shock given to commerce will prevent the importation of foreign goods subject to duty to a great extent, probably not less than thirty millions, which will reduce the estimated revenue from that source six or eight millions. The banks do not know what moment the Government, in this deranged state of its revenue, will call on them for the deposites, to meet its current expenses. The Bank of the United States is threatened by the President with the further hostility of the Government of the United States, by returning on the bank those branch checks, which are found to be so useful a currency in the country, to the amount of ten millions more. The bank, to meet this, had to make further preparations. In this state of unnecessary war, waged by the Executive against the bank, the confidence of the trading part of the community was destroyed, and universal alarm and distrust ensued.

The alarm and panic were natural results; the currency of the country and the confidence of the commercial world are delicate subjects to touch, too delicate to be rudely handled by the kitchen cabinet. No, Mr. Speaker, there is nothing artificial in the panic, alarm, and universal loss of confidence, which now exist.

The next inquiry is, what effect have those fears had on the business part of the community? The whole trading capital of a country is composed of two items—its real capital and its credit. The most useful men amongst us are active, industrious young men, starting, without much capital, on their credit. We may fairly estimate the credit of the nation to be one-third beyond its capital; the whole is estimated at $150,000,000; the credit is $75,000,000; because a man with a capital of $10,000, engaged in business, without any material risk, can extend his credit to $5,000. I will not say there is a total loss of all the capital based on credit, but I hazard nothing in saying two-thirds of that capital are withdrawn, and lost to the nation; $16,000,000 of capital is lost to the business of the country by removing the deposites, and $50,000,000 by a loss of confidence; these two sums amount to $66,000,000; this accounts for the distress and misery which now afflict the country. Lest these calculations may appear to some to be visionary, I will further illustrate my idea by what we have all seen take place in the country. The crops are all planted; in June and July a withering and parching drought sets in; the crops appear to be ruined; alarm and panic seize every one, from an apprehension of the want of the means of subsistence for the coming year; you can hear of no grain to sell; all hoard up what they have, to meet the approaching famine. This was the advice of Joseph, when in Egypt; the same feelings have induced those who have money to husband it, and prepare for the coming storm. But let kind Providence then send a plenty of refreshing showers, the crops begin to smile, and promise an abundant harvest; every farmer then has corn and grain to sell. Such would be the effect on the country, if things were restored to the situation they were in one year ago, and the administration would abandon its wild, vindictive, and ruinous war on the bank, and experiment on the currency of the country. Confidence would be revived, and the active hum and bustle of business would dispel the gloom and despair which now exist; business would be restored to its wonted channels; the capital lost for want of confidence would be returned to trade, and the deposites thrown into circulation again.

The pressure from the present state of things began in the cities, and it was first felt there; it does now, or will shortly, operate in a fourfold ratio of increase upon the country, before it ceases. The effect will not be felt in the country for months after its commencement in the cities. To give a further explanation of the idea I intend to communicate, I will suppose an importing merchant in the city of New York to be called on by the bank for $100,000, in making its curtailments; that merchant may have debts due him, from the Western merchants, to the amount of $300,000; he calls on them for these debts, to enable him to meet what he owes; the Western merchants may have $400,000 due them from the consumers of the imports; they press their debtors, to enable them to meet what they owe elsewhere. It must be borne in mind, that a man who may have $1,000 to pay in thirty or sixty days, will not content himself by calling on his debtors but for one thousand; he will call for three times that amount, under an apprehension that all will not be punctual in making payment. Hence the press for money in the great commercial cities is felt all over America, in a ratio of increase that is alarming. Let fall a rock in a lake or pond of water with a smooth surface; it is only the water where the rock falls that is first troubled; but the waves flow back, and by degrees extend to a large circumference, and will continue to flow back when the waters are quiet and smooth where the rock first fell.

These calculations are not the mere phantoms of the brain—the illusions of the imagination; they are certain effects, following certain causes, by the fixed and immutable laws which govern causes and effects.

The remedy for these evils I have endeavored to point out. Why provoke a giant, and make him struggle for his existence to-day, when he must die to morrow? The laws of self-defence will make him contend for life, until the time appointed unto him to die; and then, in his efforts of self-defence, much mischief occurs, and misery follows to those who are in no way engaged in the contest.

The kitchen cabinet thought to make sport out of the bank in its last agonies and efforts for existence: it may be sport to them, but it is not to the people. The lords of the Philistines brought out Samson to make sport for them; they, and the whole multitude suffered for their temerity; they died in the midst of their mirth, and nothing but weeping and lamentation was heard in the land. I would to God, in these days of affliction, when the people suffer, that the President and his cabinet improper were made to taste of the cup of bitterness which the people have been compelled to drain to the last dregs.

We have been told by the President, in his communication to his cabinet, that these measures of his were necessary to preserve from contamination the morality and religion of the country. The States, by their municipal regulations, will take care of the morals of the people. All the President can do on that subject is, to set a good example in his public and private conduct. As to religion, it belongs, of right, to our God; and he who took care of it, and preserved it in the days of Tiberius, Caligula, and Nero, can, and will, take care of it in the days of Andrew Jackson. As to the freedom of suffrage, and the purity of the elective franchise, I consider the President has done more to destroy both than any man in America. Bonaparte proclaimed that free, when a poll was opened for him in France for the office of Emperor; the army was permitted to vote; but the soldiers were privately informed, that if they did not vote for Bonaparte, they would be shot. The present order of the day is, publicly, freedom of suffrage; but, privately, if you do not vote for Jackson, you lose your office, if you hold one; and, if out of office, the door of promotion shall be closed upon you.

I have said this much, Mr. Speaker, upon the insufficiency of the reasons of the Secretary of the Treasury for removing the deposites—the agency General Jackson had in that transaction—the outrage he committed upon the rights of the bank in the removal—his violation of the constitution of the United States, and his abuse of power in removing Duane. I have also animadverted on the impolicy of the measure, and the expediency of restoring the deposites. I am aware that I have said many things which have been said by others who have preceded me in this debate; because, upon the same subject, we must think alike to a great extent. But, in this discussion, I have observed a rule which I prescribed to myself twenty-five years ago, that is, never to listen to a man when speaking on the same side that I intend to speak on after him; because, if I did, I would fall into his mode of expression, and my ideas would lose their original cast and symmetry. In observing this rule, one exception has occurred in this debate. When the gentleman from Massachusetts [Mr. Choate] took the floor a day or two ago, I determined to remain in my seat a few moments, and hear the plan of his argument unfolded. But, in a moment or two it became too late to leave my place; I was charmed, spell-bound, and never moved until he had concluded his speech. I felicitate myself that I heard him; for never did an orator furnish his auditors with a richer intellectual feast, or one more pleasing to the finer passions of the heart; for strength and vigor of argument, it has not been excelled in this House; and for all those ornaments which decorate an argument—style, imagery, and melody of voice—I never heard its equal.

What is to be the effect of a decision of Congress upon the sufficiency of the reasons of the Secretary of the

Treasury, is a question that has occasioned much diversity of opinion in this House and the Senate. Some are of opinion that the action of Congress, either by resolution or bill, signed by the President, is necessary to effect a restoration of the deposites. This opinion emanated from the Executive; Mr. Kendall mentioned it in Philadelphia, and that was the ruling motive for the removal by the President, before the meeting of Congress, to give him the power of the veto upon the action of that body. The President alludes, in part, to the same reasons in his conversations with Duane, in which he insinuated that the bank had bought up the last Congress, and it was probable the present Congress might be also corrupted. This reason for the hasty and premature conduct of the Executive is most reproachful to him.

Others are found who are of opinion that if both Houses of Congress do not aprove of the reasons of the Secretary, the deposites must be restored. I, with great and profound respect for the opinions of other gentlemen, differ with them ,and do not approve of either of those reasons. No action in the nature of a bill or joint resolution is necessary, because the charter places the deposites in the bank, and only authorizes their removal upon the happening of certain contingencies; when the Secretary reports his reasons to Congress, and both Houses determine the reasons are sufficient, then a restoration must be the necessary result. This is in the nature of an appeal to Congress for their decision, and, like all other appellate tribunals, the decision, judgment, or decree appealed from, stands, unless reversed. A divided opinion of an appellate tribunal never reverses the judgment of the inferior court.

Sir, upon the third resolution, I shall say but little. That resolution, and the bill which has been reported by the Committee of Ways and Means to the same effect, tells one solemn truth to the nation, which ought not to be forgotten; that the fiscal affairs of the United States cannot be managed without the agency of a bank to keep the money of the Government safe, and disburse it as directed. We have only to choose whether we will have a bank of our own, which is good, solid, and solvent, over which we have a direct control, and our money in one bank; or employ fifty banks, incorporated by the States, over which we have no control, no supervisory powers whatever. Let those sticklers for limited constitutional power, those gentlemen who wear political constitutional jackets, too strait and tight for all useful and practical purposes, remember that there is no difference in the constitutional power of Congress to employ a bank of their own, to transact the financial business of the United States, and that of employing the banks incorporated by the States. If the agency of a bank be necessary to assist the Government in its constitutional operations, then the power to make a bank is given under the grant of implied powers. As to the choice of agents there can be no difficulty, if we judge from experience, which is the best and safest guide. The State banks were partially used as depositories of the public money several years ago; what was the consequence? A number of them failed, and the Government lost, by those that failed, $1,428,000, and by the banks used in this District, since this ruinous and fatal experiment commenced, the Government has either lost, or is likely to lose, the following sums, viz:

By the Bank of Alexandria, - -	$33,785 68
By the Bank of Washington, - -	14,000 00

Sir, I hazard nothing in saying the Government will lose five hundred thousand dollars a year, as long as we use the State banks as depositories of the public money. Now, as to the Bank of the United States, $440,000,000 have been deposited, and not one cent lost; every cent paid out to the public creditors when the Government wanted it, free of cost and charge. Upon the score of public convenience and policy, as to the safe-keeping and disbursing of the public money, there can be no difficulty in choosing between a bank of our own, and banks created by the States.

The political consequences resulting from the employment of the State banks are much to be feared. The President has too much patronage and power already, either given to him by the constitution, or arbitrarily assumed. The Bank of the United States has refused to be a political tool in his hands, to be used and wielded as he pleases, to control the Government and put down the liberties of the people: politically, we are safe as to that bank. The State banks will be selected with a view to their willingness to subserve the wishes and designs of the Executive, who is General Jackson to-day, but it may be the great spirit of intrigue, the great magician to-morrow, who selects fifty or one hundred of them over the United States; the deposites are made in them; thousands are interested in those banks, either as stockholders, directers, and those over whom they have a direct influence. The officers of these banks know why the banks have been selected, and what services are expected of them; they dare not disappoint the expectations of those in power; other State banks will be applicants; they know the highway to favor, and will readily follow it. Take them altogether, these State banks will form an immense accession of power in the hands of the Executive; they are the very tools that the heir apparent, when he succeeds to the estate, (which God forbid!) will know how to use for the destruction of the interests of the real owners, (the people.)

I have, sir, said what I originally designed, upon the resolutions and amendment; and here, to confine myself strictly to the subjects of debate, my remarks ought to close, were it not for what has been said by gentlemen on the other side. They have expatiated largely and fully upon the past life and actions of General Jackson, privately and politically, both as general and also as the head of the executive department of this Government. These arguments are used as collateral circumstances to prove he had done no wrong; and that no man, whose life had been marked with so much patriotism and devotion to his country, could now either do, or intend to do, that which would endanger its best interests, or corrupt the purity of its political institutions; and furthermore, he had passed through, in ascending, all the gradations of honor, until he had reached the pinnacle; and no human heart could desire more.

These remarks, and a great many others of a similar kind, make it necessary for me to detain this House a short time; and I trespass on their patience with great reluctance, until I answer some of those arguments of gentlemen, and take a rapid view of the political conduct of General Jackson since he has been President, and contrast it with his professions before he came into office.

Much has been said on this floor in praise of General Jackson; his having fought through two wars, the revolution and the late war; of his wounds and scars received in battle; of the glorious and splendid victory achieved at New Orleans. A great part of this kind of argument was not intended for this House, but the white house, the palace. There the appropriate rewards await such services, and will, in due time, be distributed as a part of "the spoils of victory." Gentlemen know full well what kind of change will pass current there, and buy a ticket in the great lottery where the prizes of favors and offices are to be drawn. I, however, must be indulged in one remark, that the victory of New Orleans ought now to be considered as public property, for well the nation has paid for it. The rewards, honors, and emoluments profusely showered down on General Jackson since that time, entitle them to it, and when we add to that the misrule which the people have endured and suffered for the last five years, surely none will question the propriety of considering that victory, now, national property. Yet, at the same time such rewards for a victory, however, splendid, argue little for the military character of the nation. It seems to imply that the nation never achieved the like of it before, and never expects to equal it again. Such an opinion is a libel on the glorious achievements of the revolution, and is a poor compliment on the warlike spirit of the nation, to be displayed hereafter in its proud march to future greatness. The truth and fact is, that victory is the common change of all applicants for office; and they cannot praise their change too much, either as to quantity or quality. The more they puff it, the more they will get for it. That is the reason why the battle behind a ditch and cotton bags has been so much exalted and extolled over the victories of the Revolution, and the master generalship displayed by Washington, in concentrating the military forces before Yorktown, and the capture of Lord Cornwallis, or the hard and well-fought bloody battles on the Niagara frontier in the last war.

But, Mr. Speaker, admit all the encomiums that have been heaped on General Jackson by his friends to be true: the higher his military fame, the greater his popularity, the stronger his hold upon the affections of the people, the greater the necessity to watch with vigilance and jealousy every step he takes towards arbitrary power. From the weak and impotent man who is ambitious we have nothing to fear. The anger of the cat excites no alarm; the fury of the uncaged lion is terrible.

We have heard a great deal said in this House about our foreign relations: what advantageous treaties have been concluded with other Powers; and how, since the presidency of General Jackson, the name of the United States is dreaded abroad. It is not necessary to enter into a discussion, at this time, upon the advantages or disadvantages of the treaties concluded during the present administration, or how much General Jackson's name, fame, and authority, make the United States dreaded abroad. I consider the whole of them empty boasting. But suppose those pompous accounts are all true; what do they prove in the present controversy? I answer, nothing.

When was the Roman republic ever so formidable in her wars with foreign nations, or more dreaded by them than in the days of Julius Cæsar, when civil war and discord raged within the republic, and finally ended in the downfall of the Government, and the elevation of Cæsar to the dictatorship? When was England, anterior to the days of Cromwell, ever so powerful as when that tyrant led her armies to victory, and Blake commanded her fleets on the ocean? All the surrounding nations trembled at his name. What was the state of the internal Government of England at that time? The republic was overthrown, the members of the Parliament turned out of their hall by their own general, and he proclaimed Protector of the nation.

Let us turn our eyes to France, within our own times. Bonaparte was the victorious general of that republic; he was like unto Absalom of old—he had stolen away the hearts of the people. He turned his arms against the Government he had fought for; drove, at the point of the bayonet, the representatives of the people out of the hall of their deliberations; prostrated the republic; and, under the names of First Consul, and then Emperor, became the tyrant of the people. He conquered Europe in a hundred dreadful battles. All nations feared him, and to foreign Powers he dictated whatever treaties he pleased. The foreign relations of France, as it respected the extension of her empire, or her influence at foreign courts, were well managed. But that was a poor equivalent for the loss of liberty; for the cruel conscriptions which tore the youths of France from their fathers, mothers, and country, and bleached every field in Germany with their bones, and dyed every river with their blood. But God made an awful example of him at last; reverses overtook him in his mad career of conquest; misfortunes befel him; and his Maker, to let the world behold in him the instability of fortune, and the ruin which awaits insatiable ambition, fixed him on an island in the South Atlantic, perched on the crater of an extinguished volcano—a fit emblem of his own fallen greatness and gloomy fortunes.

Sir, war abroad is sometimes necessary to a man when he wants to become the tyrant of the people. At all events, being dreaded and feared by other nations is no evidence that he is the father of the people and respecter of their rights and liberties.

I will now call the attention of the House to the conduct of General Jackson since he has been President, which is calculated to awaken our jealousy, and increase our vigilance, in watching over the liberties of the people and the purity of our institutions.

What pledges were given by him and his friends, when the canvass for his election was going on, during the time his immediate predecessor was in office; and how, and in what manner he has redeemed them, are subjects well worthy our inquiry.

A retrenchment in the expenditures of the Government was promised the people. How, and in what manner, that has been redeemed, let the following table show, in which the amount paid by each administration, on account of the public debt, is excluded, and nothing is embraced but the current expenses of the year.

Adams's administration.		*Jackson's administration.*	
1825,	$11,096,344 71	1829,	$12,651,457 25
1826,	13,062,316 21	1830,	13,229,533 33
1827,	12,254,448 32	1831,	13,864,067 90
1828,	13,521,875 83	1832,	15,506,912 17
		1833,	21,695,527 29[*]

He was to reform and cut down all useless offices. Instead of doing that, he has multiplied offices, agencies, and employments by hundreds. The enormous expenditure of public money, and an increase of officers, are necessary to his plan of conducting the Government. It increases the spoils of victory. In the increase of offices and expenditures, additional power is given; it enlists more men under his standard.

He and his friends abused his predecessor, because one or two publishers of the laws were changed. What has he done? His conduct has destroyed the liberty of the press altogether, not by pains and penalties, and the establishment of a censorship over it, but by corrupting it with patronage, largesses, and bribes.

There is one way certain to high lucrative offices and employments; that is, to get up a press to praise and laud General Jackson. The editors know this, and, notwithstanding their boasted patriotism and devotion to their country, their incorruptibility of heart, yet, when taken up to the top of this Capitol, and showed the good things of this land, and have them all promised to them, the flesh is weak; their supposed inflexibility of character yields, and they cannot say, as Duane did, "Get behind me, Satan." When such sterling integrity as Amos Kendall once had gives way, who can expect to have the firmness to resist?

Mr. Adams, when he administered the Government, was abused because he appointed members of Congress to the highest offices within the gift of the nation. Without inquiring whether this charge was true or not, what has been the conduct of the present administration? The whole cabinet and diplomatic corps were composed of members of Congress. This is a most exceptionable practice. It is by patronage, and not by money, that the ministry in Great Britain, since the days of Walpole to this time, have corrupted and bought up the Parliament. I will not say that Congress has been purchased in that way, but I will say it is a dangerous practice to the liberties of the people. It gives the President great power. It has been a belief of the existence of this power, I fear, which has kept unfilled the foreign missions to Great Britain and Russia.

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[*] Since this speech was made, it has been ascertained, by a committe of the Senate, that the Post Office establishment is now insolvent for $803,625 which item must be added as an additional expenditure in the administration of General Jackson; for when Mr. Adams went out of office, that establishment had a surplus of $289,140 17.

General Jackson and his administration have attacked the free exercise of the right of suffrage. This has been done by punishing men for maintaining and enjoying the right to vote at elections as they pleased. The punishment inflicted was to turn them out of office, if they were in office; if not in, to shut the door to office, to all favor and promotion. But it has been more effectually done by giving offices, honors, promotions, and rich rewards to those who vote for him and support his administration. The man who is most abject and servile in his flatteries succeeds best. The vile sycophant is preferred to the honest and honorable man; high-minded men withdraw into retirement, impressed with the solemn truth, that "when vice prevails, and impious men bear sway, the post of honor is the private station." This practice of letting men know, when they come to the polls, that they vote under the fear of punishment on the one hand, and the hopes of reward on the other, will undermine this Government, shake it to its centre, and finally prostrate it on the earth. It must be stopped, or we are undone people. To come to the polls like horse-jockeys into a race field, and inquire into the characters, keepers, and managers of the candidates before we vote, and then to vote for the one that is most likely to win the race, is a deplorable state of things.

Mr. Speaker, when we look at the present, and then review the past, and put them together, what is the prospect before us? A proud, haughty, ambitious, military man, who has charmed the imaginations of the people by the brilliancy of his victories, and won their affections by their admiration of his renown in arms, has, by their misplaced affections, been elevated to the first office of this Government, to the head of affairs. What has been his conduct in this high office? Let facts speak, and not myself; they speak louder than words in this Hall; they speak to the understanding and hearts of the people. He has increased the expenditures of this Government to an enormous sum, unknown to former times. He has multiplied offices, employments, and agencies, to get his friends quartered on Government, in a manner unheard of before. He has invaded the liberty of the press, by bribing its conductors with lucrative offices and rich rewards. He has stabbed the free exercise of the right of suffrage to the heart, by punishing men for exercising it, and by rewarding others for prostituting it. He has invaded the independence of this House and the Senate Chamber, by coming into them to select all the high officers of the Government. He has attacked the reputation of the Judiciary, and endeavored to injure their standing with the people, by imputing to them corruption. He has abused and attempted to degrade a portion of this House and the Senate, by charging them with having been bought up and "feed" by the bank. He has seized the purse and sword of the nation, and arrogantly claims to be "the Government itself." He has, following the example set by usurpers of former days, endeavored to make the people believe that the other two departments of Government are inimical to their interest and welfare, and that he alone is their friend. He has engrossed all power, and is as absolute as any crowned head in Europe; he only differs with them in the name.

Let us see the means he has adopted to perpetuate his power, and rivet our chains of slavery. All the officers of this Government are a disciplined corps, with but few exceptions. The Post Office Department, including postmasters, clerks, mail contractors, and their dependants, furnishes thirty thousand. The other departments supply about an equal number, making something like sixty thousand, scattered all over the United States, receiving and disbursing twenty-five millions of dollars a year. What an appalling phalanx this is for the people to encounter! how dangerous to liberty! And if he can only add to this powerful body the whole of the additional forces which the pet banks can bring to his aid, when united, this army of dependants and retainers will be resistless. He has chosen his successor—the last act of royalty. He has shown the young Cæsar to the Prætorian guards at the seat of Government, and last fall made the tour of the North with him, to show him the distant legions. All the office-holders and office-hunters already begin to acknowledge his power, and recognise his right divine to the succession. They are making daily efforts to get the rays of his countenance to beam upon them; but, as yet, through affected humility, he keeps his eyes to the ground, and will look no man in the face.

What a dreary prospect we have now before us! How desperate appears the cause of the people and of liberty! The mariner, when lost in the wide and almost boundless Pacific, tossed by storms and driven by adverse currents, his water and provisions nearly exhausted, now and then is cheered with a green island rearing its head out of the waste of waters. So with the lost and wayward traveller over the great desert of Sahara: nothing but a wide and almost illimitable ocean of sand around him; from above, the sun parching his head; the sand blistering his feet beneath; he, in this gloomy situation, occasionally meets with a well of water and a grove of refreshing trees, which have escaped the baneful and withering sirocco, to gladden his heart. But what, Mr. Speaker, have we before us in this wide waste, ruin, and desolation of all our rights, civil, political, and religious? I answer, nothing but hope and the justice of our cause are left to us. Hope, almost alone, sustained Washington frequently in the revolutionary war; and why should we, as yet, despair? No; let us not give up the ship: relief is coming. The people are breaking the chains that kept them spell bound. They are awakening every where. New York has manifested a disposition to be free. Virginia has erected the standard of liberty; and not only her own sons, but the nation, will rally around it. Kentucky will know the banner—it was once her own—and, in this great contest, will be found combating by the side of her parent. The Senate is with us. The greatest men in the nation are there. Let us make one mighty effort, and burst asunder, as the strong man of old did, the cords that bind us.

I have, sir, been speaking of General Jackson and his administration politically, and considered what has been done during his administration as done by himself; for the effect upon the nation is the same. It is due to that distinguished individual, although his official conduct is ruining our country, and prostrating its best and dearest interests, to say, before I resume my seat, that I believe he is an honest and truthful man, and will not stoop to disguise his actions, however arbitrary and despotic they may be. His greatest fault is the strength and violence of his passions, which, instead of checking, he cherishes, feeds, and blows into a flame. He has a laudable love of glory, but he loves it to excess; and hence he mistakes the selfish voice of flattery for the unbought sound of the trumpet of fame. He courts the applause of the world and posterity. Alas! his ears hear nothing but the servile adulations and praises of the vile miscreants who surround him. He, from his habits as a general of our armies, has been taught to command, and is impatient of control; the wretches who fatten upon the spoils of the nation avail themselves of his former education to keep the honest,

honorable, and high-minded men, who rallied around him originally, from having any influence over him; nay, nearly the whole of them are excluded from his presence, and proscribed by the cabal that influence his conduct and direct his actions. But behold and see his most powerful friends when he came into power. And who are they? Calhoun, McDuffie, and Hamilton, in the South. In the West, Bibb, Wickliffe, Chilton, Rowan, and Daniel. And where are they now? In the ranks of his opponents. How has this been done? Because a "malign influence" has driven him from his course, and made him depart from his principles. They went in for principle, and not for men.

I have one remark more, Mr. Speaker, and then I have done: I once heard a good and pious man, who had long ministered at the altar of God, say, in finishing a sermon, that if he had made one convert, nay, brought one man who heard him to think seriously upon the great truths he had been delivering, he would consider himself amply rewarded for all his labor and all his toils on that day, because such was his conviction of the great truths of Christianity and the true religion of God, that a seeker would soon become a convert: so with myself, comparing small things with great, the matters of this world with the things to come hereafter; if I have made one convert, nay, brought one man to think seriously upon the political truths I have attempted to deliver, I shall feel amply compensated for all my labor. But, Mr. Speaker, whatever may be the result, I thank my God for this opportunity, and health sufficient, (although lately greatly afflicted,) to do my duty to my constituents and country; and into the hands and safe-keeping of the Almighty, as far as I am concerned, do I commit the cause and destinies of the American people.

When Mr. Hardin had concluded—

Mr. McDUFFIE rose, and addressed the House on the same side of the question. He had proceeded in his remarks about half an hour, when he yielded to a motion for adjournment, made by Mr. Archer.

Mr. LANE demanded the yeas and nays upon this motion. They were ordered and taken, and resulted in an adjournment, by a vote of 117 to 83.

The House then adjourned.

Friday, April 4.

PUBLIC DEPOSITES.

The order of the day, for the first hour, viz. from 11 to 12 o'clock, was the consideration of the resolution offered by Mr. Mardis, of Alabama, proposing that the deposites should remain in the State banks; but that Congress should have the selection and regulation of the banks in which they are to be placed. On this subject

Mr. CORWIN, of Ohio, had the floor, and addressed the House until the expiration of the hour, in opposition to the resolution. He had not concluded his remarks when the House, according to order, passed at 12 o'clock to the next order of the day, being the

COMMUTATION BILL.

Mr. BAYLIES, of Massachusetts, spoke, in substance, as follows:

Mr. Speaker: This is an important bill, and, in my opinion, well entitled to the serious and deliberate attention of the members of this House. I know, however, that it must be difficult, if not impossible, for them to fix their attention upon this subject, at a time when their minds must necessarily be almost constantly occupied with another subject, of much greater importance, and of a much more exciting interest. For this reason, I would have moved a postponement of the further consideration of this bill to some time more favorable than the present to a patient and careful examination of its provisions; but the urgency of the case is such as not to admit of delay. Since this bill was reported to the House, petitions have accumulated on the hands of the committee, upon which the committee thought proper not to act while this bill was pending. Should it pass, the committee will be relieved from any further attention to them; should it be rejected, the committee will, at once, resume their labors.

I feel, sir, no great certainty, no improper solicitude, that this bill should pass. There is no reason I should. I am not aware that it would affect my constituents beneficially to the amount of a dollar; for of the numerous applications which have been made to Congress the present session, for the relief provided by this bill, I do not recollect one from the State of Massachusetts. But having the honor of being one of the Committee on Revolutionary Claims, and the bill having been reported with my consent and approbation, there seems to be a propriety in my stating to the House (which I shall do very briefly) the reasons which I have to offer in support of the bill; and in my endeavoring to answer some of the objections which have been urged against it.

The bill has reference to two classes of claims: 1st. To claims for five years' commutation pay, as it is called, in lieu of half pay for life, founded on certain resolutions of Congress of the 21st October, 1780, and 22d March, 1783. 2d. To claims under the resolution of Congress of August 24th, 1780, by which seven years' half pay was granted to the widow, or, in case of her decease or intermarriage, to the orphan children of such officers as had, or should die in the service.

These are the claims to which the bill has reference, and the principal object of it is to transfer the examination and decision of them from Congress to the Secretary of the Treasury. I am confident that every member of the House, who has had any experience in regard to the investigation of these claims, or who will bestow the least reflection upon the subject, must be satisfied that the proposed change, in this respect, if adopted, would prove beneficial both to the claimants and the Government. There would be a more speedy decision. If the claims are well founded, they ought to be allowed and paid, without delay; if they are not well founded, they ought to be promptly rejected, and those who are prosecuting them relieved from the trouble and expense of attending here. Cases are frequently put off from session to session, for no other reason than that there is not time to act definitively upon them. By transferring them to the Treasury Department, we secure not only a more speedy, but a more intelligent decision. I certainly do not mean to disparage this House; but it may be truly said, that, constituted as it is, it is almost the worst possible tribunal for the decision of cases requiring the investigation of facts. It is all a matter of confidence. The House put confidence in the committee, and the committee put confidence in the individual member to whom the case has been assigned; and that member acts upon the information which he has been able to obtain at the offices. It must be evident, therefore, that much would be gained by turning all these cases over to the Treasury Department, where they would be examined with more facility, and decided with more correctness, than they can be by this House. But if we pass this bill, it has been said, we shall thereby so swell the tide of executive patronage, that it will sweep away all those mounds which have been erected for the security of our liberties. I certainly have no disposition to increase executive patronage. This attempt, however, to awaken our jealousy is not justified, I think, by the occasion. It is not proposed to create an office, or to provide for the appointment of new officers. The measure is not without precedent. Individual cases, and whole classes of cases, have been frequently, I believe, assigned to one of the departments for adjustment and decision.

But it has been strongly urged against the bill by the gentleman from New York, [Mr. Vanderpoel,] that it will open a wide door to fraud, and in proof of it, he refers to the practices under the pension act. The gentleman has given us an instance, where an old man's dream, having been reduced to form, and sworn to, brought the case within the rules prescribed by the pension office. I believe such cases of fraud are very rare. But, be this as it may, there can be no doubt that fraudulent practices would be much more likely to impose upon Congress than upon the vigilant and intelligent officers of the Treasury Department.

If, then, these claims are to be examined, if any of them are to be allowed, we are, I think, required by every consideration of expediency, to transfer them to some tribunal, more competent than this House, to investigate and decide them. Objections are, however, made, which go to the very foundation of the bill. It has been said that all these claims are barred by the statute of limitations. This is true, and if it be the deliberate judgment of this House that this Government ought to put itself on the statute of limitations, I shall acquiesce. But this will be inconsistent with the whole course of the legislation of Congress, for many years past, which has practically repealed the statute, or made it a dead letter. Whether it now becomes this Government to meet the claims of its citizens with this plea, I leave the House to determine, without any argument from me on the subject. Another objection, nearly allied to that of the statute of limitations, is the lapse of time, which creates, it is contended, an irresistible presumption that all these claims have been satisfied. If the presumption be irresistible, there is an end of the question. A presumption that cannot be resisted, is conclusive evidence. But Congress have not considered the lapse of time as furnishing any objection to the allowance of these claims; for almost every day, relief is granted by special legislation. This special legislation I wish to avoid.

But the gentleman from New York [Mr. Vanderpoel] insists, also, that the act of 1828 covers the ground occupied by this bill, extends to the same claims, and satisfies them. I think the gentleman has fallen into a mistake. The act of 1828 and the provisions of this bill are perfectly consistent, and do not conflict in the least. The officers entitled to half pay for life, had, it was supposed, surrendered their claim for an inadeqaate consideration; for that which was not an equivalent. It was upon this ground the act of 1828 was passed. It could not have been intended as a satisfaction of commutation pay; for proof of having received commutation pay, *ipso facto* entitled an officer to the benefit of the act. To say, therefore, that a claim to commutation pay is extinguished by the act of 1828, is to make an unjust distinction between him who had received commutation pay and him who had not received it. The benefits of the act of 1828 are in addition to the commutation pay. Much fault has been found by the gentleman from Georgia [Mr. Gilmer] with the principles upon which these claims are to be adjudged and determined. The bill provides that they shall be determined upon the principles of equity and justice: and despotism is said to lurk under this provision. Its only effect, as I conceive, is to put aside all objections arising from acts of limitation. It certainly is not an unusual provision.

Claims are frequently referred to one or the other of the Departments, to be settled upon the principles of justice and equity. Upon these principles, Mr. Monroe's claims were adjusted. I do not complain of it. I presume it was right. But why should not the claims of others be settled on as liberal principles? It certainly will not be said, for the reason that he had been President of the United States—justice is no respecter of persons. It brings to the same level the various conditions of life. I will now proceed to notice an objection which has been made to the bill, and which, in my opinion, has more weight than those to which I have already adverted—still, however, founded, as I think, in misapprehension. In commenting on that part of the bill which requires the Secretary to regard certain presumptions as fixed principles, the gentleman from New Hampshire [Mr. Pierce] has argued that presumptions are arbitrarily substituted for proof. Legitimate and reasonable presumptions are proof, or must stand for proof, till the contrary appear. We cannot take a single step in the investigation of facts without resorting to presumption. It is co-extensive with the whole circle of human experience and observation. It is the inference of the fact in question from a fact proved. It frequently happens that evidence bearing directly upon the precise point in issue cannot be had. The case is established by presumption—so "where the existence of a certain relation has once been proved, its continuance is presumed till proof be given to the contrary." Apply these familiar principles of evidence to what are called the fixed principles of the bill, and every presumption which the Secretary is required to make, may be justly called a reasonable presumption, and such as might be properly made, though the whole provision in relation to these fixed principles were stricken from the bill.

In regard to the allowance of interest, I have but a very few words to say. I am aware that it may be contended that the Government never improperly delays the payment of any just claim, and, therefore, ought not to be charged with interest—on the other side, it may be said, that this presumption in favor of the Government is frequently against the fact; that, if the principal be justly due, it ought to carry interest, of course; and that the practice latterly has been to allow interest on similar claims. For myself, I am willing, upon this point, to submit entirely to the judgment of the House. I will dwell no longer upon the details of the bill. They have been fully and satisfactorily explained by the gentleman from Kentucky, [Mr. Marshall.]

But, sir, we have been admonished to be upon our guard against the generous impulses of our natures, through the influence of which our judgments, it is said, will be misled. It has been well remarked, that where a question partakes equally of reason and feeling, the first impulses of a good heart and a sound mind are seldom to be distrusted; and it ought to be recollected that there is an antagonist principle always warring against these generous impulses, and frequently obtaining the mastery over them. It assumes the guise of patriotism, and opposes itself, on all occasions, to what is called a prodigal expenditure of the people's money. Economy is a popular theme—a seductive topic.

I am not about, at my time of life, to set up for a reformer: still I am unwilling to be considered an advocate for a wasteful or unnecessary expenditure of the public money. If any gentleman will bring forward a well-considered, well digested, judicious, and practical plan of retrenchment and reform, I will go with him heart and hand. He shall have my feeble support. Yes! if there are abuses, let them be exposed and corrected: if there is corruption, let it be searched out and punished: if there are useless offices, let them be abolished: if there are extravagant salaries within our control, let them be reduced. Apply the incision-knife and caustic, and, with a resolute heart, and a firm, steady, and unflinching hand, carry the work of reformation throughout the whole circle of the administration of your affairs. I confess, however, that, upon this subject of retrenchment and reform, I am not very sanguine. We talk a great deal, it is true, of the republican simplicity of our institutions and manners; of our frugality, of our economy, and of our superiority, in these respects, to the old and corrupt Governments of Europe. I fear that there is in all this something of exaggeration—something of self-adulation. Why, sir, this splendid Hall in which we sit, "this excellent, canopy," "this majestical roof, fretted with golden fire," is some evidence of the insincerity of our professions. But, if I were commencing the work of retrenchment and reform, I would not break ground on this bill; I would not select this bill as a text from which to preach a sermon on economy. The services of the soldiers of the Revolution were, as was well said by the gentleman from New Hampshire, above all praise and above all price. They submitted to privations and sufferings too great almost for human endurance. Ill-clothed, ill-fed, and ill-paid, they adhered to the cause of independence till that cause was triumphant. For myself, I feel that we owe them a debt of gratitude that will remain forever. The pecuniary obligation we can discharge, and I am for discharging it to the last cent—not with the spirit of a huckster, but with a spirit of liberality and justice due to the nature of the services, and becoming the representatives of a great and generous people.

Mr. CRAMER, of New York, next rose, and spoke in favor of the bill, and in reply to the objections which had been urged against it. Before Mr. C. had concluded, the hour expired, and the House, at one o'clock, resumed the consideration of the report of the Committee of Ways and Means, on the subject of

THE DEPOSITES AND THE U. S. BANK.

Mr. McDUFFIE then rose, resumed, and concluded his remarks in opposition to the resolutions. Mr. McD.'s remarks are given entire as follows:

Mr. McDUFFIE said: In opening the debate on this great question, I expressed the opinion that the President of the United States had perpetrated an act of usurpation, under circumstances of injustice and oppression which warranted me in saying that the "rights of widows and orphans had been trampled in the dust by the foot of a tyrant." The honorable gentleman from Tennessee who sits before me, [Mr. Polk,] and to whose honorable bearing (said Mr. McD.) I shall always be proud to bear testimony, in the reply which he made on that occasion was pleased to complain that I had made this grave charge against the President of the United States, and, seeming to regard it as self-evident, had not condescended to offer any argument to sustain it. Sir, I am not disposed to deny that the honorable gentleman had very sufficient grounds for his criticism, though I confess myself utterly at a loss to perceive any just grounds for his complaint. If I failed to establish the charge, either by the facts or by the argument, that failure must have redounded to the advantage of the distinguished personage against whom the accusation was made. Be that as it may, I now propose to supply this desideratum in my former remarks, first asking leave of the House to say a few words in explanation of the course I then deemed it my duty to pursue.

Before I left home in the autumn, I saw, or thought I saw, decisive indications of a design, on the part of the executive branch of the Government, to assume a position, in relation to the source and extent of its powers, utterly subversive of all the limitations of the constitution, and absolutely fatal to the public liberty. And it was in reference to this apprehension, and with a view of ascertaining whether or not it was well founded, that my opening remarks were designed as nothing more, if I may be allowed the expression, than a skirmishing attack of the advanced guard upon the outposts of the adversary, having it in view to compel that adversary to come out from his intrenchments, expose his position, and form his line of battle in the open field. And I must be permitted to say, that however those remarks may have failed in their other purposes, they have been eminently successful in this, their principal design.

The honorable member from Tennessee, whom I must be excused for calling the commander-in-chief of the forces of the administration in this House, did come out, and, boldly and manfully assume his position; and, whatever military critics may say of the generalship displayed by that honorable gentleman, I, sir, for one, shall always be ready to bear testimony that the position which he assumed was the only one he could assume without leaving uncovered the very point which it was his duty to defend. But, after having maintained that position with a gallantry and skill, in my humble opinion, worthy of a better cause, he found himself driven back, his line broken, and his forces disorganized. Under these circumstances, prudently availing himself of a signal of retreat sounded from Pennsylvania, he retired very quietly behind his intrenchments, under cover of the previous question, to try, no doubt,

> "What reinforcement he could gain from hope,
> If not, what resolution from despair."

And now, sir, having rallied and re-organized his broken forces, repaired his broken armor, and obtained such additional supplies of ammunition and of arms as could be procured from his magazines and arsenals, he has again come out into the open field, but not, be it remarked, to resume the position he was compelled to abandon, but to form an entirely new line of battle, upon totally different ground, artfully interposing what he no doubt deems an impassable obstacle—the Bank of the United States—between the President of the United States and the offended majesty of the constitution and the laws.

But my honorable friend from Georgia [Mr. Wilde] has met the tactics of the honorable gentleman from Tennessee with a movement of corresponding skill, that will compel him to resume his original position, unless he should again deem that "discretion is the better part of valor," and retire behind his intrenchments as he did before, and under a similar protection. But, sir, I ask pardon for using this military figure in these "piping times of peace," and especially under that pacific star which now rules the ascendant.

I shall now proceed to execute the purpose already indicated, by attempting to supply the deficiency in my former remarks, which the honorable gentleman from Tennessee was so kind as to point out. Sir, I have read history with some attention, and for the last two or three years my mind has been irresistibly carried, by the downward tendency and ominous signs of the times, to those portions of the history of nations which trace their progress in the rapid descent from the enjoyment of free institutions to the endurance of despotic forms of government. And after surveying the whole field which history presents, covered with monumental beacons, inscribed with lessons of wisdom—if nations would ever learn wisdom from experience—I venture to make the assertion, that there is no instance in the history of any civilized Government of modern times, in which the progress of usurpation has been more rapid, bold, ingenious, and successful, than it has been in these United States for the last fifteen months. Sir, the last of the Tarquins was hurled from the throne of his ancestors; the first of the Cæsars was slain in the Roman senate; Charles the First of England, and Louis the Sixteenth of France, were severally condemned and executed—all under the charge, with different specifications, of having subverted the fundamental laws, and conspired to usurp the supreme power of the state. And, although the sentence by which these enemies of human liberty were doomed to expiate their delinquencies—some of them in their own blood—has been solemnly ratified by the impartial judgment of posterity; yet, sir, strange as it may sound to loyal ears, it is my deliberate conviction that the proofs by which the charge of usurpation was established, in these memorable instances, were not more full and conclusive than the proofs which can now be produced to establish the same charge against a republican President, who came into power under the most solemn pledges to restrain the usurping tendencies of this Government, to reclaim the lost rights of the sovereign States of this Union, and to bring back the institutions of his country to the primitive standard of republican economy, simplicity, and purity. God forbid, sir, that I should insinuate, or be the means of inducing any one to suppose, that the President of the United States should encounter the fate of those whose pernicious example he has but too closely followed! On the contrary, I feel most profoundly grateful to Providence for having cast my humble destiny under a milder and more auspicious dispensation, where even the awful judgment of the people, pronounced in the last resort against usurpation and tyranny, is neither conceived in vengeance nor recorded in the blood of the usurper and the tyrant. No, sir; no, Mr. Speaker! whatever the President may have done—and God knows no man living has done more—to impair the sacred guarantees provided by the constitution and the laws for the security of the life, liberty, character, and property, of every citizen of this great republic—from the highest functionary who wears the honors to the humblest individual who breathes the air of his country—however, in the administration of his summary and vindictive justice to others, he may have trampled on the consecrated forms of judicial proceeding, and particularly that most consecrated of them all—the trial by jury—I trust that neither the people of the United States nor their representatives will for a moment indulge the idea of giving countenance to his violence and outrage by following his example.

I must here, Mr. Speaker, be permitted to say a few words on a subject which has given me unaffected pain. I allude, sir, to the publication in the official journal, and evidently by the authority of the Chief Magistrate, of certain anonymous letters, purporting to convey to that distinguished officer threats of assassination. Mr. Speaker, you are aware of the contrivance by which the first tyrant of Athens subverted the institutions of her greatest lawgiver. He inflicted a wound upon his own body, rushed into the market-place, covered with blood, exclaiming to the populace, whom he sedulously courted, "Behold the wounds I have received in the cause of the people by the hands of assassins urged on by the aristocracy!" Upon this he solicited and obtained a body-guard, and from that day the throne of Pisistratus was erected upon the ruins of the republic of Solon.

But, sir, if there is one man living more incapable than any other of suspecting the President of having any participation in any such a nefarious design, I am that man. But I feel bound to say, with equal distinctness, that I believe there are hundreds and thousands of heartless and mercenary wretches, who feel that they can bask only in the sunshine of executive favor, and fatten on the spoils of the people, who are capable not only of this contrivance, but of any other they may deem necessary to perpetuate that political dynasty in which all their hopes are centred, and for the perpetuation of which we have the most visible and portentous signs, that a desperate struggle will be made, in which no means will be regarded as unlawful. There is another interpretation of which these letters are susceptible, and upon this I feel it to be my duty to express an opinion equally as decided as that already expressed. No man supposes that either of these letters indicates a design on the part of the writer to carry the threat it contains into execution. But it is possible, and barely possible, that some misguided man, under the influence of those passions which have been excited by public suffering and distress, may have supposed that, by writing such a letter, the President might be alarmed for his personal safety, and induced, under the influence of that alarm, to change his political course. If they were written even with such a design as this, they deserve a reprobation inferior only to that which they should receive, supposing them to be written with the design I have before suggested. The idea of assassination is so absolutely abhorrent to all the feelings, the Christian feelings of modern times, and of such pernicious tendency, that I feel it to be my duty thus unequivocally to express my utter abhorrence of every proceeding that may have the remotest tendency to suggest the idea of assassinating the Chief Magistrate. Such a course is not only obnoxious to the abhorrence of every honorable man, from its moral atrocity, but from its political tendency. Every man who will attentively read the history of revolutionary France will be satisfied that the projectors of the infernal machine, more than all his own partisans, civil and military, contributed to elevate Napoleon Bonaparte from the chair of the consulate to the throne of the empire. I will make one concluding remark on the subject God forbid that it should be prophetic; and it is, that if, in the midst of a violent political excitement, it ever should occur that a President of the United States should be assassinated, he will be the last constitutional President, and his blood will cement the despotic throne of his successor. Then, sir, let the President have a fair, and, if possible, a dispassionate and impartial trial. He stands arraigned before the great tribunal of the people of the United States, who are now sitting in judgment upon his official conduct—a tribunal from which, I am sure, he will not appeal, as he has always been prompt to appeal from every other tribunal to that of the people. Before that tribunal he stands charged, that, moved and seduced by wicked, corrupt, and mercenary counsellors, without having a proper regard to the constitution and the laws before his eyes, he has unconstitutionally assumed powers which belong to the other departments of the Government; that he has openly contemned the authority of the Legislature, thrust aside the judiciary power, and usurped the seat of judgment, and pursued a reckless course of usurpation, whatever be its design, having a fatal and certain tendency to subvert this great fabric of constitutional liberty, and to establish on its broken fragments that great political paradox, now for the first time exhibited to the world, a constitutional despotism.

I shall proceed, in due form, to adduce the evidence by which I think the charge will be fully sustained; but as I came to the House without any expectation of speaking to-day, the House must excuse the delay which may occur in selecting from an undigested mass the extracts which I shall have occasion to present.

Mr. Speaker, I have said that I saw indications of a design, on the part of the executive department, to assume an alarming position in relation to the source and the extent of its powers. But before I produce the evidence by which I shall attempt to establish the existence of this design, I desire to make one or two general remarks relative to the history and theory of the executive branch of this Government.

It is an extraordinary and singular fact, that although we have investigated and analyzed with the utmost care, and fixed with the greatest precision the extent and boundaries of the legislative branch of the Government, an occasion has never occurred, since the first organization of the federal system, in which the pretensions of the Executive have been of such a character as to render it important to explore the sources and fix the limitation of the power of the Chief Executive Magistrate. I believe it is in the order of Providence that nations should be, in some degree, indemnified for the evils of misgovernment, by the establishment of good precedents; as, on the other hand, virtuous and unpretending rulers often give rise to dangerous precedents.

It was in the reign of the basest of the English monarchs, that *magna charta*, the great palladium of English liberty, was established. It was in the reign of the most profligate and tyrannical of the Stuarts that the great privilege of the writ of *habeas corpus* was established; and I hope I may say, in the spirit of prophecy, that it will be in the administration of one of the most self-willed and dictatorial Presidents this country has ever had, that the foundation of the executive power will be, for the first time, thoroughly investigated, and its limitations distinctly marked out.

It is worthy of particular notice, as a matter of curious speculation, and I do not mention it with any purpose of disparagement, that so little have we been accustomed to analyze the theory of the executive power, that the present discussion has exhibited, in some instances, as much undigested crudity of conception on this subject, as we might expect to witness in a society of schoolboys, in their sophomore year, in any of our respectable colleges.

The very first step in the argument of gentlemen on this floor, is a proposition so monstrous and extravagant, that, if it were not for the respect I feel for the source of it, I should pronounce it to be out of the pale of reason, and unfit to be gravely met and refuted by argument.

I will now proceed to show what that dangerous position is, which is now for the first time assumed by the Executive as to the source and extent of its power. In the official journal, published a short time after the removal of the deposites, we have the following exposition on the subject, promulgated by authority, and *ex cathedra*, as the doctrine of this administration. After referring to the clause of the constitution which declares that "the executive power shall be vested in a President," and the clause of the bank charter which provides for depositing the public treasure in the Bank of the United States, the editor proceeds: "Is the power to remove the deposites here spoken of a legislative power? Certainly not. If it were, it would be unconstitutional for Congress to vest it in the Secretary of the Treasury. Is it judicial? Not at all. Is it an executive power? Most palpably it is. Well, all the executive power is, by the constitution, vested in the President. If this provision of the bank charter vests it in the Secretary of the Treasury, otherwise than as the agent of the Executive, it is clearly unconstitutional. Congress cannot vest executive power in any other depositary than "the President of the United States of America!!"

Now, sir, to show that this was not a mere occasional opinion, but one which has been deliberately adopted as the true catholic exposition of executive power by the present administration, throughout all its branches and organs, I beg leave to pursue the train of evidence a little further. The gentleman from Tennessee asserts the same doctrine in the following words: "For," says the constitution, "the executive power shall be vested in a President of the United States of America!" The whole executive power is here vested in the President; and by another clause of the constitution, it is made the duty of the President to "see that the laws are faithfully executed." And the gentleman says in another place: "but the President, I affirm, is bound to see that all the laws are executed, and he cannot execute them but as he understands them." The gentleman finally adds: "Congress, it will not be pretended, has any power to appoint the Secretary of the Treasury, nor any power to remove him from office, if his conduct shall not please them; nor would they possess any such power, even if they had passed a law conferring it on themselves!"

Now, sir, that there may be no doubt that this is the doctrine of the administration, I will produce another link in the chain of testimony, which carries it one leap further than the gentleman from Tennessee ventured to take, and furnishes us with the canon of interpretation by which this extraordinary doctrine is to be applied in all emergencies. The honorable gentleman from New York, [Mr. Beardsley,] who occupies the same intimate relation, personal and political, to the second officer of the Government, which the gentleman from Tennessee does to the first, made use of the following words to convey his notion of the same doctrine of executive power: "Three departments of Government, and no more, are contemplated by the constitution--legislative, executive, judicial. In these, collectively, all the constitutional powers of this Government are deposited." We have seen that the power in question can be neither legislative nor judicial; it must, therefore, be executive in its character, and devolve on that department for its execution. Where, then, sir, is the executive power lodged? The constitution gives a ready and emphatic answer to this question: "The executive power shall be vested in a President of the United States of America." Not any part or portion of it, but the entire mass—the whole vests in that high functionary."

The gentleman then goes on, and, with the most felicitous confusion of ideas, as I must be permitted to say, combines in the same sentence, as if they were identical, two propositions, as different from each other as light is from darkness. The following are his words: "I cannot, therefore, regard the Secretary of the Treasury as the agent of Congress, as has been asserted, in directing this removal. Congress cannot delegate its power—cannot constitute an agency for any such purpose." There cannot be a more self-evident truism than the first branch of this latter sentence, nor a more ridiculous political solecism than the second; and yet the gentleman evidently regards them as synonymous. But of this hereafter.

In the other branch of the Legislature, in a speech delivered by a gentleman who is no longer a member of that body, the same doctrine was promulgated, and subsequently ratified by the official journal as a true exposition of the views of the administration with regard to the extent of its powers.

Such are the proofs I adduce to show the political doctrines by which the executive branch of the Government has deliberately and advisedly defended the act of seizing upon the public treasure; doctrines, in my opinion, infinitely more pernicious and alarming than the act of usurpation they are brought forward to defend; and which blot out from the constitutional chart all the other departments of the Government, leaving the President sole monarch of the system.

In the first place, it is affirmed that the President derives his power from that clause of the constitution which declares "that the executive power shall be vested in a President of the United States of America."

Now, sir, you will be a little surprised, perhaps, when I inform you that this clause, so far from conferring all executive power upon the Chief Magistrate, does not confer upon him a single particle of power of any description whatever.

A more monstrous and revolting heresy never was advanced by any political party, than that this clause, which was designed for no other purpose than to designate the title of the Chief Magistrate of the republic, should be construed into an unlimited grant of executive power; for, if it be a grant at all, it is a grant without limitation.

"The executive power shall be vested in a President!" What executive power, I beg to know? The executive power of France or of England, of Russia or of Turkey? Why, sir, the gentleman from New York answers, with the most insinuating simplicity and unpretending modesty, "all executive power." This is the utmost that he claims. "The very head and front of his pretension hath this extent—no more."

And it is thus, that, by the potent magic of this new doctrine of construction, throwing the "general welfare" doctrine quite into the shade, a clause of the constitution, which the venerable simplicity of our forefathers supposed to be nothing more than a mere title of office, is converted into a grant of executive power unknown to any monarchy on earth; for there is no potentate in the world of whom we may not say there is some executive power he does not possess. The disciples of this new school of constructive executive power are not satisfied that the President should be invested with such executive powers only as are contained in the express grants of the constitution, or as may be the necessary means of executing the powers thus granted; they will not consent that the executive power shall be limited down by the salutary rule which all parties have concurred in applying to the legislative power. Oh no, sir, we may not presume to say to that "august functionary," who, in the capricious use of the veto power, has so often said to us, "show us your specific grant for the power in question?" His power must extend to the utmost verge of the horizon of executive power, with no limitation but that which results from the nature and character of executive power. Are not the gentlemen aware that all political power, when brought into action, "is executive in its character?" Do they not know that free institutions have never been subverted by any other than executive power, whether wielded by a Rump Parliament or by a single usurper? When Cromwell dispersed that Parliament, and Napoleon the Chamber of Deputies, did they not exercise powers which were "executive in their character?" Where, then, is the limit of executive power under this extraordinary theory? As well might Congress claim the power to consolidate the sovereign States of this confederacy into one vast empire, by an act of legislation, because "the legislative power" is vested in Congress, as to contend for this unlimited extent of executive power upon similar grounds.

But the gentlemen from New York [Mr. BEARDSLEY] affords us the consolation of believing, that if we are to be thus juggled out of our liberties, it will be done according to the most approved rules of the art of usurpation, and with all the forms and solemnities of executive logic. That gentleman has favored us with a syllogism which, in the hands of that great expounder of constitutional charters, the President of the United States, will always enable him to come to just such conclusions in regard to any disputed power he may desire to exercise as shall suit his own purposes, or as Cromwell used to express it, as he shall "deem to be for the interest of the people." It is true, sir, that this potent syllogism of executive assumption is not original with the gentleman from New York. I saw it in a well-written essay in the Richmond Enquirer, evidently from the pen of no ordinary man, and showing, by a chain of coincidences, a general concert on the part of the "republican party," to raise the Chief Magistrate above all constitutional restrictions. But to the syllogism. The gentleman says that we must first inquire whether or not a contested power is legislative? If it be not, then whether it is judicial? If the answer be still in the negative, then it follows, as a necessary consequence, that the power is "executive in its character," and of course belongs to the President. And thus the President of the United States claims power under the constitution, as if it were the will of a dead man and himself the heir at law. The other departments are mere specific legatees and devisees, and after they have been paid off, the whole residuary mass of the estate goes to the President, either as residuary legatee or heir at law! But, sir, there is a grave preliminary question to be settled before the estate can be distributed. Did it occur to the honorable member to inquire what judge was to decide any contest which might arise among the parties to this singular distribution? Has he forgotten that, by claiming for the President the right of substituting his judgment for that of all the executive officers, and of "executing the laws as he understands them," he had put it in the power of the heir at law to claim the whole estate, and then very impartially pronounce judgment upon his own pretensions?

Sir, if these are the functions of the Executive Magistrate, well may the gentleman from New York inform us that they require "deep reflection and profound judgment." Placed in the judgment seat, the final arbiter of all conflicts for power with the other departments, he assigns to the legislative department its appropriate limits, and makes his own sovereign will the measure and the limit of his own power. I will not permit this monstrous pretension to pass from me till I have given it a thorough investigation, and fully exposed its enormity. It is a curious fact in our political history, that a party should have risen up pretending to exclusive republicanism, and at the same time claiming for their Chief Magistrate an illimitable extent of power, from a clause in the constitution which obviously conveys no power at all! What, sir, are we blind? Are we so dazzled by the glare which surrounds the pageant we have placed at the head of the Government, as to be absolutely deprived of intellectual vision?

If gentlemen will but step out of the magic circle of this federal executive, and look into the constitutions of the States, they will perceive that these cabalistic words, "the executive power shall be vested in a Governor," are to be found in almost every State constitution, though no one ever dreamed that they conveyed any power. These words are in the constitution of Virginia, where the Governor makes very few appointments, and in that of South Carolina, where the Governor has no power either to make any appointment or dismiss a single incumbent from office. The constitution of the State also contains these other talismanic words, which are held to dissolve all the barriers of executive power, "he shall see that the laws are faithfully executed, in mercy;" yes, sir, mercy, the glorious prerogative of a constitutional Chief Magistrate, not vengeance, the odious attribute of an unconstitutional usurper. But to return to another of the propositions of the gentleman from New York: "We have seen," says he, "that the legislative and judicial powers are alike incapable of alienation, and of being exerted through the intervention of agents. Not so with the executive power: vested and remaining in a single magistrate! it may, nevertheless, be called into action by the agency of subordinate individuals." Sir, there is no political proposition more self-evident than that Congress cannot delegate its powers; that is, it cannot authorize any other set of functionaries to make laws. But where, I pray, in what political school, did the gentleman learn, that because Congress cannot make a sub-delegation of its powers, it cannot, therefore, "constitute agencies" to execute the laws which the constitution has authorized it to enact? What, sir! are we school-boys in the first form, to stand here and gravely argue such a question as this? It is the very end, the appropriate and exclusive faculty of the legislative power, to create agencies for executing its will. What is the whole of that vast executive machinery by which the operations of this Government are carried on, but such an agency? And yet we are told that Congress cannot create an agency; and this doctrine is laid down as the platform on which is to be erected the overshadowing structure of an absolute power in the Chief Magistrate. Let us examine the principle which is involved in this extraordinary doctrine. Where did it originate, and to what catastrophe does it tend? The great principle which lies at the bottom of this theory, is neither more nor less than that principle of feudal despotism, which ascribed to the lord paramount, as his property, not only all the lands, but all the powers, and offices, and honors of the kingdom, to be granted out by royal charters, at his sovereign will and pleasure. All the executive power "vested and remaining in a single magistrate, but may be called into action by the agency of subordinate individuals." I beseech you, sir, to consider the consequences of this doctrine if carried out.

The President of the United States is endowed not only with his own appropriate power—that of the Chief Executive Magistrate, sitting in the highest seat of authority, and waving his own sceptre--but he claims a proprietary right to the powers exercised by all the other executive officers of this mighty system, from the highest to the lowest, in all its ramifications and dependencies. Yes, sir, the forty thousand agents who constitute this system, do not exercise their own powers, in obedience to the will of the law-making power and in trust for the people, but they exercise the powers of the President, in trust for the party, and in obedience to the will of their sovereign lord and master! Is it not so, sir? What a monster, destitute of form and comeliness, do you thus make of the President? You concentrate in him all that is odious in history and monstrous in fable. You make him a hydra with fifty thousand heads, and a Briareus with a hundred thousand hands. I must invite the attention of the House, particularly, to the idolatrous strain in which the gentleman from New York speaks of the theoretical omnipotence of the President, while he admits, in a tone of lamentation, as if he regretted the dispensation of Providence, that the physical faculties of "that high functionary" are in their nature limited. "Upon the President devolves the high duty of seeing that all the laws, of every description, and in every part of the country, are faithfully executed. Such is the nature of the executive trust, such the plain terms of the constitution. Were the human faculties equal to the task, the whole executive power might be executed by one man. But this is impossible. No man singly and alone is capable of these things." What a melancholy reflection! that the President of the United States, who is thus shown to be constitutionally omnipotent, should not have been endowed with the attribute of ubiquity! Is there no "fond idolater" who will supply this desideratum in the dispensations of Providence, and, by some combination of machinery and steam, complete the living apotheosis of an omnipotent President, by adding the faculty of omnipresence?

Sir, there is something alarming in the apparent and undisguised idolatry of these political doctrines, and in the circumstances and signs of the times in which they are promulgated. I have said that the power claimed for our republican Chief Magistrate transcended the power of any monarch in Christendom, constitutional or unconstitutional. I now go further, and assert that it is a power, in some of its attributes, unknown even to the mythology of the Greeks and Romans. According to that system, the different portions of the universe, and the various departments of human affairs, were assigned to different divinities, each acting in his appropriate sphere, and upon his separate responsibility, to the decrees of fate which constituted the fundamental law of the system. Jupiter reigned in Olympus, Neptune over the ocean, and Pluto in the regions below. Apollo presided over the arts, Mars over the affairs of war, and Minerva over those of council. But, sir, the Jupiter of this new system of political idolatry, not satisfied with holding the exclusive dominion of Olympus, darts from his empyrean height, like a baleful comet dashing wildly through the heavenly spheres, invades the provinces and usurps the powers of all the other gods—snatches from Apollo his arrows, from Neptune his trident, from Mars his lance, from Minerva her impenetrable ægis, from Pluto his consuming fires, from the Furies their scourge, and from the Fates their shears--and thus holding in his hands the issues of life and death, and brandishing the armor of the whole Pantheon, he proudly challenges what none dare refuse, the passive obedience and trembling homage of all the minor divinities:

> "Shakes his ambrosial curls and gives the nod,
> The stamp of fate, the sanction of a god."

But, sir, to come down to a more practical view of this subject, I propose to pursue, a little more minutely, the train of argument into which I have been drawn by the extraordinary theory of executive power now for the first time promulgated in these United States.

The honorable gentleman from New York, by his executive syllogism, has placed in the hands of the President of the United States a political lever more powerful than that of Archimedes. Sir, that great mechanician, exulting in the discovery of a new principle in mechanics, is said to have exclaimed, "Give me a place to stand upon, and I will move the world." So may the President exclaim, with this potent syllogism in his hand; and his friend from Tennessee very opportunely steps in and supplies the desideratum which Archimedes never discovered. Yes, sir, in an insignificant clause of the constitution, the mere title-page of the executive power--a spot on the disk--he has found the place upon which the fulcrum of this mighty lever is to be placed; and, at a single sweep of the beam, the whole constitutional fabric of this Goverment may be toppled into ruins.

The gentleman from New York, who has favored us with so many new views of the theory of government, seems to have been laboring under some extraordinary influence, which has thrown into all his leading propositions an ambitious spirit of paradox.

After asserting that the legislative power was in its nature unalienable, he goes on to remark that it is not so with the executive power. That the legislative power cannot create an agency to carry its will into effect, but that the executive power is subject to no such limitation. Sir, if he had taxed his ingenuity to the utmost, he could not have formed a proposition in more direct contradiction to the truth of the case. From what book did the gentleman from New York learn that the President of the United States, by virtue of his constitutional power, has a right to create an agent to execute his will, or for any other purpose, except where he is especially authorized to do so by the legislative power? Who ever before heard of an executive agent, meaning by that an agent created by the President to execute his will, instead of being created by the legislative power to execute its will, or in other words to execute the law? If the President possesses this inherent right, we should speak of him as our "dread sovereign!" But it is not only untrue in point of theory, that the executive officers of this Government are, as they have been represented, the arms, and the eyes, and the instruments of the President; but it is true that the President himself, and all the executive officers who are associated with him in administering the Government, are nothing but the instruments of the law-making power in executing the will of that power. The President of the United States, it is true, is clothed with two different classes of power, clearly discriminated from each other. With the concurrence of two-thirds of the Senate, he exercises one branch of the law-making power, the power of making treaties; and, as to that, he stands in the same relation to the diplomatic officers that Congress does to all the rest, except that he cannot pay them without a law fixing their salaries, and making an appropriation for it.

The treaty-making power is, in a certain sense, a law-making power. That power is vested in the President of the United States and the Senate, two-thirds concurring, and all those whom they may appoint in the execution of that power are, in the sense in which gentlemen have used the terms, executive officers, responsible to the President. But this executive power goes no further.

Every other power which the President can exercise, under the constitution, is a power exercised by the authority of the law, and under the law. He cannot raise his finger without the authority of this legislative power which, it now seems, is to be trampled in the dust, and denied even the power to create an agency! Why, sir, can we not, before the sun sets this very day, strike from existence the whole of this executive machinery, the heads of departments, the army, the navy, the judiciary, and all; leaving the President to wave his barren sceptre over the solitude? And can we not, before the setting of to-morrow's sun, rear up another fabric as powerful and as splendid? And yet the legislative power has no right to create an executive agency!

Mr. Speaker, this is not a mere abstract question. It is a grave and solemn question, practically and intimately connected with the operations of our political system. Cut that connexion which binds the executive officers of this Government to Congress; destroy their responsibility to the law-making power; let them cease to be the agents of the law, and make them the instruments of the executive will, and what then, I ask, is the legislative power? Where is it? Why you may as well talk about the power of a sleeping man to rescue himself from the danger apprehended in a dream, as to talk about a legislative power which has no means—no practical and efficient means—to execute its will.

But we are told, however, that the President of the United States is invested, by the constitution, with the power of executing the laws of the Union; and this clause has been the subject of as much misapprehension and novel doctrine as the one to which I have already alluded.

It is a clause found in the constitution of every State in the Union; but it was never before interpreted as conveying to any Chief Magistrate a discretionary power over the law. How, then, is the President to execute the laws of the Union? By an inherent power of his own, with such agents as he may deem proper, on such occasions and under such circumstances as he may deem expedient? No, sir! He is to execute the laws by the means, in the manner, and under the circumstances, that the law-making power shall provide and direct, and none other. Precisely as the marshall of the United States executes the judgments and decrees of the Supreme Court of the United States. This clause of the constitution is analogous to a decree of the people, ordering the President, who, in this respect, is nothing more than the grand marshal of the republic, to see that the laws are executed by such means, and such means only, as Congress may provide. In fact, sir, it is an injunction of obedience to the law-making power.

But, sir, I pass on to the great question of the appointing power, and the connected power of removal from office. What is the power of appointment? And what does it involve? The power of appointment begins and ends with making the appointment. I am utterly at a loss to conceive how the idea ever obtained currency, that the President of the United States had the inherent, constitutional power, of dismissing an officer from his place. Where is this power to be found? The constitution says, that, with the concurrence of the Senate, he shall make all the appointments. Upon what principle of construction is it, then, that the power of making the appointments involves the right of dismissing from office, as a constitutional right, paramount to the power of Congress? It is an established rule of construction, in regard to the legislative power, that, wherever a power is expressly granted, all the powers necessary for its execution are involved by implication. But how can it be maintained that dismissal from office, which is necessarily subsequent to the appointment, is an appropriate means of enabling the President to execute the power of making the appointment? Nor is the question an immaterial one, whether this right of dismissing from office is a constitutional right or a right derived from the law. The distinction is all-important. I must think that those gentlemen who have expressed the opinion that the President of the United States derives this right of dismissing from office from the constitution, and that the law cannot take it away from him, have expressed the opinion inadvertently, and without due reflection. Is it not evident, Mr. Speaker, that it is the very essence of legislative power to create officers, to prescribe their duties, to fix their tenure, and to determine what kind and degree of malversation shall be a sufficient ground for dismissal from office? And yet, if we were to attempt to fix the tenure of any executive officer, we should be immediately informed by the President, who assumes the sole right of final arbitrament on these great questions of jurisdiction between the legislative and executive departments, "hands off, gentlemen, this is a matter with which you have no right to interfere; it is a power 'executive in its character,' and, therefore, belongs exclusively to me." I think it highly important that we should assert our legislative rights in relation to this important subject, because the time is rapidly approaching when every man of reflection will perceive the necessity of interposing the legislative power to rescue the country from the corrupting influence of the power now claimed and exercised by the President.

Indeed, sir, I am deeply impressed with the conviction, that this power should be forthwith interposed; and that every federal officer, from the highest to the lowest, should be made to feel that he holds his office by a tenure less precarious than the mere arbitrary will of one man.

I cannot doubt that, under the constitution, Congress may pass a law prescribing that the judges of the Supreme Court, for example, shall have the power of dismissing their ministerial officers, and I should be glad to see such a law passed by way of commencement. Though the legislative power can exert no control over the appointment, it may so regulate the dismissing power as to form a salutary check on that of appointment. It cannot be doubted that Congress may provide, by law, that the representatives from each State shall have the power of dismissing all federal officers within the limits of their respective States.

There is no limit, indeed, to the legislative power in fixing the mode, manner, and cause of dismissal. It may provide that all executive officers shall hold their offices during good behaviour, and be liable to removal only on conviction by a jury of malversation in office.

But how is it inferred that Congress has no such power? Why, says the honorable gentleman from Tennessee, the constitution, in prescribing that the judges shall hold their offices "during good behaviour," raises the necessary implication that all other officers shall hold their offices by the will of the President! This is certainly a most jumping conclusion, and I am utterly incapable of comprehending the logical process by which the gentleman arrives at it. The fact that the judges are declared to hold their offices during good behaviour, raises no implication at all as to the tenure of other officers, but leaves them to be regulated by the legislative power, which, only, is competent to create them. It is a restriction upon legislative power, and the extent of that restriction is the extent of the provision in favor of the judges.

I have deemed it important to speak thus distinctly on the dismissing power, because I have a deep and solemn conviction, that if Congress does not interpose, speedily and effectually interpose, on this subject, the day is not distant when this Government will sink into deep corruption and absolute monarchy. Have you considered, sir, the peculiar situation of the United States in relation to this subject? Have you reflected upon the difference between our situation and that of every other people upon the face of the earth? The fact is notorious, that, in England, when a change of ministry takes place, all the subordinate officers of the kingdom feel themselves as firmly seated after the change has taken place as they were before. But what is the case here under our system of an elective Chief Magistracy? If you bring all the offices of this Government into the political market as the legitimate "spoils of victory;" if every aspirant to the presidential office inscribes upon his banner this celebrated motto to animate his partisans, is not the whole mass of the offices and patronage of your Government converted into a mighty fund of corruption, sufficient to purchase an imperial crown, and which no human contrivance can permanently resist?

Mr. Speaker, the immense patronage of this Government, under this new doctrine of the absolute right of every new President of the United States to discharge all the incumbents from office at his mere will and pleasure, to make way for his partisans, is a power I would not trust in the hands of an angel, if there were an angel in human form. Yet, strange to say, this arbitrary power is claimed for the President by the honorable member from Tennessee, as the means of securing and enforcing his responsibility to the constitution and the laws! A standing army of executive retainers, made absolutely subservient to the will of their master, is truly a most notable contrivance for securing the responsibility of the President of the United States! When Tiberius collected together the Prætorian bands, scattered as they were over the empire, concentrated them in a single camp in the city, and placed them under the command of his celebrated favorite, the Prætorian prefect, did he ensure his responsibility to the Roman people by making that army thus dependent on his will?

And pray, what was the power even of that army in comparison with that which you propose to establish? I beg gentlemen to reflect that this standing army of civil officers is scattered over the Union, occupying all the commanding points and influential positions, and exercising a power infinitely more controlling and irresistible over the popular opinion than ten times their number of soldiers. Cast your eyes over the "blue book" of this republic, now rising in envious rivalry with the "red book" of England, and contemplate the frightful catalogue of this standing army of mercenary dependants, which this theory of yours will create.

> "A multitude, like which the populous North
> Poured never from her frozen loins, to pass
> Rhine or the Danube, when her barbarous sons
> Came like a deluge on the South, and spread
> Beneath Gibraltar to the Lybian sands."

What reflecting patriot can contemplate this mighty host of executive janizaries, more terrible than an army of northern barbarians stimulated by the hopes of plunder, without a profound sense of alarm and apprehension for the fate of our institutions? They are in the midst of us; they insinuate themselves into our sanctuaries; amongst our domestic altars and household gods; and, under artful disguises, and by incessant and untiring efforts, obtain a control over public opinion by contaminating its very sources and elements. We have seen how in other countries similar means have been employed to effect the purposes of ambition. When Oliver Cromwell was preparing to subvert the liberties of England, it was his custom to say, at each successive advance in his progress, "This power is not of my seeking. It came to me from God, by the choice of the army, the usual channel through which the divine mercies are dispensed to the nation in these latter days!" And how long will it be before some American Cromwell, elevated to the throne of empire by this army of political saints, shall say to us: "This is not of my seeking. It came to me from the people, by the choice of those disinterested patriots who hold offices and serve the country purely for the sake of conscience, and who are the usual channels through which the favor of the people is dispensed in these latter days."

Have we not already seen the ominous signs of this approaching catastrophe in our own heavens? Contemplate, without apprehension if you can, the spectacle recently exhibited in the State of Ohio; read the proceedings, and analyze the composition and character of that extraordinary and self-constituted convention which assembled together for the purpose of nominating a successor to the present Chief Magistrate. And although this administration came into power under a solemn pledge to redeem the popular elections from the tampering influence of office-holders, yet this convention, two-thirds of which consisted of office-holders, notoriously proceeded under the banner of the Chief Magistrate to nominate his successor; and the voice of this mercenary assembly has been hailed, throughout the ranks of the faithful, as the voice of the people, or, what seems to be of still higher authority, the voice of the "party."

I will now advert to another sign, which I have deeply regretted to perceive, and which I cannot but regard as one of the most fearful indications of these inauspicious times. What have we seen in the great State of Pennsylvania, heretofore standing proudly pre-eminent among the States of this Union, and justly regarded as the keystone of the Federal arch? Do you recollect the political history of that State for the last twelve months? Little more than that period has elapsed since her Legislature resolved, by an almost unanimous vote, that it was both constitutional and expedient to recharter the Bank of the United States, and instructed their Senators and requested their Representatives here to use their efforts to effect that measure.

And yet we have seen that Legislature, with no earthly reason to justify the change but that which was given by the French grenadier who dispersed the Chamber of Deputies—"the General has given orders"—entirely change its position in regard to the great question so deeply involving the vital interests of the State. I cannot believe that the Legislature is a true exponent of the sentiment of the people.

But however that may be, is it at all surprising that the President should be delirious with power, when he perceives the magic of his influence illustrated by such extraordinary effects? He has almost literally realized the vision of the madman, who ascended a lofty mountain, surveyed from his proud pre-eminence the almost boundless horizon, and, swelling with the conception that he swayed the sceptre of universal empire, exclaimed in a voice of authority, "kingdoms, to the right about face." Yes, sir, "the General has given orders," and they have obeyed; and I trust in God that the sovereign people of the ancient and venerable Commonwealth of Pennsylvania will not be as subservient as those who have betrayed her interests and proved recreant to her principles.

Let us no longer delude ourselves with the vision of freedom, if such be the power of one man. Is it the Crown that makes the King, Mr. Speaker, or the sceptre? Is it the mere pomp and circumstance of power, or the substance of power, unlimited, uncontrollable power, that makes the despot?

I say unto you, sir, and to the gentleman from Tennessee, whose integrity of purpose commands my respect, that, let him firmly establish this theory of Executive omnipotence and official dependance, and connect it, as it is doomed to be connected, by all the laws of political affinity, with that system of party discipline which is so admirably exemplified in a certain political school which holds its deliberations under the auspices of a saint not known, I believe, to the Christian calendar*—once establish that theory and this practice, and you arm the President of the United States with a power of incantation which may "call up spirits from the vasty deep to do his errands," and they will come

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* St. Tammany.

"——As when the potent rod
Of Amram's son in Egypt's evil day
Waved round the coast, up called a pitchy cloud
Of locusts warping on the eastern wind,
That o'er the realm of impious Pharaoh hung
Like night, and darkened all the land of Nile."

Such, and so numerous, will be that host of official dependants and executive retainers who will always stand ready to rally round the standard of executive usurpation, like the vassals of former days, rushing at the signal of the bugle-blast, or the beacon-light, to the banner of their feudal chieftain, equally and indifferently prepared to justify the right and to defend the wrong. Yes, sir, such will be the portentous cloud not only of political locusts, but of cormorants, vultures, vampires, bloodflies, musquitoes, and of all the tribes of devouring birds of prey, and blood-sucking insects, which the President of the United States can always call up to afflict the land and consume its substance, by waving that wizard staff which you now propose to place in his hands.

Indeed, if we are to credit the statements made in the public journals of certain oracular responses recently given out from the Executive tripod, it would seem that we have already a political Moses in our land; not, to be sure, endowed with the faculty of calling up successive plagues to desolate the land of Egypt, but who has ascended Mount Sinai, and there received a divine commission to call down the consuming vengeance of Heaven upon the children of Israel for bowing down to worship the golden calf! It is recorded of Oliver Cromwell, that, in the political trances and rhapsodies with which he frequently edified the Parliament, he made his followers believe, and actually believed himself, that the "spirit of God spoke in him, and by him." Is it incredible, therefore, that the President of the United States, in his old age, when his passions have survived the vigor of his intellect--intoxicated with those everlasting draughts of flattery which the cringing sycophants around him are incessantly administering, should imagine himself to be the chosen instrument of Heaven to inflict its vengeance upon the people of the United States for daring to uphold and sustain an institution which he deems it expedient to destroy?

I have thus endeavored to expose this novel and alarming theory of executive power, which I fear will be speedily consummated in a consolidated despotism concentrated in a single person; and now I propose to examine briefly what has been the practical exposition of it furnished by the present Executive. We often look without apprehension upon the most dangerous pretensions and practices, when, upon a closer scrutiny, we perceive the latent principle of mischief which had before escaped us. I make this remark in reference to one of the positions assumed by the President in the manifesto he addressed to the people of the United States on the occasion of the removal of the deposites. The position is, that the people of the United States, by the mere act of re-electing him, have authoritatively decided that it is unconstitutional and inexpedient to recharter the Bank of the United States; and, basing himself on this decision, without deigning to consult the Legislature, the only power under the constitution which is competent to make such a decision, he forthwith proceeds, by his own authority, to execute what he assumes to be the will of the people constitutionally expressed, and, of consequence, the supreme law of the land. Simple as this reasoning and assumption may at the first glance appear, I venture the opinion that it is one of the most profound and artful contrivances ever invented by the genius of usurpation to disguise its design and cover its approaches. Examine it philosophically, resolve it into its elements, and what can you make of it but a new and more direct highway to unlimited power than any heretofore discovered, by substituting the will of the President for the will of the people?

This is truly an age of improvement, and in nothing is it more strikingly illustrated than in the improved processes of stealing power from the people. This one is distinguished for its directness and simplicity, whereas the usurpers of other times have been compelled to make their approaches against the fortress of liberty by the slow process of opening trenches, and advancing under their cover. In other countries the difficulty has been to obtain the votes of the people to sanction the assumption of the kingly office. Here, under our elective system, it is easy to obtain the chief executive officer, but the difficulty is to make its power unlimited, by breaking loose from the inconvenient restraints of the constitution and the laws. The present Chief Magistrate has most dexterously surmounted this difficulty; for, if you will admit his position, he will never be at a loss to make his sovereign will the paramount law, to be executed "as he understands it." What is the argument it involves?

That the people of the United States, by re-electing Andrew Jackson, have adopted and ratified all his known political opinions as their own; thus enacting laws and regulating the great questions of banking and currency without the troublesome machinery of the Legislative department! Yes, sir, these most difficult and delicate of all the appropriate subjects of legislation have, with the public treasure, been seized upon by the President, and are now notoriously regulated by his will! But this is not the worst view of the matter. Admitting for a moment the constitutional right of the President thus to collect the sovereign will of the people on a subject of legislation, the present is a gross misapplication of his own doctrine. He never sent a message to Congress on the subject of the bank in which he did not hold out the hope that he would sign an act of recharter, with modifications. In every instance his objections were to the bank "as at present organized," which was saying by implication that he would sanction the institution if differently organized. And in the message immediately preceding his re-election, he leaves "the subject to the investigation of an enlightened people, and their representatives." And yet he is scarcely warm in his seat, when he turns round and gravely informs us, "now that the people have sustained the President, it is too late, he confidently thinks, to say that the question has not been decided. Whatever may be the opinion of others, the President considers his re-election as a decision of the people against the bank. He was sustained by a just people, and he desires to evince his gratitude by carrying into effect their decision, as far as depends upon him." As far as depends upon him! a very useless qualification under this new-fangled executive theory and practice. But, sir, was ever power usurped under more frivolous and fraudulent pretences, with humbler words or a bolder hand? It is almost in the very language of a precedent familiar to us all:

"Thanks, gentle citizens and friends;
This general applause and cheerful shout
Argues your wisdom, and your love for Richard."

But this spirit of executive assumption seems to have infected even the most insignificant of the "instruments" of the Chief Magistrate. Even the Government directors of the bank, swelling like the frogs in the fable, claim a participation in this royal prerogative of personating the majesty, and speaking the voice, of the people. Listen to their audacious language: "Paying no sort of respect to the exalted public sources whence their appointment immediately emanates, the bank has the boldness to claim co-equality with the nation, to disregard the organs and

representatives of the people!!" Co-equality with the nation! we, the people! Such are the modest pretensions of executive spies and informers. What is to come next as the fruit of these extraordinary executive doctrines?

Mr. Speaker, the most alarming, and to me the most distressing, symptom of the times, is the influence of the Executive power over the members of the National Legislature, and the new doctrine of the allegiance of the representatives of the people to the President, now openly avowed. At an early period of the session, I read with some surprise, in certain political journals which usually speak by authority, the avowal of the doctrine that the members of this House come here not to represent the people, but to support the administration, right or wrong, in all things; in other words, to represent the will, and obey the orders of the President. I did not, then, expect what I have since had the pain of witnessing, the promulgation of the same doctrine from places of high authority, from the seat of legislation, in both wings of the Capitol. Sir, what are we?—where are we? Are we the representatives of the people, clothed with a high trust to be exercised for their benefit, and under an exclusive responsibility to them, or are we feudal vassals, bound by a tie of party allegiance to the President, mere "liegemen of the Dane?" Are we, like the parliaments of France under the ancient dynasty, summoned here to attend a royal "bed of justice," and to register, by compulsion, the royal edicts and manifestoes? If these are our appropriate functions, why stand we hear prating about the constitution, the rights of the legislature, and the custody of the public treasure? If we have lost the substance of liberty, I say down with the idle and unsubstantial pageantry of its forms. Why keep up the delusive mockery of a Legislative department, when it serves only as a mask for that despotic power which controls every thing, and as a memorial to remind us of our own degeneracy? Let us rather conform to our new condition, by obeying that imperial mandate which was first issued in the city of New York, some months since, through one of the executive organs—"pass the appropriation bills and go home," leaving the people, in the extremity of their distress, to the tender mercies of the President and his privy counsellors! Ay, sir, grease the wheels of the car of Juggernaut—enrich the shrine of your idol—and when you have performed these ministerial offices of priestly devotion, go home, and tell your miserable and ruined constituents to prostrate themselves before the mighty pageant, and offer up the incense of their expiring hosannahs to the god of their idolatry, while his fatal car is crushing them into the earth, and mingling their blood with the dust, and the whole pandemonium of false and treacherous counsellors who have deceived him by their flattering sorceries, and ruined the country by their infernal machinations, are laughing at the agonizing distresses, and revelling in the spoils of a people whose hopes he has disappointed, whose sacred rights he has violated, whose vital interests he has betrayed, and whose constitutional liberties he has trampled in the dust!

We are not, indeed, without some very significant indications that this royal mandate will be executed by the prerogative of prorogation. It has evidently been the subject of grave deliberation in that secret consistory where such high matters are usually decided. And as I feel—like one who, about to retire from the stage, has a natural anxiety that his last act in the drama should be decently performed—I must ask it as a personal favor that, if we are to be prorogued by the President, the act may be performed with becoming solemnity, and according to the most approved historical precedents.

I shall now proceed to furnish such a precedent, and I trust the friends of the President will appreciate the feelings of kindness in which it is done. I quote from a very high authority, sir; no less than the Lord Protector Cromwell. He had organized his first parliament, as he supposed, in such a manner as to be sure of a majority for any project of the court. But, although his returning officers had taken care to give him a majority at the commencement of the session, yet the spirit of liberty so far prevailed over the spirit of personal allegiance, as to throw him into a minority in the progress of the session. Finding the majority inaccessible to fear or persuasion, the historian records, that "he summoned the House to meet him in the painted chamber. [We shall be summoned, I suppose, to the East Room, scarcely less celebrated.] Displeasure and contempt were marked in his countenance. [A very natural prelude to what follows.] They appeared there, he observed, with the speaker at their head, as a House of Parliament. Yet what had they done as a Parliament? He never had played, he never would play the orator; and therefore he would tell them frankly [Cromwell was a frank man, too, sir,] that they had done nothing. For five months they had passed no bill, [our time is not yet out] had made no address, had held no communication with him. As far as concerned them, he had nothing to do but to pray that God would enlighten their minds. But had they done nothing? Yes; they had encouraged the cavaliers to plot against the commonwealth, and the levellers to intrigue with the cavaliers. [The coalition between the nullifiers and national republicans is here evidently foretold.] By their dissension they have aided the fanatics to throw the nation into confusion, and by the slowness of their proceedings had compelled the soldiers to live at free quarters on the country. [Here General Jackson could give Cromwell a lesson. Why did he not seize upon the deposites?] It was supposed that he would not be able to raise money without the aid of Parliament. But he had been inured to difficulties, and had never found God wanting when he trusted in him. [Almost the very language of the manifesto.] The country would willingly pay on account of the necessity. But was the necessity of his creation? No: it was of God; the consequence of God's providence. It was no marvel, if men who lived on their masses and service books, their dead and carnal worship, were strangers to the works of God; but for those who had been instructed by the spirit of God to adopt the same language, and say that men were the cause of those things, when God had done them, this was more than the Lord would bear. But that he might trouble them no longer, it was his duty to tell them, that their continuance was not for the benefit of the nation, and therefore he did, then and there, declare that he dissolved the Parliament." This is the manner in which Cromwell got rid of the troublesome encumbrance of an independent Parliament.

But to be serious, sir, I, for one, am not disposed to adjourn before something effectual is done to relieve the country from its distresses; and I will not do so with my own consent, even to avoid the fate of Cromwell's Parliament. In the present calamitous condition of the country we have a melancholy exemplification to prove how small a share of human wisdom is requisite to produce the greatest conceivable extent of human misery! The merest pigmy, armed with a sceptre, can destroy, in a sinble day, the great fabric of a nation's prosperity, which all the intellectual giants of the land cannot rebuild in a long and laborious course of years. I will not tell the people to look for salvation to those who have involved them in this calamity. No, sir, this storm has been produced by a species of necromancy, which is endowed only with the faculty of mischief, and which, having raised the elements, has no power of exorcism to lay them. The Prospero, whose fatal wand has conjured up these elements, into this wild and fearful and disastrous commotion, has no magic power to call up the ministering spirits of the stormy deep, to rescue the sinking fortunes of a whole people, rashly and wickedly exposed to the rocks, winds, waves, and quicksands, of this most desperate and impious experiment.

Sir, the Executive branch of the Government has plunged the country into this stormy sea of desperate adventure, under circumstances which greatly aggravate the outrage committed upon the constitution, and upon the rights and interests of the people. What excuse or apology can be offered for such a daring assumption and hazardous exercise of power by the Executive? When Cromwell usurped the supreme power in England, he saw the nation torn to pieces by factions, and drenched in civil blood; and his strong arm clutched the fallen sceptre to save the country from universal desolation. When Bonaparte returned from Egypt, and dispersed the Chamber of Deputies, he found the armies of the republic driven back, the finances involved in bankruptcy, and the combined powers of Europe menacing the existence of France. Where, said he, are the conquests I made, the victories I achieved, the resources I supplied, and the armies I left for the security of France? But what was the condition of the United States at that fatal moment, when the evil genius of the President prompted him to assume the fearful responsibility of destroying our system of credit, deranging our system of currency, in open and avowed contempt of the legislative power? What was there in that condition to afford the shadow of a pretext for the usurpation of which we complain? What civil dissensions was it designed to compose; what financial embarrassments and public sufferings was it calculated to relieve? It is worth while to look back to the inception of this executive experiment. The people of the United States were in the enjoyment of an unexampled prosperity—literally basking in the sunshine of tranquillity, abundance, and contentment--blessings the more exquisitely realized from their contrast with the troubled scene which had recently passed away. They had seen a dark and portentous cloud lowering in the horizon, and could almost hear the distant thunder and see the prelusive flashes of the coming storm, which threatened to shake the mighty fabric of this federal system to its deep foundations. But at this eventful crisis, a redeeming power was interposed, in the spirit of conciliation; a covenant of peace was ratified here, the storm passed away, and the rainbow circled the arch of the heavens, the cheering harbinger of that happiness and contentment which were the lot of a united people, until the fatal dog-days, when this most pernicious scheme of executive usurpation was engendered, not to save the country from civil dissensions, and restore its disordered finances, but to mar and destroy the brightest vision of happiness that ever blessed the hopes of any people.

And I regret to find that the authors of this fatal experiment are resolved to carry it on in the same reckless spirit in which it was conceived. Nothing has struck me more forcibly than the stubborn perseverance of the administration in their desperate purposes, hoping against hope, blind to the palpable results of experience, and deaf to the cries of a suffering people. It is a spirit of heartless indifference to popular suffering, wholly without excuse, and almost without example. We have been told by a member of this House, [Mr. Beardsley,] in the exterminating spirit of that Roman who always concluded his speeches with the motto, "Carthage must be destroyed," that the Bank of the United States must be destroyed by whatever means, and at the hazard of whatever consequences. "Perish commerce, perish credit; give us broken banks and a disordered currency," rather than retrace the steps of this executive crusade against the bank! And the Chief Magistrate himself declares that neither "the opinion of the Legislature, nor the voice of the people, shall induce him to abandon his purpose, whatever may be the sufferings produced," adding, for the consolation of the enterprising and industrious classes, that, if those should fail "who trade upon borrowed capital," they will deserve their fate!

Mr. Speaker, we can scarcely give credit to the historian who records the degeneracy and degradation of a great people of antiquity, when he informs us, that a Roman Emperor amused himself by fiddling, while the capital of his empire and the fortunes of the Roman people were involved in one general conflagration. But our own melancholy and woful experience is but too well calculated to remove any historical scepticism which might induce us to suppose, that the extraordinary spectacle to which I have alluded, was drawn rather by the pencil of poetry than by the pen of historical truth. For, even at this early period in our national progress, in the very dawn of our republican institutions, we are ourselves exhibiting to the world, which we vainly boast of enlightening by our example, a spectacle, in some of its aspects, more unnatural and revolting than its Roman prototype. If my recollection of this interesting chapter in the history of man be not imperfect, Nero was not himself the incendiary who applied the fatal torch by which the temples and the gods, the senate house and the forum, the gorgeous palaces, and the humble cottages of the imperial city, were consigned to the devouring element. Can you say as much, sir, I will not say for the President of the United States, but for that irresponsible cabal, which is the living emblem of pestilence and famine, by which even his more noble and generous impulses are converted into instruments of mischief? Who is it that has kindled up that conflagration which is now sweeping over the land, like a prairie fire of the west--bearing destruction in its bosom, laying a scene of desolation in its rear, and scattering consternation in every direction? Nay, sir, who is it that has sacrilegiously invaded the sanctuary of the constitution, and lighted at the very fires of the altar that fatal brand, which, desperately and vindictively hurled—with whatever aim--has struck upon the great temple of our national prosperity, involving it in "hideous ruin and combustion?" Mr. Speaker, it was no midnight incendiary that silently stole into the temple with this Ephesian torch, concealed by the mantle of darkness. No: it was the high-priest of the constitution that violated the sanctuary and desecrated the fires of the altar. It was in the broad glare of noonday, from the imperial heights of power, and in open defiance of all the moral and political guarantees of human rights, that this consuming brand was cast into the elements of combustion, and which came upon an astounded people without cause and without notice, like Heaven's avenging bolt from a cloudless sky. And now that the signal bells of alarm and distress are ringing from one extremity of this Union to the other, mingling their disastrous chimes with those cries of distress which come to us from the four quarters of the heavens, on every wind that blows, and forming one mighty chorus of indignant complaint that has forced its way into the sealed ears of infatuated power—with what sympathy, with what feelings of commiseration, with what "compunctious visitings" are these proofs of a nation's suffering received by the authors of the calamity and their accomplices?

[Here Mr. Beardsley made an explanation, disclaiming the language imputed to him by Mr. McDuffie, to which Mr. McD. replied, that he spoke from memory, and did not profess to give the gentleman's words throughout, but his (Mr. McD.'s) interpretation of them.]

Mr. McD. resumed. I ask you, sir, if the administration or its friends have raised a finger to relieve the country, or even uttered a single word of encouragement or consolation to sooth the afflictions of the people? From one quarter they are told that they must be mistaken as to their own sufferings, for that "the Government feels no distress"—a sentiment in which I doubt not, the office-holders, who constitute that Government, will most sincerely concur. Oh, no! the office-holders, from the

President down, who live upon fixed salaries, do not experience the least distress, from that great national calamity, which adds twenty-five per cent. to the value of these salaries! For they have doubtless found out, without much skill in arithmetic, that the same cause which depresses the value of labor and all the productions of industry twenty-five per cent., increases the value of their income precisely in the same degree. It is not all wonderful, therefore, that "the Government" should be able to bear the sufferings of the people, with the most philosophical fortitude. Yes, sir, these gentlemen officeholders, while sitting in their armed chairs and enjoying their enhanced salaries, can look down upon the sufferings of the people with as much tranquillity and composure, as an experimental philosopher looks upon the contortions of a reptile or an insect, expiring for the want of vital air under one of his experiments!

And in what spirit does the President of the United States receive the complaints of the people, when brought to the foot of the throne? No constitutional monarch in Christendom would venture to respond the complaints of his subjects in the same spirit of dictatorial arrogance and supercilious indifference: "I do not wish to be pestered with your complaints. I never will restore the deposites. I never will recharter the Bank of the United States. I have a measure in reserve which will destroy the bank at once, and which I am resolved to apply, if the bank continues to pursue its present course, be the consequences to individuals what they may!" The people, however, are consoled by the royal assurance, that "those who trade upon borrowed capital ought to break," which will of course prepare them to meet their fate with Christian fortitude and resignation! What are we to think, sir, of a President of the United States, who can thus cooly doom to extermination a large proportion, probably three-fourths, of that great middle class of our country, which constitute the bone and sinews of the body politic? What shall we say of his knowledge of the elements of our national wealth and productive industry? The most useful, industrious, and productive class of our citizens, habitually trades upon borrowed capital to a very great extent. It would be a curious subject of statistical inquiry, and I will venture to conjecture that, taking the average of this class, one-third part of their active capital is founded upon credit, in some shape. Every American statesman should know, what does not appear to have been dreamed of in the President's philosophy, that, owing to the stability and security of our institutions, credit has become an element of wealth and a substitute for money; a state of things which can only exist under constitutional Governments, and which has heretofore existed in our country in an extent unknown, perhaps, to any other. Hence, among other causes, the unprecedented progress of our prosperity.

But to return. It seems that the complaints of the people are rude, unmannerly, and disloyal—as if the porter at the palace should say to their committees, Do not annoy the ear of majesty with the harsh dissonance of your complaints, but regale it with a sweet serenade of flattering symphonies; and if you must pray for relief, in the extremity of your sufferings, be sure and conclude your supplication with a political doxology, ascribing all power, and all praise, and all glory to the deified Cæsar!

But, sir, the people of the United States are not to be put off in this way; and I will take leave to commend to the consideration of "the Government," and particularly to those fat, sleek, officeholding gentleman who feed out of the public crib, an instructive picture, drawn to the life by the great master painter of the human passions. During the canvass of Caius Marcius for the consulship, Shakspeare represents two Roman citizens as holding a dialogue relative to the state of the republic. Caius Marcius, better known by the name of Coriolanus, relying upon his millitary services, and the support of the patricians, who were the officeholders of that day, exhibited a haughty and imperious bearing, contemning the restraints of law and all the civil authorities of the republic. It was a period of much popular distress, increased by the extravagance and rapacity of those in authority, when the two citizens are introduced discussing the politics of the day. One of them said: "What authority surfeits on would relieve us; but they think we are too dear—the leanness that afflicts us is an inventory to particularize their abundance." [So it is with our officeholders.] He then goes on to say—as was not strange for those primitive days of stern republican simplicity—"Let us avenge ourselves with our pikes***** for the gods know I speak this in hunger for bread, and not for thirst of revenge." The other citizen, who seem to have felt the influence of military glory, replies by asking, "Would you proceed especially against Caius Marcius? Consider you, what services he has done for his country?" "Very well," says the former, "and could give him good report for it; but he pays himself with being proud.**** I say unto you, what he hath done famously, he did to that end; though soft-conscienced men can be content to say it was for his country, it was to be partly proud, which he is, even to the altitude of his virtue." You know the fate of Coriolanus; and I warn the friends of General Jackson, that, although military glory has great fascination, and though the Americans are a grateful people, and have refuted the calumny that republics are ungrateful, he must not rely too much upon that glory, nor tax the national gratitude beyond all endurance. I particularly warn his disinterested personal and political friends, that, if they do not rescue him from the mercenary sycophants who are murdering his reputation, there is too much reason to apprehend that the man who came into the presidential office with more popularity and a more enviable fame than any Chief Magistrate since the days of Washington, will go into retirement, when he ceases to be surrounded with the appendages and patronage of power, escorted by the execrations of a betrayed people, and deserted by the heartless flatterers who have been the means of betraying him. I shall be very far, Mr. Speaker, from taking any pleasure in the fulfilment of this anticipation. It is with an opposite sentiment that I perceive the strong passions and naturally high impulses of a venerable old man, perverted to sinister ends, and made the instruments of ruin to the country, and destruction to his own fame.

I am admonished of the necessity of passing over the remaining topics I propose to discuss, with all practicable breitvy. I will say a few words, as to the causes assigned by the administration and its friends for that general distress, the existence of which was at first denied, but which is now reluctantly admitted. The oft-refuted allegations that it has been produced by the improper course and too rapid curtailments of the Bank of the United States, is still reiterated, in direct opposition to the plain facts of the case and in contempt of both truth and decency. The President has removed the deposites with the avowed purpose of compelling the bank to wind up its operations; and though the bank has not curtailed its loans to an amount equal to that of the capital of which the President has deprived it—to say nothing of winding up; yet it is held responsible for the public distress. Nothing can be more wantonly and capriciously unjust to the bank. What would the administration have that institution to do? Do they expect it to move in two opposite directions at the same time, curtail its discounts and extend its accommodations? Monster as it is, it cannot overcome the laws of nature and perform these impossibilities. At the commencement of this experiment, the agent of the Treasury—the imperial questor, boasted that, in two months, the "reptile" would lie prostrate at the feet of the Secretary, suing for mercy; but now the "monster" has risen, it would seem, with a redoubled power of relieving the public distress, and the administration exclaim, like the drowning Cæsar in the troubled Tiber, "help me Cassius, or I sink!" Yes, sir, the people are now referred for relief to the very monster which was to be crushed by the foot of Andrew Jackson, instead of the selected State banks, which were to perform such wonders in maintaining commercial credit and sound currency.

No human sagacity can exactly predict what direction this calamitous state of things will take, or in what catastrophe it will terminate. But as I am a firm believer in the retributive justice of a superintending Providence, I think it not improbable that "even-handed justice may commend the poisoned chalice to the lips" of those who intended it for the lips of others. It may happen that wicked projectors of this pernicious experiment, and their schemes of avarice and ambition, will be the first to feel its destructive energy; and gentlemen must not be surprised if the very first shock of this mighty galvanic battery of credit and currency, should prostrate the favorite system of those who have impiously presumed to tamper with those mighty elements, without comprehending their nature and power.

But I must hasten to the consideration of the remedy by which the country is to be relieved from its present embarrassment and suffering. And first I will examine the projects of remedy held out by the administration. Since the commencement of the session, the friends of the administration in Congress have been repeatedly and urgently called upon to disclose their plan of relief—their final arrangement of the great subject of the currency. And pray what has been the answer? Why, sir,

> "Various, that the mind of desultory man,
> Studious of change and fond of novelty,
> May be indulged."

The gentleman from New York [Mr. Cambreleng] favored the House with a very edifying disquisition on the system of Scotch banking, which he commended to our admiration and adoption, although it is a mere paper system, without a specie basis, practicable in Scotland from the fixed and regular habits of trade, but wholly inapplicable to our peculiar habits and federal system. Another gentleman, in another quarter, [Mr. Wright, of New York,] standing in a very confidential relation to the Executive, informs the country that the administration is resolved to adhere to the system of State bank depositories, on the faith of that sagacious financial prediction, which assured us that this system would furnish the country with a currency equal to that furnished by the Bank of the United States, if not better. A third gentleman, [Mr. Rives, of Virginia,] speaking still more authoritatively the sentiments of the administration, has amused the country with a homily, more in the spirit of poetry than of practical statesmanship, in favor of the *beau ideal* of a hard-money Government; a scheme just as practicable as it would be to roll back the current of time, and carry back the present generation, with all its interests and improvements, to the golden age of fabulous antiquity? The administration are singularly fortunate in one respect. Occupying a position which makes it very convenient to be "all things to all men," they have in Congress gentlemen of all manner of opinions, each prepared to exhibit to the different political divisions of the country, even his own peculiar scheme, as the plan of the administration. Sir, it has been somewhere said that language was designed to answer two great purposes: the one to convey our ideas, the other to conceal them. Being myself a plain straightforward man, accustomed to say what I think, and think what I say, I have no practical knowledge of this latter use of langauge, though I can very well imagine that a mere politicial, and particularly a trading politician, if there be such a thing, would find it of singular advantage in certain critical emergencies. What, for example, do the administration mean by throwing out those visionary and notoriously impracticable schemes, dazzling and blinding the public eye by their flickering glare and conflicting rays, giving no light, but serving rather to increase the darkness visible? Are they designed to enlighten the public mind as to the ultimate scheme of Government banking, in which these disorders of the currency are to terminate? For no such vulgar purpose! And let me inform the House and the country that the administration are not without the authority of a very high example for the course they are pursuing. During that eventful period of English history which intervened between the execution of Charles I. and the establishment of the Protectorate, Oliver Cromwell, then Lord General of England, and who was permitted, by a sort of parliamentary courtesy, to speak before the representatives of the people, had frequent occasion to express himself on the state of the country. On one occasion in particular, when the public disorders and distresses had reached a crisis which rendered the necessity of some change obvious to every one, he made one of those artful, involved, ambiguous, and incomprehensible speeches for which he was so remarkable; and, after portraying, with great distinctness and power, the ruinous tendency of the prevailing anarchy, pronouncing it to be utterly intolerable; at this eventful moment, when his whole audience hung upon his lips anxiously expecting the revelation of some grand remedy for the convulsions of the country, he concluded his speech, as the historian informs us, "by explaining to the assembled Parliament the eigthy-fifth psalm." Now, sir, I have always entertained a strong prejudice against Cromwell, and I do not know that I can do him justice in any thing; but I will affirm before this House, and maintain before any tribunal in the world, that his remedy for the anarchy of England was as practicable, as sincere, and as intelligible, as that confusion of false lights which this administration has thrown out to cover designs against the liberties of this country, more fatal than those which Cromwell had formed against the liberties of England.

Do you doubt, sir, that when Cromwell was amusing the Parliament by expounding a psalm, his mind was filled with the alluring vision of crowns, sceptres, and all the appendages of that more than kingly power, which he had then resolved to establish. And can we doubt, in the midst of concurring signs which every where meet the eye, that it is the settled purpose of the existing dynasty, to perpetuate its power by a gigantic system of government banking, without any example in history?

Mr. Speaker, the experience of the last few years has entirely changed my views as to the destiny of the human race. All my youthful visions of the perfectibility of mankind have vanished before the sad realities of the times. They are gone for ever. I am now constrained to believe, that with all the lights of reason and experience, and the political improvements of our country, men are still the idolatrous and predestined victims of imposture. Before that God, to whom I am responsible for what I say here, I do believe that the annals of human idolatry and delusion cannot furnish an example of a more impudent, audacious, and monstrous imposture, than that which this administration is attempting, and I fear, with too much success, to palm upon the people of the United States, under the flimsy and delusive guise of returning to the primitive simplicity of a "hard-money Government!" Nothing that I have read, amongst all the superstitions of the world, transcends its monstrous audacity. "A hard-money Government!!" From what quarter is it to come? and in what manner is it to begin? It is to come from the land which is already overshadowed by the "safety-fund system," of converting commercial banks into political machines! Under such auspices, it very naturally commences by establishing a mere paper system, wholly unconnected with specie, by way of going back to "a hard-money Government!" Destroy the Bank of the United States; remove the only effective barrier which can restrain an unlimited issue of the mere rag currency which once before afflicted the country, and all will be well!! An unchecked system of paper issues, a "federal safety-fund system," is a most extraordinary piece of machinery for coining hard money! Yet such is the watchword, such is the talismanic motto of the "republican party," as it has been proclaimed by that official organ which seldom speaks but in the words of its master; and through which the general orders have been issued for the pending and approaching campaigns. It is a contest between Jackson money and bank money! hard money and paper money! Let the partisans of the administration put a few silver dollars in their pockets and make them jingle on the hustings, and the victory is certain! Jackson money! Will any gentlemen inform me how much Jackson money now circulates in New York! Or is Jackson money like Jackson democracy, one thing in New York and another in Virginia? Pray what is New York Jackson money?

But, sir, what are the signs by which this golden age is heralded forth to bless the eyes of the faithful? The blow of death is scarcely struck at the Bank of the United States, when, without waiting for its expiring groans, behold a host of banks of all sizes, are seen springing up like pestilential exhalations. A bank with a capital of ten millions, in Louisiana, and another in Ohio, and another in Kentucky; and I do not know how many more are in contemplation in the valley of the Mississippi. But what is much more "germane to the matter," we have recently seen a project brought forward in New York by the authors and managers of the "safety-fund system," and evidently to prop that tottering frabic, to make a loan of six millions of dollars to the banks confederated by that system, for the purpose of relieving the people from the distresses produced by this executive experiment, and the whole property of the people of New York is to be mortaged for the redemption of the stock which is thus to be placed in the hands of politicians to corrupt and purchase up the people! In Pennsylvania also, we see indications equally unequivocal of an approaching catastrophe. At a great Jackson meeting in Philadelphia, trumpeted forth as one of the largest and most imposing ever assembled in that city, graced by the presence of a former Secretary of the Treasury, a former Senator of the United States, and all the officeholders, the audacious proposition was made and carried, to sell the seven millions of bank stock owned by the United States, and lend the proceeds to the State banks under the authority and discretion of this administration. Under the same auspices, a proposition has been made to the Legislature of Pennsylvania to establish a State bank, with a capital of ten millions, one-half to be subscribed by the State—a mere political machine for squandering the money of the people to accomplish the corrupt purposes of desperate politicians. Such are a few of the more prominent signs of coming events, and no man who does not voluntarily close his eyes upon what is passing before him and around him, can behold them without alarm. I do most solemnly believe that if the administration shall succeed in their present projects, for combining the banking with the political power of the country, they will establish a colossal despotism without any parallel in history, and wielding an element of political power wholly unknown to any other age or country. It is an eventful crisis in our history, and it remains to be decided whether the people can be made the dupes of this monstrous scheme of ambition, covered over by the pretence of going back to a silver currency. Sir, it is not the first time in the history of human idolatry, when the horrid features of a foul and unnatural monster of imposture have been concealed from the eyes of his deluded followers, by a silver veil. You have no doubt read, sir, the instructive illustration of the weakness of human delusion, and the boldness of human imposture, furnished by the Irish poet in the story of the Veiled Prophet of Khorassan. Deprived of nature's fair proportions, the bold impostor covered his deformity with a silver veil, and hoisted a broad white flag; upon which was inscribed, in the words of sunshine, "freedom to the world." Holding out the alluring promise, that he would set free

> "This fettered world from every bond and stain
> And bring its primal glories back again,"

He drew millions of devoted followers to his banner. And after he had prevailed upon them to sacrifice their souls and bodies to his unholy rites, he raised the veil, and, instead of disclosing the promised vision of heavenly light, exhibited his foul lineaments "in grinning mockery;" exclaiming to his wretched victims,

> "There, ye wise saints, behold your light, your star,
> Ye would be dupes and victims, and ye are."

May the honest devotees of a hard-money currency, the "working men's society," and all others who are opposed to the banking system, upon whatever principles, take warning from the example of these voluntary victims of a daring impostor, and avoid their fate! They here behold their fate accurately prefigured, if they do not rise up and resist the scheme of imposture which I have attempted to expose. Let the people of the United States rouse up from their slumber of fatal security, or when they do awake, it will be only to clank their chains.

Sir, it never has been the intention of this administration, to return to a specie currency. From the very first message of the present Chief Magistrate, until the present moment, there has been a deliberate design on the part of those who have written his messages, to establish a Government bank in some form, to be used as a machine of political power. I could establish this before any impartial jury in the country, by a chain of evidence, strong and conclusive; but I have not time to go into details. In his first message, he recommended a bank, "founded upon the credit of the Government and it revenues;" and in a subsequent message, he says, "In the spirit of improvement and compromise, which distinguishes our country and its institutions, it becomes us to inquire whether it be not possible to secure the advantages afforded by the present bank, through the agency of a Bank of the United States, so modified in its principles and structure as to obviate constitutional and other objections."

In his conversations with some of the committees from our commercial cities, he informed them that if his experiment should fail, as it had already, he would have a bank "founded upon the checks and balances of this Government;" a riddle which I cannot interpret; but which, like the responses of the delphic oracle, will doubtless be interpreted to suit any emergency. We have also heard, from a distinguished and confidential friend of the second officer of the Government, that we must have a "political bank." Now, sir, put this and that together, take all those proofs and connect them with the visible portents which we see all about us, and no man can resist the conclusion, that a political bank, wielded by the Executive department, and converting the whole moneyed resources and credit of the country into an element of political power, is to be the final consumation of this great and desperate struggle for supreme power. It is easy to read the future history of the country, if the schemes of the reigning dynasty are not defeated by the people. Anarchy is the highway to despotic power, whether it be a banking or political despotism. When the Bank of the United States shall be destroyed, the currency will be thrown into such derangement and confusion, that the country will be prepared to submit to any national bank rather than endure the prevailing evils. Then the administration will come forward in that "spirit of improvement" of which the President speaks, with their grand scheme of a "political bank, founded upon the checks and balances of this Government."

I fear, Mr. Speaker, that the lessons of experience are lost upon nations. No people have been more severely schooled by this teacher, than the people of the United States have been on this subject. And I never reflect upon our present condition and prospects, without recurring to the fate of the Italian, who, possessing a strong and robust constitution, sacrificed it to the tampering of experimental quackery. His epitaph was brief, and contained an instructive lesson: "I was well; I would be better; I am here." May it never be the painful office of the historian to inscribe the same warning epitaph on the mighty ruins of our national prosperity."

I have a few words to say to the Southern gentlemen, who believe this Government has no constitutional power to incorporate a bank. And I cannot but express my regret, that their constitutional scruples should so operate as to render them utterly powerless in the real contest which will here be decided between the Bank of the United States, and that greatest of all monsters, a political bank. Disguise it as we may, "to this complexion it must come at last." The question of maintaining and preserving, and continuing a system of banking and currency, is essentially different from that of creating such a system. If the Bank of the United States were a political cancer in the body politic, I would not have it torn out by the rude and violent hand of unskilful surgery. Admitting it to be unconstitutional, we cannot but perceive that it has become incorporated with our whole sys- of national wealth and currency; and is as essential to our prosperity as the vital air to the human system. To withdraw it under any circumstances would be hazardous; but to withdraw it suddenly will be exceedingly hazardous, and productive of incalculable pecuniary embarrassment and suffering. It appears to me that the same principle which induced Mr. Jefferson to approve of an act establishing a new branch, though he believed the act of incorporation unconstitutional, should induce gentlemen now, who entertain the same constitutional opinion, to acquiesce in a system which is already established, and which they will tear down at an immense national sacrifice, who vote against a recharter. If it were a question of creating a bank in a doubtful case, wisdom would refuse to act, because inaction would leave things as they were. But the case is entirely reversed when action leaves things as they are, and inaction throws every thing into confusion.

But the view of the subject which should be decisive, in my opinion, with the constitutional party of the South, is the alternative obviously presented, if the Bank of the United States be not rechartered. The existing bank, as an instrument of the finances and the currency, is surpassed by no institution in the world. No nation, of equal extent, has such a currency as it gave us. The inevitable result of destroying it, is to ensure the establishment of a federal safety-fund system of State banks, under a political organization, or a grand political bank; either of them confessedly producing a more unconstitutional state of things than the present? Do gentlemen suppose they can escape the responsibility of producing this state of things because it will be done by a negative vote? It requires very keen optics to perceive the substantial difference between a political bank created by this Government and a confederacy of State banks, organized and used and controlled by the Executive department, or even by Congress. Are gentlemen prepared to see the "safety-fund system" of New York extended over the Union? What is the principle and the spirit of that system? It places the whole banking interest and moneyed power of the State under the supervision and control of politicians; and this is the model held up to our admiration by those who are preaching most excellent political sermons in favor of an exclusive specie currency!

I fear, sir, that we have not sufficiently realized the importance of a sound and stable currency. All our civil institutions combined are not more important than this, as a guarantee for the secure enjoyment of the rights of property. In vain do we boast of our laws and the incorruptible purity of our judges, as means of protecting property, if you take away the very substratum upon which the whole superstructure must rest. I will hazard the opinion that, in the six months of the executive usurpation and misrule which has elapsed since the removal of the deposites—the brief period of a Roman dictatorship—property to the amount of $100,000,000 has passed from the pockets of the enterprising and industrious classes into the strong boxes of that moneyed aristocracy against which this administration professes to be making war. Such is the magic power of transferring property from class to class by means of a disordered currency. It goes from one to another, like the balls of a conjuror passing from cup to cup, which no one perceives while passing, though every one can see the result after it is consummated.

No administration has done more than this to increase the profits of the moneyed aristocracy, and none has ever done more to diminish the honest earnings of the poor. And I will add, that no measure has tended more to produce these results than the removal of the deposites.

I will now trouble the House with a few remarks on another topic which has been introduced into this debate. A gentleman from Virginia, at an early period of this debate, [Mr. Patton,] and an ex-Senator from the same State, on a late occasion, have remarked, in substance, that no man has done more to put down the tariff and internal improvements, and to advance the Virginia doctrines of State rights than the present Chief Magistrate. And the Southern gentlemen are called upon to look with indulgence upon any other errors he may have committed in consideration of these great and meritorious services. Yes, sir, it is gravely alleged that General Jackson has done more than any other man to re-establish the doctrines of Jefferson.

I propose to examine these extraordinary pretensions very briefly. And first, of internal improvements. We are told that this many-headed monster lies prostrate under the club of Hercules, the veto. And what proof is offered? Why, a miserable little appropriation for the Maysville road! Now you will scarcely believe me, sir, when I tell you that this political Hercules, after having struck off one head of the hydra, actually gave up the contest and threw away his club. You will be still more surprised to learn that, in the very year in which he performed this great constitutional labor, he signed and approved appropriations for internal improvement, to a larger amount than had been made in any one year of the preceding administration.

To be more particular, sir, although the previous administration had been charged with squandering the public money in these improvements, to buy up the votes of the people, yet the whole amount expended in the two last years of that administration, was only $812,336; whereas the sum expended in the two first years of this administration amounted to $1,364,293, being an increase of more than fifty per cent. This is in the true spirit of Jackson retrenchment and economy! But this is not all. General Jackson voted, I believe, for the celebrated survey bill of 1824, and certainly for the subscription to the stock of the Delaware Canal Company. And as the merits of this administration are evidently designed to be involved in the contest for the succession, it is not out of place to say, that the second officer of the Government voted, not only for the survey bill of 1824, but for the toll-gate bill—the most extreme of all the powers ever exercised on that subject, assuming to exercise jurisdiction and sovereignty within the limits of the States. In theory the President admits that Congress has the right of appropriation for national objects, even in his veto message; and in practice, he has gone beyond any of his predecessors.

Then how is it as to the tariff? General Jackson voted for the tariff of 1824, the first practical assumption of the power to impose duties exclusively for protection, and the second officer of the Government (Mr. Van Buren) voted for the tariff of 1828; better known as the bill of abominations, the most odious and extravagant measure of protection ever adopted. The President has scarcely ever omitted to affirm in his annual messages the constitutionality and expediency of a protecting tariff; and going beyond any of his predecessors, he recommended to Congress a distribution of the surplus revenue among the States, distinctly upon the ground that it was necessary to keep up the duties for protection higher than was necessary for the purposes of revenue. But he has done so much for the cause of State rights, that we are invoked to

> "Be to his faults a little blind,
> And to his virtues very kind."

And what, pray, has he done for the cause of State rights? Has he not annihilated the sovereignty of the States, by proclamation? Has he not proclaimed that this Federal Government was created by the whole people as a consolidated mass, and not by the States as separate communities? Has he not proclaimed that the States are not, and never were, sovereign? Has he not denied the right of the States to judge of the infractions of the constitution, in the last resort; and assumed to himself the right of umpirage to be enforced at the point of the bayonet? And this is the man to whom the praise is ascribed of doing more than any man living for the doctrines of Jefferson! I call upon the disciples of Jefferson, here and everywhere, to unite with me in a crusade to rescue the consecrated banner of that great apostle of liberty, from the hands of those political infidels who are maintaining the doctrines of the proclamation and force bill, and who would strike down the sovereignty of the States, and then impiously wave it over the solitude of a consolidated despotism.

But I am exhausted, and though I have not exhausted the subject, I fear I have exhausted the indulgent patience of the House. I have discharged what will probably be the last duty of this kind which I shall ever perform on this theatre. It has been done with no feeling of personal unkindness to the distinguished individual whose conduct I have felt it to be my duty to arraign, but "more in sorrow than in anger." While I cannot forget the feelings of past days, when I fought under his banner, neither can I forget that he has violated every pledge and every principle which animated my efforts.

I do most sincerely believe that our liberties are in imminent danger; and if the projected union between the political power and the banking power of the country should be once established, I do not believe it will be in the power of human wisdom to save us from a deep-seated, all-pervading despotism. If it were the last admonition I was permitted to address to my countrymen, I would say, "For the sake of your ancestors, for the sake of your posterity, guard against the unholy and corrupt connexion between money and power, by every precaution of human prudence." It is the natural instinct of a bank, organized upon true banking principles, to abstain from politics; but the hand of power cannot be thrust into its affairs without producing fatal consequences to both.

In conclusion, I must be allowed to express the hope that some important benefit may yet grow out of the calamity which so heavily afflicts the country. But be that as it may, I leave the result to that Beneficent Power who has hitherto protected the rights and liberties of our favored country.

When Mr. McDuffie had concluded, a number of gentlemen endeavored to obtain the floor; Mr. **MASON**, of Virginia, succeeded, and, after some prefatory remarks, moved the previous question.

On the question whether that motion was seconded by the House, (which it must be by a majority, or it fails,) the members passed between tellers, and the vote stood as follows: ayes 114, noes 105.

So the motion was seconded.

Mr. **SELDEN** rose and called the attention of the Chair to the 22d rule of order, which forbids any member to vote on a question in which he is personally interested, and stated that several members of the House were stockholders in the banks which had been selected to receive the deposites. This suggestion was received with hisses from several parts of the gallery.

The **CHAIR** decided that no question could be interposed, nor question of order discussed, until the vote on the previous question had been taken; inasmuch as the House, by supporting the motion for the previous question, had determined that the question should at once be put.

Mr. **RENCHER** inquired what the main question would be?

The **CHAIR** replied that it would be on the adoption of the resolutions reported by the Committee of Ways and Means.

Mr. **RENCHER** inquired whether, if the previous question should be adopted, it would not cut off the amendment moved by the gentleman from Georgia, [Mr. Wilde,] (which declares the reasons given by the Secretary of the Treasury, for the removal of the deposites, insufficient and unsatisfactory.)

The **CHAIR** replied that it would.

Mr. **WILDE** inquired whether, should the previous question pass, it would be in order to demand a division of the question, so as to have a separate vote on each of the resolutions reported?

The **CHAIR** replied in the affirmative.

Mr. **VANCE**, observing that the question was one of great importance, and the hour now late, moved an adjournment, and demanded the yeas and nays. They were ordered and taken, and stood as follows: yeas 103, nays 119. So the House refused to adjourn.

Mr. **CHILTON** now moved to lay the first resolution reported by the Committee of Ways and Means on the table. Mr. C. having demanded the yeas and nays they were taken, and resulted as follows: yeas 82, nays 136. So the House refused to lay the resolution on the table.

Mr. **WILDE** now made an appeal to the courtesy of the House, and expressed his desire to have the yeas and nays on the direct question of the amendment he had offered. Neither he nor his friends wished further debate.

The **CHAIR** replied that it would require the unanimous consent of the House.

Mr. **POLK** objected.

Mr. **FOSTER** demanded the yeas and nays on the question, whether Mr. Wilde's request should be granted.

The **CHAIR** again stated that it required unanimous consent, and, as objection had been made, the question could not be put.

Mr. **BURD** now moved to lay the 2d, 3d, and 4th resolutions reported by the Committee of Ways and Means upon the table.

Mr. **DAVENPORT** called for the reading of the resolutions and they were read.

Mr. **BARRINGER** wished the question divided, so as first to take the question on laying the 2d and 3d resolutions only on the table.

It was so divided accordingly; and the question being on laying the 2d and 3d resolutions of the Committee of Ways and Means on the table, Mr. **DAVENPORT** demanded the yeas and nays.

They were taken, and stood as follows: yeas 95, nays 126. So the House refused to lay these resolutions on the table.

Mr. **WILDE** asked if it would be in order to move to suspend the rules of the House, so as to obtain a direct vote by yeas and nays on his amendment?

The **CHAIR** decided in the negative. The nature of the previous question did not depend on the rules of the House, but on the lex parliamentaria, and the suspension of the rules would not affect it.

Mr. **ADAMS** inquired whether, after the previous question should have been ordered, it applied to all the resolutions, or only to the first?

The **CHAIR** said that the question now was, only whether the main question should be put: when the House had decided this, the main question itself would be susceptible of division, so as to get a separate vote on each resolution.

The previous question was now put as follows:

"Shall the main question now be put?" and decided by yeas and nays as follows: yeas 114, nays 106.

YEAS.—Messrs. John Adams, William Allen, Anthony, Beale, Bean, Beardsley, Beaumont, John Bell, John Blair, Bockee, Boon, Bouldin, Brown, Bunch, Bynum, Cambreleng, Carmichael, Carr, Casey, Chaney, Chinn, Samuel Clark, Clay, Coffee, Connor, Cramer, Day, Dickerson, Dickinson, Dunlap, Forester, W. K. Fuller, Galbraith, Gillet, Joseph Hall, Thomas H. Hall, Halsey, Hamer, Hannegan, Joseph M. Harper, Harrison, Hathaway, Hawkins, Hawes, Henderson, Howell, Hubbard, Abel Huntington, Inge, Jarvis, Richard M. Johnson, Noadiah Johnson, Cave Johnson, Seaborn Jones, Benjamin Jones, Kavanagh, Kinnard, Lane, Lansing, Laporte, Lawrence, Luke Lea, Thomas Lee, Leavitt, Loyall, Lucas, Lyon, Lytle, Abijah Mann, Jr., Joel K. Mann, Mardis, John Y. Mason, Moses Mason, McIntire, McKay, McKinley, McLene, McVean, Miller, Henry Mitchell, Robert Mitchell, Muhlenberg, Murphy, Osgood, Page, Parks, Parker, Patterson, Dutee J. Pearce, Peyton, Franklin Pierce, Pierson, Plummer, Polk, Pope, Schenck, Shinn, Charles Slade, Smith, Speight, Standefer, Stoddert, Sutherland, William Taylor, Francis Thomas, Thomson, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Wayne, Webster, Whallon.--114.

NAYS.—Messrs. John Quincy Adams, Heman Allen, John J. Allen, Chilton Allan, Archer, Ashley, Banks, Barber, Barnitz, Barringer, Baylies, Beaty, James M. Bell, Binney, Briggs, Bull, Burd, Burges, Cage, Campbell, Chambers, Chilton, Choate, Claiborne, William Clark, Clayton, Clowney, Corwin, Coulter, Crane, Crockett, Darlington, Warren R. Davis, Amos Davis, Davenport, Deberry, Deming, Denny, Dennis, Dickson, Duncan, Ellsworth, Evans, Edward Everett, Horace Everett, Ewing, Felder, Fillmore, Foot, Foster, Philo C. Fuller, Fulton, Gholson, Gordon, Graham, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, James Harper, Hazeltine, Heath, Jabez W. Huntington, Jackson, William C. Johnson, King, Lay, Lincoln, Martindale, Marshall, McCarty, McComas, McDuffie, McKennan, Mercer, Milligan, Moore, Pinckney, Potts, Ramsay, Reed, Rencher, Selden, William B. Shepard, Aug. H. Shepperd, William Slade, Sloane, Spangler, Stewart, William P. Taylor, Philemon Thomas, Tompkins, Turner, Tweedy, Vance, Vinton, Watmough, Edward D. White, Frederick Whittlesey, Elisha Whittlesey, Wilde, Williams, Wilson, Young.—106.

So the House determined that the main question should now be put.

The main question was then put, viz: Will this House concur with the Committee of Ways and Means in the resolutions reported by them to this House?

Mr. **WILDE** demanded that the question should be divided, so as to take a vote separately on each resolution.

It was divided accordingly: and put, first, upon concurring in the first of the resolutions reported, viz:

"*Resolved*, That the Bank of the United States ought not to be rechartered."

The question was decided by yeas and nays as follows: yeas 134, nays 82.

YEAS.—Messrs. John Adams, William Allen, Anthony, Archer, Beale, Bean, Beardsley, Beaumont, John Bell, John Blair, Bockee, Boon, Bouldin, Brown, Bunch, Bynum, Campbell, Cambreleng, Carmichael Carr, Casey, Chaney Chinn, Claiborne, Samuel Clark, Clay, Clayton, Clowney, Coffee, Connor, Cramer, W. R. Davis, Davenport, Day, Dickerson, Dickinson, Dunlap, Felder, Forester, Foster, W. K. Fuller, Fulton, Galbraith, Gholson, Gillet, Gilmer, Gordon, Grayson, Griffin, Jos. Hall, T. H. Hall, Halsey, Hamer, Hannegan, Jos. M. Harper, Harrison, Hathaway, Hawkins, Hawes, Heath, Henderson, Howell, Hubbard, Abel Huntington, Inge, Jarvis, Richard M. Johnson, Noadiah Johnson, Cave Johnson, Seaborn Jones, Benjamin Jones, Kavanagh, Kinnard, Lane, Lansing, Laporte, Lawrence, Lay, Luke Lea, Thomas Lee, Leavitt, Loyall, Lucas, Lyon, Lytle, Abijah Mann, Joel K. Mann, Mardis, John Y. Mason, Moses Mason, McIntire, McKay, McKinley, McLene, McVean, Miller, Henry Mitchell, Robert Mitchell, Muhlenberg, Murphy, Osgood, Page, Parks, Parker, Patterson, D. J. Pearce, Peyton, Franklin Pierce, Pierson, Pickney, Plummer, Polk, Rencher, Schenck, Schley, Shinn, Smith, Speight, Standefer, Stoddert, Sutherland, William Taylor, William P. Taylor, Francis Thomas, Thomson, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Wayne ,Webster, Whallon.—134.

NAYS.—Messrs. John Quincy Adams, Herman Allen, John J. Allen, Chilton Allan, Ashley, Banks, Barber, Barnitz, Barringer, Baylies, Beaty, James M. Bell, Binney, Briggs, Bull, Burges, Cage, Chambers, Chilton, Choate, William Clark, Corwin, Coulter, Crane, Crockett, Darlington, Amos Davis, Deberry, Deming, Denny, Dennis, Dickson, Duncan, Ellsworth, Evans, Edward, Everett, Horace Everett, Fillmore, Foot, Philo C. Fuller, Graham, Grennel, Hiland Hall, Hard, Hardin, James Harper, Hazeltine, Jabez W. Huntington. Jackson, William C. Johnson, Lincoln, Martindale, Marshall, McCarty, McComas, McDuffie, McKennan, Mercer, Milligan, Moore, Pope, Potts, Reed, William B. Shepherd, Aug. H. Shepperd, William Slade, Charles Slade, Sloane, Spangler, Philemon Thomas, Tompkins, Tweedy, Vance, Vinton, Watmough, Edward D. White, Frederick Whittlesey, Elisha Whittlesey, Wilde, Williams, Wilson, Young.—82.

So the house concurred in the first resolution.

The second resolution was then read as follows:

"2. *Resolved*, That the public deposites ought not to be restored to the Bank of the United States."

And decided by yeas and nays as follows: Yeas 118, Nays 103.

YEAS.—Messrs. J. Adams, Wm. Allen, Anthony, Beale, Bean, Beardsley, Beaumont, J. Bell, J. Blair, Bockee, Boon, Bouldin, Brown, Bunch, Bynum, Cambreleng, Carmichael, Carr, Casey, Chaney, Chinn, Samuel Clark, Clay, Coffee, Connor, Cramer, Day, Philemon Dickerson, David W. Dickinson, Dunlap, Forester, Wm. K. Fuller, Galbraith, Gillet, Gilmer, Joseph Hall, Thomas H. Hall, Halsey, Hamer, Hannegan, Joseph M. Harper, Harrison, Hathaway, Hawkins, Hawes, Henderson, Howell, Hubbard, Abel Huntington, Inge, Jarvis, Richard M. Johnson, Noadiah Johnson, Cave Johnson, Seaborn Jones, Benjamin Jones, Edward Kavanagh, Kinnard, Lane, Lansing, Laporte, Lawrence, Luke Lea, Thomas Lee, Leavitt, Loyall, Lucas, Lyon, Lytle, Abijah Mann, Joel K. Mann, Mardis, John Y. Mason, Moses Mason, McCarty, McIntire McKay, McKinley, McLene, McVean, Miller, Henry Mitchell, Robert Mitchell, Muhlenberg, Murphy, Osgood, Page, Parks, Parker, Patterson, Dutee J. Pearce, Peyton, Franklin, Pierce, Pierson, Plummer, Polk, Pope, Schenck, Schley, Shinn, Charles Slade, Smith, Spangler, Speight, Standefer, Stoddert, Sutherland, William Taylor, Francis Thomas, Thomson, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Wayne, Webster, Whallon—118.

NAYS.—Messrs. J. Q. Adams, Heman Allen, John J. Allen, Chilton Allan, Archer, Ashley, Banks, Barber, Barnitz, Barringer, Baylies, Beaty, James M. Bell, Binney, Briggs, Bull, Burd, Cage, Campbell, Chambers, Chilton, Choate, Clairborne, William Clark, Clayton, Clowney, Corwin, Coulter, Crane, Crockett, Darlington, Warren R. Davis, Amos Davis, Davenport, Deberry, Deming, Denny, Dennis, Dickson, Duncan, Ellsworth, Evans, Edward Everett, Horace Everett, Ewing, Felder, Fillmore, Foot, Foster, Philo C. Fuller, Fulton, Gholson, Gordon, Graham, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, James Harper, Hazletine, Heath, Jabez W. Huntington, Jackson, William Cost Johnson, King, Lay, Lincoln, Martindale, Marshall, McComas, McDuffie, McKennan, Mercer, Milligan, Moore, Pinckney, Potts, Ramsay, Reed, Rencher, Selden, William B. Shepard, Aug. H. Shepperd, William Slade, Sloane, Stewart, William P. Taylor, Philemon Thomas, Tompkins, Turner, Tweedy, Vance, Vinton, Watmough, Edward D. White, Frederick Whittlesey, Elisha Whittlesey, Wilde, Williams, Wilson, Young—103.

The third resolution was then agreed to, as follows, by yeas and nays: Yeas, 117; nays, 105.

YEAS.—Messrs. John Adams, William Allen, Anthony, Beale, Bean, Beardsley, Beaumont, John Bell, John Blair, Bockee, Boon, Bouldin, Brown, Bunch, Bynum, Cambreleng, Carmichael, Carr, Casey, Chaney, Chinn, S. Clark, Clay, Coffee, Connor, Cramer, Day, Dickerson, Dickinson, Dunlap, Forester, William K. Fuller, Galbraith, Gillet, Gilmer, Joseph Hall, T. H. Hall, Halsey, Hamer, Hannegan, J. M. Harper, Harrison, Hathaway, Hawkins, Hawes, Henderson, Howell, Hubbard, Abel Huntington, Inge, Jarvis, Richard M. Johnson, Noadiah Johnson, Cave Johnson, Seaborn Jones, Benjamin Jones, Kavanagh, Kinnard, Lane, Lansing, Laporte, Lawrence, Lea, Lee, Leavit, Loyall, Lucas, Lyon, Lytle, Abijah Mann, J. K. Mann, Mardis, Moses Mason, John Y. Mason, McCarty, McIntyre, McKay, McKinley, McLene, McVean, Miller, Henry Mitchell, Robert Mitchell, Muhlenberg, Murphy, Osgood, Page, Parks, Parker, Patterson, D. J. Pearce, Peyton, Franklin Pierce, Pierson, Plummer, Polk, Pope, Schenck, Schley, Shinn, Charles Slade, Smith, Speight, Standefer, Stoddert, Sutherland, Wm. Taylor, Francis Thomas, Thomson, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Wayne, Webster, Whallon.—117.

NAYS.—Messrs. John Q. Adams, Herman Allen, J. J. Allen, C. Allan, Archer, Ashley, Banks, Barber, Barnitz, Barringer, Baylies, Beaty, James M. Bell, Binney, Briggs, Bull, Burd, Burges, Cage, Campbell, Chambers, Chilton, Choate, Clairborne, William Clark, Clayton, Clowney, Corwin, Coulter, Crane, Crockett, Darlington, Warren R. Davis, Amos Davis, Davenport, Deberry, Deming, Denny, Dennis, Dickson, Duncan, Ellsworth, Evans, Edward Everett, Horace Everett, Ewing, Felder, Fillmore, Foot, Foster, P. C. Fuller, Fulton, Gholson, Gordon, Graham, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, James Harper, Hazletine, Heath, Jabez W. Huntington, Jackson, W. C. Johnson, King, Lay, Lincoln, Martindale, Marshall, McComas, McDuffie, McKennan, Mercer, Milligan, Moore, Pinckney, Potts, Ramsay, Reed, Rencher, Selden, William B. Shepard, A. H. Shepperd, William Slade, Sloane, Spangler, Stewart, William P. Taylor, P. Thomas, Tompkins, Turner, Tweedy, Vance, Vinton, Watmough, E. D. White, Fred. Whittlesey, Elisha Whittlesey, Wilde, Williams, Wilson, Young.—105.

The following is the third resolution:

"3. *Resolved*, That the State banks ought to be continued as the places of deposite of the public money, and that it is expedient for Congress to make further provision by law, prescribing the mode of selection, the securities to be taken, and the manner and terms on which they are to be employed."

The fourth was then read as follows:

"4. *Resolved*, That, for the purpose of ascertaining, as far as practicable, the cause of the commercial embarrassment and distress complained of by numerous citizens of the United States, in sundry memorials which have been presented to Congress at the present session, and of inquiring whether the charter of the Bank of the United States has been violated, and also what corruptions and abuses have existed in its management; whether it has used its corporate power or money to control the press, to interfere in politics, or influence elections, and whether it has had any agency through its management or money, in producing the existing pressure, a select committee be appointed to inspect the books and examine into the proceedings of the said bank, who shall report whether the provisions of the charter have been violated or not, and also what abuses, corruptions, or malpractices have existed in the management of said bank; and that the said committee be authorized to send for persons and papers, and to summon and examine witnessess on oath, and to examine into the affairs of the bank and branches; and they are further authorized to visit the principal bank, or any of its branches, for the purpose of inspecting the books, correspondence, accounts, and other papers connected with its management or business; and that the said committee be required to report the result of such investigation, together with the evidence they may take, at as early a day as practicable."

And decided by yeas and nays as follows: Yeas, 175, nays 42.

YEAS.—Messrs. John Adams, Heman Allen, John J. Allen, William Allen, Archer, Ashley, Barringer, Baylies, Beale, Bean, Beardsley, Beaumont, John Bell, James M. Bell, Blair, Bockee, Boon, Bouldin, Briggs, Brown, Bunch, Burges, Bynum, Cage, Campbell, Cambreleng, Carmichael, Carr, Casey, Chaney, Chinn, Claiborne, Samuel Clark, William Clark, Clay, Clowney, Coffee, Connor, Corwin, Coulter, Cramer, Warren R. Davis, Davenport, Day, Deberry, Deming, Dennis, Dickerson, Dickinson, Duncan, Dunlap, Horace Everett, Ewing, Felder, Fillmore, Foot, Forester, Foster, Philo C. Fuller, William K. Fuller, Fulton, Galbraith, Gholson, Gillet, Gordon, Graham, Grayson, Grennel, Joseph Hall, Hiland Hall, Thomas H. Hall, Halsey, Hamer, Hannegan, Hardin, Joseph M. Harper, James Harper, Harrison, Hathaway, Hawkins, Hawes, Heath, Howell, Hubbard, Abel Hunington, Inge, Jackson, Jarvis, William Cost Johnson, Richard M. Johnson, Noadiah Johnson, Cave Johnson, Seaborn Jones, Benjamin Jones, Kavanagh, King, Kinnard, Lane, Lansing, Laporte, Lawrence, Lay, Luke Lea, Thomas Lee, Leavitt, Loyall, Lucas, Lyon, Lytle, Abijah Mann, Joel K. Mann, Martindale, Mardis, John Y. Mason, Moses Mason, McCarty, McComas, McIntire, McKay, Mc Kinley, McLene, McVean, Miller, Henry Mitchell, Robert Mitchell, Moore, Muhlenberg, Osgood, Page, Parks, Parker, Patterson, Dutee J. Pearce, Peyton, Franklin Pierce, Pierson, Plummer, Polk, Pope, Ramsay, Rencher, Schenck, Schley, Selden, Augustine H. Shepperd, Shinn, William Slade, Charles Slade, Sloane, Smith, Spangler, Speight, Standefer, Stewart, Stoddert, Sutherland, William Taylor, William P. Taylor, Francis Thomas, Philemon Thomas, Thomson, Turner, Turrill, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Wayne, Webster, Whallon, Frederick Whittlesey, Elisha Whittlesey, Wilde, Wilson.—175.

NAYS.—Messrs. John Q. Adams, Chilton Allan, Anthony, Banks, Barber, Barnitz, Beaty, Binney, Burd, Chambers, Chilton, Choate, Clayton, Crane, Crockett, Darlington, Amos Davis, Denny, Dickson, Evans, Edward Everett, Gilmer, Hard, Hazeltine, Henderson, Lincoln, Marshall, McDuffie, McKennan, Mercer, Milligan, Murphy, Pinckney, Potts, Reed, William B. Shepard, Tompkins, Tweedy, Vance, Watmough, Williams, Young.—42.

So the House concurred in the fourth resolution.

Mr. POLK moved that the committee consist of seven members; which was agreed to.

Mr. WILDE asked consent to offer a fifth resolution, declaring the reasons offered by the Secretary insufficient and unsatisfactory.

Objection being made, he moved to suspend the rules.

Mr. POLK thereupon moved to adjourn—on this Mr. WILDE demanded the yeas and nays, which were taken as follows: Yeas 123, Nays 70.

So the House, at half-past seven, adjourned to Monday next.

[The following speech was intended to be delivered by Mr. JOHN QUINCY ADAMS, in this day's debate, after Mr. McDuffie had taken his seat, but, by the effect of the previous question, he was prevented. Having been published in the National Intelligencer by Mr. A., it is deemed but just to give it a place in the Register of Debates, together with the explanatory notes prepared by Mr. A. himself.—Eds.]

INTRODUCTION.

On presenting to the House of Representatives the resolutions of the Legislature of the Commonwealth of Massachusetts, in relation to the state of the currency and the removal of the public moneys from the Bank of the United States, Mr. J. Q. Adams, to avoid consuming the time of the House, and thereby obstructing the reception of other memorials and petitions, confined himself to a few general and indispensable remarks, expressly stating that he hoped, at a suitable time, to be indulged with the opportunity of offering to the House his views upon one of the resolutions, in which the Legislature had declared their opinion that the reasons assigned by the Secretary of the Treasury for the transfer of the public funds were insufficient to justify the measure. It was not until after three unsuccessful attempts, on three different days, and after an expostulation with the Speaker, as earnest as it was necessary, that Mr. Adams was enabled to obtain, in the House of Representatives of the United States, a hearing for the Legislature of Massachusetts; and even then he was indebted for this hearing to the courtesy of a member from South Carolina, who, on the fourth day of a discussion allowed by the Speaker, under his administration of the rules of the House and of the *lex parliamentaria*, by the judicious admixture of which two authorities all the proceedings of the House solve themselves into the will of the Speaker, was entitled to the floor, upon certain resolutions of the Legislature of Virginia.

On Friday, the 4th of April, at the instant when Mr. McDuffie resumed his seat, Mr. Adams addressed the Speaker, with the intention of delivering his opinions upon the question before the House, which was precisely that of the resolution of the Legislature of Massachusetts, upon which he had given notice of his desire to be heard. The Speaker's eye and ear were in another direction, and he gave the floor to a member from Virginia, who, by agreement concerted out of the House, was to move the previous question.* The previous question was put and carried; and Mr. Adams, deprived thereby of his right to address the House, according to the Speaker's understanding of the rules of the House and the *lex parliamentaria*, is, in discharge of his duty to the Legislature of Massachusetts and to his constituents, compelled to resort to the press to make public the remarks which it was his intention to address to the House.

Mr. Speaker: Among the resolutions of the Legislature of the Commonwealth of Massachusetts which I had, some time since, the honor of introducing to the House, there is one, declaratory of the opinion of that body, exactly coinciding with the proposition now before the House, namely, that the reasons assigned by the Secretary of the Treasury, in his report to Congress of the 3d of December last, for the withdrawal and the withholding of the public moneys from the Bank of the United States, are not sufficient to justify the measure. The amendment proposed by the gentleman from Georgia [Mr. Wilde] adds only that they are not satisfactory—a conclusion, from their insufficiency, which this and the other House of Congresss are alone competent to draw.

The time of this House is the property of the people—a property precious and costly, which I have no right wantonly or heedlessly to consume. Every hour of the time of this House is at least five hundred dollars of the people's money; every minute of it is equivalent to the daily pay of one of its members. It is, therefore, with extreme reluctance that I ever address the House at any time, and most especially upon any subject so amply and so ably discussed as has been that now under the consideration of the House.

Yet there are occasions upon which duties of the highest order command me to speak. Were I to follow, exclusively, the dictates of my own judgment, perhaps those occasions would be confined to cases in which it might be possible for me to aid the deliberations of the House, by presenting to their consideration views of the subject before them different from those which have been exhibited by other and younger members, with voices of physical ability better armed to contend with the Herculean labor of long continued audible articulation in this Hall. Those cases are extremely rare. There is seldom any thing left to be said upon any topic of public interest which passes through the crucible of debate in this House. But it is sometimes expected by my constituents that I should declare my opinions here, to the end that they may be known to them—a right which I acknowledge as always belonging to them.

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*TO THE EDITORS.

April 12th, 1834.

Messrs. Gales & Seaton: In the National Intelligencer of this morning, I have seen what purports to be a "Speech of Mr. John Quincy Adams, on the removal of the public deposites, and its reasons, suppressed by the previous question," moved by me, and sustained by the House of Representatives, on the 4th instant. In the introduction which is prefixed, that gentleman complains of the conduct of Mr. Speaker Stevenson, in several particulars, with which I have no concern. But there is one error into which Mr. Adams has fallen, which justice to myself, as well as to the presiding officer of the House, requires me to correct. He says, "that on the 4th of April, at the instant that Mr. McDuffie resumed his seat, Mr. Adams rose with the intention to address the House. * * * The Speaker's eye and ear were in another direction, and he gave the floor to a member from Virginia, who, by agreement concerted out of the House, was to move the previous question."

The floor was given to me, and whatever may be the impression of the gentleman from Massachusetts, I believe that I was fairly entitled to it by the rules of the House. My right was not disputed or denied on the floor by any one of several who endeavored to obtain it.

From the moment of the decision of Mr. Clay's resolutions by the Senate, I believed that the public interests required of the House of Representatives a decision, by vote, of the subject there under consideration. I avowed this opinion, and I affirm that I had no conversation with the Speaker on this or on any other subject, after I came to that conclusion; nor have I reason to believe that he knew my purpose. I should feel degraded in asking of the Speaker a preference over any other member of the House; and should certainly consider him unworthy of his high office, if I believed him capable of granting it.

Notwithstanding the free use made of the previous question in the twenty-second Congress, on questions affecting the Bank of the United States, and the latitude of the debates of the present session, loud complaints are made of its application on this occasion. These, in some instances, come from gentlemen who supported its application then, and receive countenance from your journal. I have now, once for all, to say, that any insinuation or averment, by whomsoever made, that in moving the previous question, I was actuated by a desire to take advantage of the absence of opponents, or that I violated pledges, direct or implied, to any one, is without the slightest foundation in truth.

Very respectfully, your obedient servant,

JOHN Y. MASON.

In the present instance I have the additional motive of complying with the request of the Legislature of my native State, who, in transmitting copies of their resolutions to my colleagues and to me, have desired the exercise of whatever influence we may possess to give them effect, the obtainment of relief to their and our suffering constituents.

I feel myself, therefore, under an obligation of irremissible duty to ask the indulgence of the House for a few remarks upon the question now before them. I cannot promise to shed any new light upon the subject; but, if I do but repeat that which has been better said before, I will at least endeavor to avoid any repetition which will not carry its apology in the importance of the principle to which it will appeal.

The reasons, therefore, assigned by the Secretary of the Treasury for ordering and directing otherwise than that the public funds should be deposited in the Bank of the United States and its branches are insufficient and unsatisfactory:

First, because they do not show that his proceedings, in relation to this measure, were lawful.

Secondly, because they do not prove that they were just.

It is within the bounds of supposable possibility, (said Mr. A.,) that a measure may be both lawful and just, and yet that the reasons assigned for it should be insufficient. In the present case it has, to my mind, been proved that the measure itself was neither lawful nor just. It is but too well known that, besides the reasons assigned by the Secretary, there were others, which he has withheld. What they were, we have in evidence from other sources; but they are all equally insufficient to show that the measure was either lawful or just.

To this point alone I propose to confine my argument. I shall not question the power or the right of the President of the United States to dismiss a Secretary of the Treasury at his discretion, and, if during the recess of the Senate, to appoint another; and, much as I believe that power to have been abused, the remedy for that abuse is not, in my judgment, an alteration either of the constitution or of the law. I shall not, upon this issue, urge the recharter of the Bank of the United States; nor even the restoration of the deposites. However necessary I may deem those measures to be, the discussion of them is not now in its place; nor shall I comment upon either of the other resolutions proposed by the Committee of Ways and Means, and appended to their report. All these have the appearance of (it may, perhaps, not be in order to say that they are) mere evasions of the question which the committee should have placed in front of all their other resolutions, but which they have cautiously kept out of sight, and which the proposed amendment of the gentlemen from Georgia has restored to its rightful place.

The removal by the Secretary of the Treasury of the deposites from the Bank of the United Stetes was unlawful, and his contracts with the State banks to receive the deposites were also unlawful. Neither of these measures was authorized by the sixteenth section of the bank charter.

The language of the law there is, that the deposites of the public moneys shall be made in the Bank of the United States and its branches, unless the Secretary of the Treasury shall direct and order otherwise. Otherwise than what? Otherwise than that the deposites shall be made there. When the deposites have once been made there, his authority, as conferred by this section of the charter, ceases. He has no authority over it whatever, except according to the provisions of the constitution and the general laws. When the deposite is once made, the provision of the constitution attaches to it, which forbids that any money shall be drawn from the Treasury unless in consequence of appropriations made by law. All the laws which forbid the transfer of moneys appropriated for one object to be applied to another, likewise attach to it; and the Secretary of the Treasury has no lawful authority to draw it from its place of deposite, except for the purpose of making the payment to which it is appropriated.

It is alleged that this section in the charter of the bank confers upon the Secretary of the Treasury no new power. No new power? It was the power to dipense with the law. How could he possess it before the law was enacted? It was a power to cancel a contract between the nation and the bank. How could he possess it before the contract was made? And as he could not exercise it before the statute was enacted, so neither could he exercise it after the enactment of the statute, had it not been conferred by the statute itself; and he was bound to exercise it according to the provisions and under the limitations prescribed by the statute. The limitation of his power was to give order and direction that the deposites should cease to be made in the bank and its branches; and for this he was required to give, as speedily as possible, his reasons to Congress. His power was prospective over moneys to be deposited. When once deposited, he could draw them from their places of deposite only in consequence of appropriations made by law, and specifically to be applied.

The position that the provision in the charter, which requires the Secretary of the Treasury to assign immediately his reasons for ceasing to make the deposites in the Bank of the United States, confers upon him no new power, carries with it this absurdity: it supposes the statute to require of the Secretary reasons for ceasing to do that over which it leaves him unlimited control when done. According to this version of the law, the Secretary of the Treasury might at all times have ordered all the public funds deposited in the Bank of the United States and its branches to be removed where and how he pleased, without assigning to Congress any reasons for his order whatever. The statute requires his reasons only for ceasing to make the deposites in the bank; if he did possess the power of removing them, the law requires of him no assignment of reasons for the removal.

It is said that the power of removing the public moneys from one place of deposite to another has always been exercised by every Secretary of the Treasury, and in nowise depends upon the 16th section of the bank charter. Surely no one doubts the power of the Secretary to receive and make remittances. That power is, indeed, incidental to the obligation of paying out the public moneys according to their respective appropriations; the power of making remittances to the places where the payments must be made. That is the power which the Secretary of the Treasury has always exercised, without which the public creditors could not be paid, and for which no law requires that the Secretary of the Treasury should assign to Congress any reasons whatever. But here, sir, is a removal of public moneys from one place to another, for other purposes. It is a colorable transaction for the purpose of loaning appropriated public moneys to brittle, favorite banks; and loans have been thus made to banks without charge of any interest, while those very same banks were loaning to another department of the Government moneys at an interest of five or six per cent. Sir, no such power ever belonged to the Secretary of the Treasury. It was an arbitrary removal of public moneys from the place where they had been deposited by law, to a place arbitrarily selected by the Secretary, without law and against law.

The report of the Committee of Ways and Means struggles to sustain the lawfulness of the removal of the deposites by the present Secretary of the Treasury on the ground of precedent. They have given an interesting history of the public Treasury from its first institution, in July, 1775, twelve months before the declaration of independence. On reaching this part of their report, it occurred to me that the committee must have imagined it was part of their duty to put down nullification, by proving that the independence of our beloved country was the effect and not the cause of our national Union. This institution of a common Treasury, a whole year before that State sovereignty, has an aspect quite national, and I recommend it to the meditations of my very good and highly respected friends, nullifiers, in this House. Sir, I am scarcely less anxious to convert them to the true faith on this point, now that it is mere matter of philosophical speculation, than I was when their doctrine was as terrific as the murder and assassination letters with which we have been recently alarmed. But for my present argument, I will, with your leave, Mr. Speaker, and that of the committee, come down to the chronicles of our own times, under the present constitution and laws of the United States.

The Committee of Ways and Means have reported a multitude of drafts and orders, issued by almost all the Secretaries of the Treasury, from Alexander Hamilton to Louis McLane, which they consider as precedents to justify the removal of the deposites by Mr. Secretary Taney. I undertake to show, that not one of those drafts and orders affords any justification for the act of Mr. Taney, and that the only precedent which has any resemblance to his act was expressly pronounced illegal by a committee of this House, to which the investigation of that transaction was committed, and whose report was sanctioned by the acceptance of the House itself.

The first of these supposed precedents reported by the committee is a circular from Alexander Hamilton to the collectors of the customs, dated October 14, 1789. It is an order to them to remit the moneys collected for duties to the Treasurer of the United States, under a cover to the Secretary of the Treasury, in what were called post notes of the Bank of North America, at Philadelphia, or of the Bank of New York. These notes were to be cut in two from top to bottom, and transmitted by two successive mails. This, Mr. Speaker, was a mere remittance of the moneys received by the collectors for duties to the Treasury.

By the first collection act, passed July 31, 1789, [United States Laws, vol. ii. p. 16,] the collectors were, by the fifth section of this act, (1) authorized to receive all moneys paid for duties, and to take all bonds for securing the payment of duties. By the ninth section, (2) p. 18, they were required to account in such manner and form as should be directed by the officer appointed by law to superintend the revenue of the United States, and to pay over the moneys collected by them for duties to the order of the officer authorized to direct the same. And, by the nineteenth section, (3) p. 23, they were authorized to take bonds, payable in four, six, and twelve months, for the payment of duties. By the thirtieth section, (4) p. 27, it was enacted that the duties should be collected in gold and silver coin only.

The act to establish the Treasury Department was approved on the 2d of September, 1789; and, on the 11th of that month, Alexander Hamilton was nominated and appointed as Secretary of the Treasury, and Samuel Meredith as Treasurer of the United States. The powers and duties of those officers, respectively, were prescribed by that act, p. 48. (5)

The circular from the Treasury Department of October 14, 1789, is pregnant with instruction to prove the indispensable necessity of a bank for the collection and disbursement of the revenue. The law was express that the duties should be paid in gold and silver coin only. The shortest term for payment of the bonds taken was four months. The collection act commenced operation early in August; the first bonds became payable the first or second week in December. The very first payments of duties in specie brought up the serious and embarrassing question how the remittances to the Treasury should be made. As early as the 22d September, the Secretary, eleven days only after his appointment, had directed the collectors to receive payment of the duties in the notes of the Banks of North America and of New York. That letter the Committee of Ways and Means have not thought proper to report; but, in this letter of the 14th of October, which they have reported, he directs them to exchange whatever specie they had received, or might receive, for notes of the same banks, reserving only sums to a small amount, to answer the drafts which the Treasurer might draw upon them. And, in his letter of the 20th of November following, (the second document reported by the Committee of Ways and Means,) he directs the collectors of Massachusetts to receive, in payment of the duties, the notes of the Bank of Boston, as well as those of the other two banks before named. By the Bank of Boston he meant the Massachusetts Bank, the only one then existing at that place; and those three banks were the only ones then existing in the United States.

In the same letter, of the 20th of November, 1789, Mr. Hamilton gives the reason for his direction to the collectors. It was to avail the public of the revenues arising in the State, without drawing the specie out of it, by facilitating the negotiation of drafts. This passage of the letter discloses the overruling necessity of a bank agency for the remittance of moneys between the places of collection and of payment throughout this extensive territory. It is not the inconvenience, and trouble, and hazard, of making remittances in the precious metals that constitutes its principal difficulty; it is because extracting specie from any city where a bank exists diminishes the circulating capital of the place to many times the amount extracted. It is well ascertained at this time, that, speaking in round numbers, for about twenty-five millions of gold and silver existing in the United States, in the vaults of all their banks, there are nearly two hundred millions of bank notes and bills. Seven, eight, and nine dollars of paper for one dollar of specie are the proportions exhibited by all the statements of the affairs of banks which have recently been published. I do not believe it possible that this distention of the banking bladder can long continue—it must be relaxed, or it will burst. At the time when Alexander Hamilton wrote this letter, banking was but in its infancy. There was but one bank in Boston, one in New York, one in Philadelphia. A circulation of notes and bills to three times the amount of the specie represented by it, would have been considered, at that time, fool-hardy gambling. We are now told, even by Mr. Gallatin, that experience has proved that the enormous issues of the present day may be safely made in ordinary times; that is, when they are not brought to the test—

> "The spider's most attenuated thread
> Is cord, is cable, to that tender tie."

But this letter of Alexander Hamilton discloses the unyielding necessity of a bank for the remittance of public moneys to and from the Treasury. The collectors could receive payment of the duties only in gold and silver; but the merchant who paid the duties borrowed of the bank the specie to pay them. Then the collector took, instead of the gold and silver, the post notes or bills of the bank, and transmitted them to the Treasurer of the United States, at New York, under cover to the Secretary of the Treasury. This was, for the purposes of the Treasury, precisely equivalent to gold and silver; and the revenues arising in the State of Massachusetts were made available to the public without drawing the specie out of it.

The Bank of North America had been chartered by the old Congress of the Confederation, and afterwards by the Legislature of the State of Pennsylvania. It had been extorted from the necessities of the public service, in the midst of the revolutionary war, immediately after the universal bankruptcy of paper money. The instant that became so discredited that no one would receive it in payment for any thing, and at any discount--the instant there was a return to hard-money payments--the want, the overruling want, was felt of a bank.--Journals of Congress, vol. iii. pages 470, 624, 706. (6) It was incorporated by an ordinance of Congress of December 31, 1781; and, in 1789, no sooner was the Government of the United States organized under the present constitution, no sooner did they begin to raise a revenue, than the indispensable necessity was felt of a bank. The revenue was collected in gold and silver coin only, but it was remitted to the Treasury in bank bills, from the necessity of the case. The necessary consequence must have been the opening of an account by the Treasury Department with each of those banks, which thereby became depositories of public moneys. But the only object of the Secretary of the Treasury was to effect the remittance of the revenues from the places of collection to the Treasury. What analogy has this to the act of Mr. Secretary Taney in transferring moneys already in the Treasury to other places, and to be used for other purposes than those to which they had been appropriated by law? What vested right was impaired? What pecuniary profit was taken from one set of men, and transferred to another?--taken from a corporation, one-fifth part of whose profits belong to the people, our constituents, and given to a corporation, a part of whose profits accrue to the Secretary himself? Neither the Committee of Ways and Means, nor Mr. Taney, must go to Alexander Hamilton for a precedent to justify that.

The document marked C, reported by the committee, is a circular to the collectors in the State of Georgia, excepting Savannah, dated April 6, 1790, and directing them to remit the duties collected by them to the collector of that port, John Habersham. There was no bank existing in the United States south of Philadelphia. Mr. Habersham was made the depository of all the duties collected in the State of Georgia; but he was not authorized to convert them to his own use. Neither will that precedent serve as a screen for the present act.

The use of the three existing banks, however, was soon found altogether inadequate to the purposes of collecting and disbursing the public revenues.—(Resolution, August 9, 1790.) (7)

In December, 1790, Mr. Hamilton, in answer to this resolution, reported to the House of Representatives a plan of a national bank; and the act to incorporate the subscribers to the Bank of the United States was approved by President Washington on the 25th of February, 1791.

The United States were owners of one-fifth part of the stock of this bank; and from the time of its institution, neither Mr. Hamilton nor any one of his successors ever dreamed of making deposites of the public moneys in any other bank than that where the profits of the use of the people's money would be shared by the people. The capital of this bank was ten millions of dollars; and its notes, by the 10th section of the charter, were made receivable in all payments to the United States, as equivalent to gold and silver. By this provision, that of the 30th section of the first collection law, that all the duties should be paid in gold and silver coin only, was virtually repealed. It had, in fact, never been executed. The bills of the three existing banks had, by the arrangements of the Treasury, taken its place; and, as they were all at all times convertible into gold and silver, they were "so like truth, they served the turn as well."

By the 3d section of an act of Congress of May 10, 1800, (vol. 3, p. 385,) the collectors of Philadelphia, New York, Boston, Baltimore, Norfolk, and Charleston, were directed to deposite, for collection, in the Bank of the United States or its branches, all the bonds taken for duties. The committee have also reported a document, marked D, being a letter from Albert Gallatin, Secretary of the Treasury, to Robert Purviance, collector of Baltimore, dated November 16, 1801, announcing the appointment of Thomas Tudor Tucker as Treasurer of the United States, in the place of Samuel Meredith, resigned. It requests that his deposites in bank may, after the 30th of November, 1801, be passed to the credit of Mr. Tucker. This was a transfer from one Treasurer to another, but not from the Bank of the United States to another. It is not germane to the purpose. So long as the first Bank of the United States existed, there never was a thought of transferring any of the public deposites from it to any other. But, when its charter expired, a resort to other places of deposite became, of course, indispensably necessary.

The document reported by the committee marked E, (p. 42,) is accordingly a letter from Albert Gallatin to the collector of Philadelphia, dated the 25th of February, 1811, a very few days before the expiration of the bank charter, directing him thenceforward to cease making further deposites in the Bank of the United States, and to withdraw bonds already deposited payable after the then ensuing 3d of March, and leaving to him the selection of the banks in which the custom-house bonds should thereafterwards be deposited.

Mr. Gallatin himself had foreseen and foretold the evil consequences which would ensue from the expiration of the charter of the bank, and had earnestly recommended to Congress its renewal. The terms upon which he prescribes in this letter that the deposites should be transferred to the new depositories, afford practical expositions of such inconveniences. He makes it a condition that the selected banks, in making their discounts, shall give a preference to persons having custom-house bonds to pay; and he prefers that two banks should be employed in the same place rather than one.

Mr. Speaker, I know not who it is that made the arrangement of the documents appended to the report of the Committee of Ways and Means; but it is a striking exemplification of the condition into which the currency, the credit, the revenue, and the finances of this country fell, after the expiration of the first Bank of the United States. It is chaos come again. We have just been discanting upon document E, page 42. I must request those members of the House whose patience can follow me into this Arabia Deserta, this parched wilderness of discussion, to make a lover's leap over the letters of the alphabet from E to P, and from page 42 to page 48 of the report; and there, under the letter P, they will find, first, a letter from Louis McLane, Secretary of the Treasury, dated 29th October, 1832, short and sweet, but having no more right to be there than the nettle had to grow on the monk's grave at Calais, visited by the sentimental traveller, Yorick; for immediately after it comes a letter from Albert Gallatin, Secretary of the Treasury, to the Speaker of the House of Representatives, dated the 8th of January, 1812,, reporting, in answer to a resolution of the House, a statement of the several banks in which the public moneys had been deposited after the expiration of the charter of the Bank of the United States. To this report sundry other documents are annexed, and, among the rest, a duplicate of this very letter of 25th February, 1811, upon which I have been commenting under the letter E. However, this is a small matter.

Let us see if we can draw order out of this chaos. The report of Mr. Gallatin, made within less than a year after the expiration of the charter, and the documents annexed to it down to near the bottom of page 56 of the appendix to this report of our Committee of Ways and Means, show with a pencil of phosphorus the expedients to which the Treasury Department had already been driven, for the mere safe-keeping and transmission of the public moneys, from the moment when the Bank of the United States had ceased to exist. The public moneys had been deposited in twenty-one State and District banks; and do you wish to know what has become of some portion of these moneys even then thus deposited? Go to the vaults of your Treasury for the iron chest of your unavailable funds, and there you will find them.

Mr. Gallatin had foreseen these consequences. He had urged upon Congress the recharter of the Bank of the United States; but Congress had determined it should die, and die it did. His report, eleven months after, in January, 1812, presented the case as favorably as he could. But even then some of the banks had rejected the indispensable conditions which he had prescribed for placing the deposites with them. These conditions were not always acceptable, nor always admissible by the banks. The revenue was not so well collected as before, and the Treasury had already been obliged to extend, from four to six months, the credits upon which the banks of Marietta and Kentucky had agreed to make payments in one of the Atlantic cities.

These were but the beginning of sorrows. The consequences of the extinction of the first Bank of the United States have recently (about three years since) been set forth by that same eminent financier, Albert Gallatin, now no longer Secretary of the Treasury, but president of a State bank in the city of New York. Among the fictitious charges which a heartless political slander has heaped upon the Bank of the United States, has been that of hostility to the State banks of New York. This charge, to which the Governor himself of the State has not refrained from giving his countenance, is totally disproved and annihilated by the far more enlightened and self-authenticating testimony of Mr. Gallatin. Had such hostility existed, and been exercised, as that denounced by the Governor of New York, upon mere suspicion, it is impossible but that it should have been known and felt by Mr. Gallatin. The institution over which he presides must have been among the first to feel and suffer from its effects. It would have been at once his duty and his interest to denounce it. Sir, he declares directly the reverse. He testifies to the fair and liberal treatment of the State banks by the Bank of the United States. He speaks of what he knows. The Governor of New York —I forbear.

In January, 1831, while the death-blow to borrowed capital was yet rankling in the bosom, whence it has since been dealt, under the disguise of constitutional scruples against the power of Congress to incorporate a bank, and had not yet matured into a veto message, Mr. Gallatin published an essay on the currency and banking system of the United States—a small but valuable treatise on this most important branch of political economy. It has been trumpeted abroad, as one of the grievous transgressions of the bank, that some thousand copies of this pamphlet have been gratuitously circulated at its expense. Sir, if it had been honestly read, in the pure pursuit of truth, by the statesmen, whether of the parlor or of the kitchen, who rule this nation, many an awful foreboding of ruin, many a bitter cry of distress, many a deep and agonizing execration of wretchedness, would have been spared to our constituents, and to our own ears. No man, with a mere human portion of malignity, or with any portion short of that of a fiend, could have read that pamphlet, and then rushed headlong upon the experiment under which our country now writhes in torture. [Read pp. 42, 44, 45, 46, 47, 48, 50, 84.]

Mr. Speaker, we have found nothing in the documents bearing the signature of Albert Gallatin, reported in the appendix to the report of the Committee of Ways and Means, to warrant the removal of the deposites by Mr. Taney. Let us now go back to page 43, letter F, where will be found a letter dated December 14, 1815, signed A. J. Dallas, Secretary of the Treasury, to the Treasurer. It is a mere order to him to make a remittance to the cashier of the Manhattan Company, at New York, of $300,000. The precautions, both of concealment and of disguise, recommended in this letter, add to the mass of evidence heaped upon heap on all the rest, to prove the want of a national bank. In making this remittance, Mr. Dallas dreads the chances of loss by the robbery of the mail. He recommends to the Treasurer to address the notes to the cashier of the bank, under cover to the collector, to have them franked by the Register of the Treasury, to give them the appearance of ordinary marine papers, and to take care to avoid publicity. But here again is a mere remittance of money; no right of any one impaired; no wrong done to any one; no resemblance whatever to the transfer-draft of Mr. Secretary Taney to the same Manhattan Company, to sustain their credit; that is to say, to pay their debts.

We now come, Mr. Speaker, to the transactions of Mr. Crawford with the deposite banks of his time; and to understand the bearing of the documents under his signature, reported by the committee, it will be necessary to take a view of the circumstances under which they were written.

Turn the page to letter G, from W. H. Crawford, dated 29th December 1819, to the Treasurer, directing him to deposite in the United States Branch Bank, in this city, a draft, in favor of its cashier, for $16,000, upon the Bank of Washington. Whether the committee consider this as a precedent for removing deposites from the branch bank I know not. It has to me the aspect of a restoration of deposites, and, as such, is a precedent very fit to be followed.

Then succeed five letters, signed Richard Rush, lettered from H to M, and dated from 16th August, 1825, to 23d December, 1828, all relating to deposites in banks where there was no branch of the United States Bank, and where, of course, his power to make deposites was discretionary. There are, subsequently, two letters (marked N and O) from Samuel D. Ingham, dated in 1830, of the same character; and then, lastly, follows the aforementioned letter P, from Louis McLane to the Treasurer, ordering a transfer from one District bank in Alexandria to another.

Well, sir, this volume of documents, from A to P, proves, beyond all contestation, what I believe never was contested—namely, the power of the Secretary of the Treasury to cause remittances of the public money to be made from the places where they have been collected to the Treasury, and from the Treasury to the places where they are to be paid away, according to appropriations made by law. They prove nothing more; above all, they furnish not a scintillation of proof of the right of the Secretary of the Treasury to convert the public moneys to his own use. This is what Mr. Taney has done, by transferring them from places of deposite where the use of them was of pecuniary profit to the people, to others, in one of which, at least, it was of pecuniary profit to himself. Nothing like it is traceable in any one of the documents reported by the Committee of Ways and Means.

The committee have reported, however, another set of documents; being a selection of reports and letters relating to the transactions of Mr. Crawford with the bank while he was Secretary of the Treasury. In these papers, much controverted matter is reproduced of times gone by, and collisions, I trust, never to return. But to estimate the bearing of any thing contained in these upon

questions now before us, we must advert to the circumstances under which those transactions occurred, and to the special powers vested in the Secretary of the Treasury, while Mr. Crawford was in that office, but never transferred to his successor.

We have seen the consequences to the credit and revenue which immediately followed the extinction of the Bank of the United States—the multiplication of State banks; the cataracts of bank paper; the suspension of specie payments; the dislocation of every joint of credit, public and private. In January, 1814, less than three years after the expiration of the bank charter, the necessity of a national bank had already forced itself upon the judgment of majorities in both Houses of Congress; and on the 14th of October, 1814, Alexander James Dallas, then just appointed Secretary of the Treasury, wrote thus, in answer to inquiries from the Committee of Ways and Means of the House of Representatives. [Bank documents, p. 481.] (8.)

After long and reiterated debates, a bill to establish a new Bank of the United States passed both Houses of Congress, which, on the 30th of January, 1815, was negatived by President Madison. But at the next ensuing session of Congress, the increasing gravitation of political necessity broke down all opposition. This was then the language of the Secretary of the Treasury, in his annual report on the finances. [Bank documents, p. 612.] (9) A bill for a national bank was again introduced, received the sanction of both Houses, and, on the 10th April, 1816, the approving sign-manual of James Madison. That bill is the charter of the present Bank of the United States.

At the time of the enactment of this law, all the revenues of the Union south of New England consisted of Treasury notes, and deposites in banks whose payments in specie were suspended. To compel the resumption of specie payments was one of the primary objects for which the bank was instituted; and immediately afterwards, on the 30th of April, 1816, the following joint resolution was adopted and approved by the President. [U. S. laws, vol. 6, p. 163.] (10)

Armed with the extraordinary power conferred by this resolution, Mr. Dallas, before it was possible to accomplish any part of its purposes, retired from office. Mr. Crawford was his successor, and entered upon the discharge of the duties of Secretary of the Treasury on the 22d of October, 1816. The circular of the 28th of January, 1817, (appendix to the report of the Committee of Ways and Means, p. 56,) is a notification to all the deposite banks in the States of Pennsylvania, Delaware, and Maryland, that the Treasurer had been instructed to transfer the public moneys deposited with them to the Bank of the United States, which, with the new year, had first commenced operations.

It appears by Mr. Crawford's letter of the 10th December, 1817, to the Speaker of the House of Representatives, (p. 63,) assigning his reasons for not transferring the deposites from some of the State and District banks to the Bank of the United States, that he entertained doubts whether the provisions of the 16th section of the bank charter did impose the obligation of transferring to the Bank of the United States the deposites previously made in the local banks. He did, nevertheless, communicate his reasons for ordering and directing otherwise than that the deposites should be made in the Bank of the United States, whether they had been previously deposited in the local banks or not. A single moment of reflection will show that the transfer of deposites from local banks, not paying specie, to the Bank of the United States, which could pay in nothing but specie, must have been made under this resolution of Congress of 30th April, 1816, and upon principles altogether inapplicable to the present case. The object of the Secretary of the Treasury was, by one and the same operation, to compel the local banks to resume specie payments, and to withdraw from them the public deposites, to place them in the Bank of the United States. That bank could receive them only as equivalent to specie, for so only was it bound by its charter to pay them out. It was impossible, then, effectively to withdraw them, but by a simultaneous resumption of specie payments by the banks from which they were to be withdrawn.

To obtain their assent to this twofold measure, then, Mr. Crawford felt himself justified in giving them assurances of all the aid from Government necessary for its accomplishment; and particularly that in effecting the transfer of the deposites from their vaults to those of the Bank of the United States, there should be no advantage taken of them by any unnecessary pressure which should render the operation injurious to them. There can be no doubt that he was fully justified in giving them these assurances. To the liberality with which the Bank of the United States co-operated to the accomplishment of these purposes, the letter of Mr. Crawford, of 10th December, 1817, bears signal testimony. [Rep. p. 66.]

It is equally certain that indulgences were afterwards extended to several of the local banks, beyond what was warranted by law. They furnished the grounds of investigations and inquiries by both Houses of Congress, and, at one time, of direct charges made by Ninian Edwards against Mr. Crawford. The letters of that officer of the 25th of February, 1823, (p. 66.) to the Senate, of the 24th of February, 1823, (p. 72,) to the chairman of a committee of the House of Representatives, and of the 8th May, 1824, (p. 76,) to the chairman of a committee of the House, appointed to investigate the charges of Ninian Edwards, exhibit statements of several instances in which he had caused deposites to be transferred to the local banks for the purpose of sustaining them. In justification of the practice, he alleges frequent instances in which it had been resorted to during the interval between the first and second Banks of the United States; and he cites, as analogous cases, several instances of delays to the payment of custom-house bonds, during the existence of the first Bank of the United States. But so far as such proceedings ever had taken place as expedients to rescue banks from danger, the committee of the House of Representatives, upon the charges of Ninian Edwards, expressly declare that this is no legal employment of public funds; it is nothing but a gratuitous loan. (p. 83.) Such was the decision of a committee, the general tenor of whose report was highly favorable to Mr. Crawford. It may now be added, that it is precisely of such gratuitous loans that the million and a half of unavailable funds in your Treasury are composed. None such had ever been made since that report, until the present Secretary of the Treasury revived the practice; and it is not one of the least astonishing incidents of our present times, that a Committee of Ways and Means of this House have adduced, in support of the legality of Mr. Taney's transfers to sustain his selected banks, that very report of Governor Floyd which declares all such gratuitous loans illegal.

Mr. Speaker, I have now gone through the whole series of documents annexed to the report of the Committee of Ways and Means, as precedents to justify the present Secretary of the Treasury in the transfer of public moneys from their places of deposite, prescribed by law, to local banks, for the purpose of sustaining their credit.

I trust I have shown that not one of those documents will bear out the Secretary in the measure upon which we are now to decide; and that the only precedents having any analogy to his act, are, and have been, by this House, authoritatively pronounced illegal.

I pass over the extract from the letter of Samuel D. Ingham, of the 5th October, 1829, reported by the committee, (p. 84.) It is a mere *brutum fulmen*, indicative quite as much of the temper as of the intellect of its author. Even if it could countenance by example the vindictive rancor of the removal, it furnishes not a color of justification for the transfer-drafts. It may, indeed, be considered as evidence how long this project of threatening and of bullying the bank, to break it down into a political engine, was fostered in the soul, before it was exchanged for constitutional scruples of conscience against the bank itself.

Thus, then, Mr. Speaker, I have proved, to the very rigor of mathematical demonstration, that the Committee of Ways and Means, to bolster up the lawless act of the Secretary of the Treasury, in transferring public moneys from their lawful places of deposite, to others, in one of which, at least, he had an interest of private profit to himself, have ransacked all the records of the Treasury from its first institution in 1775, to this day, in vain. From the whole mass of vouchers to authenticate the lawful disposal of the public moneys which that Department can furnish, the committee have gathered fifty pages of documents, which they would pass off as precedents for this flagrant violation of the laws; and not one of them will answer their purpose. One of them alone bears a partial resemblance to the act of the present Secretary, and that one the very document adduced by the committee themselves pronounces and proves to be unlawful.

By the 8th section of the act to establish the Treasury Department, it is provided, "that no person appointed to any office instituted by this act shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner, in whole or in part, of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State, or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the said Department other than what shall be allowed by law."

The office of Secretary of the Treasury is one of those instituted by that act. And it is a circumstance deserving of deep consideration, that this Department of the Treasury is the only one established at the organization of this Government, the officers of which are laid under this interdiction. The Secretaries of State, of War, and of the Navy, may be merchants, owners of ships, and dealers in public securities, without violation of the law. Even the clerks in the Treasury Department, to whom, by an act of the 3d of March, 1791, this same prohibition had been extended, were afterwards, by the 12th section of an act, 8th May, 1792, released from it, excepting "so far as respects the funds or debts of the United States, or of any State, or in any kind of public property." To that extent every clerk in the Department of the Treasury is to this day restrained from being concerned in trade, commerce, or brokerage. The restraint upon the Secretary himself, the head of the Department, remains in force to this day. I believe both the spirit and the letter of this law to have been violated by the present Secretary of the Treasury, when he transferred the public funds from the Bank of the United States to the Union Bank of Baltimore, he himself being a stockholder therein. And so thorough is my conviction of this principle, and so corrupting and pernicious do I deem the example which he has thereby set to future Committees of Ways and Means to cite as precedents for yet ranker rottenness, that if there were a prospect of his remaining in office longer than till the close of the present session of the Senate, I should deem it an indispensable, albeit a painful, duty of my station, to take the sense of this House upon the question. And, sir, if after this explicit declaration by me, the chairman of the Committee of Ways and Means has not yet slaked his thirst for precedents, he may gratify it by offering a fifth resolution, in addition to the four reported by the committee, as thus:

"*Resolved,* That the thanks of this House be given to Roger B. Taney, Secretary of the Treasury, for his pure and disinterested patriotism in transferring the use of the public funds from the Bank of the United States, where they were profitable to the people, to the Union Bank of Baltimore, where they were profitable to himself."

The reasons of the Secretary of the Treasury, then, for abstracting the public moneys from the places where they had been deposited by law, are not sufficient to justify the measure, because the measure itself transcended his lawful authority.

And the purpose itself for which these arbitrary and lawless transfers were made was utterly unwarrantable. It exhibits a Secretary of the Treasury tampering with the public moneys to sustain the staggering credit of his selected depositories. The transfers were made to supply those worthless favorites with the means of meeting engagements which they could not have met with their own resources. The very measure itself stamps with insolvency the depositories so judiciously chosen as substitutes for the Bank of the United States. The Secretary of the Treasury withdraws the public treasure from its place of safe-keeping provided by law, scatters it abroad, distributes it among swarms of rapacious political partisans, and the first earnest of its safety is, their resort to him for millions of appropriated public moneys to pay their debts and save them from breaking.

But although the 16th section of the bank charter did not authorize the Secretary of the Treasury to remove from the Bank of the United States and its branches the public moneys already committed to their custody, it did authorize him to direct and order that they should cease to be so deposited for the future, and required of him to assign, as soon as possible, to Congress, his reasons therefor.

Are the reasons which he has so assigned sufficient to justify that part of the transaction which was within his lawful competency—the order and direction that the Bank of the United States should cease to be the depository of the public revenues? I think not.

It is very remarkable that the reasons are of two kinds; if not altogether incompatible with each other, yet so totally different in their characters, that either of them, if of any consideration whatever, would render the other unnecessary and useless. The first is the mere approximation of the time when the charter of the bank is to expire. The second is gross and corrupt misconduct in the president and a part of the directors of the bank. Now, if the approach of the time when the charter of the bank was to expire furnished any reason whatever for seeking other depositories of the public moneys, it would have been an office as useless and unnecessary, as it is odious and discreditable, to accuse men of fair and honorable characters of dishonesty and corruption, as a pretext for depriving them of their rights. If, on the other hand, the Secretary of the Treasury could have proved upon the president and directors of the bank that misconduct which he is so ready to impute to them, he would have been under no necessity to assign the other reason, the approach of the termination of the charter. The very assignment of these two classes of reasons proves the total want of confidence of him who assigns them in the validity of either. Each of them is substantially the refutation of the other.

Sir, that the first reason of the Secretary—the approximation of the time when the charter of the bank will expire—is not sufficient to justify the change of the depository, has been proved by the gentleman from Pennsylvania, who first addressed the House on this subject, with such force of demonstration, that not an attempt even has been made to reply to him. No rational reply can be made to it. "I will not gild refined gold." There is only one consideration upon which I shall permit mysel to add one word to his argument on this head. It is a consideration of public faith; it is the word of honor of the nation. Mr. Speaker, I address myself to every individual member of this House. I say to him, is not your word of honor dearer to you than your life? and are you not here the guardian of the word of honor of your country? Is the word of honor of your country less dear to you than your own? I speak to silent voices, but I know that the heart of every man who hears me answers, no. Then, I say, that the public faith, the word of honor of the nation, is pledged to the corporation, the president, directors, and company of the Bank of the United States; that, unless for good and sufficient reasons it should be otherwise ordered, the deposites of the public moneys shall be made in the bank and its branches during the continuance of the act of incorporation. To withdraw the deposites, therefore, before the expiration of the charter, merely because that term is drawing near, is a violation of the plighted public faith; a forfeiture of the word of honor of the nation. That reason is prohibited by the very letter of the charter. [Bank charter, sections 15, 16.] (11)

Well, sir, here is a bilateral contract; each of these sections is a consideration for the other. The 15th section prescribes burdensome duties to be performed by the bank, gratuitously, for the benefit of the nation; and the bank stipulates to perform them during the continuance of the act.

The 16th section is the counter-stipulation, pledging the faith of the nation that, unless for good and sufficient cause, the deposites of the public moneys shall be made in the bank and its branches. Now, that good and sufficient cause cannot be the approach of the term when the charter will expire, because the stipulation of the bank is to perform the services during the continuance of the act; and the 16th section is not only the counter-stipulation of the nation, but it furnishes the only means by which the bank can perform its own engagement in the 15th. The two sections are inseparably connected together, and must be of commensurate duration. So clear and obvious is this, that the Secretary of the Treasury, by removing the deposites, has forfeited the right of the nation to claim of the bank the fulfilment of its own stipulations in the 15th section. By the very act of removing the deposites, he makes it impossible for the bank to give the necessary facilities for transferring the public funds from place to place, without charge, commission, or discount. The bank stipulates to perform this service during the continuance of the act. The Secretary of the Treasury takes from the bank the necessary means for performing the service while the act continues, and two years and a half before its expiration.

Here, then, is a double violation of the public faith: first, by breaking the stipulation of the nation in the sixteenth section, beneficial to the bank; and secondly, by disabling the bank from the performance of its engagements in the fifteenth section, beneficial to the nation.

Sir, this transfer of public funds from place to place throughout the whole Union, this security for the punctual payment of every public debt to every public creditor, without charge of commission or discount for exchange, is one of the great purposes for which the Bank of the United States was instituted. It is one of the most admirable operations that the Government, over an extensive territory and a numerous population, active, intelligent, enterprising, eager for the betterment of its own condition, can perform. It is my belief, sir, that no other instrument than a bank, of large capital, of immense business, ably and honestly managed, and, consequently, of credit co-extensive with the country over which its operations are authorized, can effectually accomplish this great national purpose.

The Bank of the United States was bound to perform it by stipulation and by law. The Bank of the United States has performed it faithfully, from the time when it was instituted, until the Secretary of the Treasury interdicted the further performance of it, by withdrawing from the bank the means of performance. The Secretary of the Treasury has forbidden the Bank of the United States to make this constant, continual, gratuitous remittance of public moneys, for the payment of public creditors, from place to place, throughout the Union; and what has he substituted in its place? Why, sir, contracts—contracts which he was authorized by no law to make; contracts which, by the sixteenth section of the act of May 1, 1820, (12) he was expressly forbidden to make; contracts with a motley multitude of State banks, bound by no law of the United States to perform this service; beyond the superintendence and control of Congress; dependent upon twenty different States for their charters; of small capitals; of limited circulation; seated in the midst of rival banks; and in which the United States have no interest other than the deposites confided to them. This is the substitute provided by the Secretary of the Treasury for annulling the law by which the Bank of the United States was bound to perform, and did perform, this immensely important service! Contracts with State banks; not even, as contracts, sanctioned by law! Sir, it is a bruised reed, upon which, if a man lean, it will go into his hand and pierce it! Contracts! Why, suppose one and all these bubble banks break their contracts; suppose they suspend specie payments; where are your deposites? Where are your gratuitous remittances? Where is your remedy against all and every one of them? Where is your remedy? State courts, stop-laws, and unavailable funds! Precious consolations for the disgrace of violated public faith! Precious indemnity for the word of honor of the nation!

Mr. Speaker, let me not be misunderstood. I intend no special or personal reflection upon any one of these banks, nor upon any individual concerned in the direction of them. Some of them may be safe depositories for ordinary times; but from all the statements that have been published of their condition, I believe it to be imminently perilous. There is scarcely one of them that has less than seven dollars of its bills in circulation for one dollar of specie in its vaults. The Bank of the United States has less than two dollars in outstanding notes for one dollar of specie at command. And what confidence is due even to the statements made by these banks of their condition, may be inferred from facts of recent notoriety. We have witnessed the explosion of the Bank of Maryland. That bank, it is known, was one of those to which proposals were made by the agent from the Treasury Department, that it should become one of the public depositories. The selection was to be made between that and the Union Bank. It has been stated in the official journal, that the Secretary of the Treasury referred the choice between the two to the President of the United States, only remarking that he himself had an interest in the Union Bank, and that the Bank of Maryland had a smaller capital than the other. It is thence clearly to be inferred that he was sensible his interest in the Union Bank formed an objection to its being selected, and that he had nothing to set off against that objection, but the smallness of the capital of the Bank of Maryland. Now, what sort of statement of its condition is it possible that the Bank of Maryland should have furnished to the Secretary of the Treasury, which left him undetermined whether to take that or the Union Bank for the public depository at Baltimore? So much so, as to take the President of the United States for umpire between them. Bad as was the condition of the Bank of Maryland, its directors were quite ready and willing to contract for receiving the public deposites, and to furnish to the Secretary of the Treasury such a statement of their affairs as to satisfy him that they were safe depositories. And who knows how much more confidence was due to the statements by any of the other chosen banks, of their own condition, than to that of the Bank of Maryland? The breaking of banks is always fraudulent, and must always be preceded by reiterated false or fallacious statements of their condition. We have become so much familiarized with this bursting of bank boilers, that it has become in public estimation almost a virtue, a mere ingenious contrivance to make a fortune. There are, no doubt, many sound and solvent State banks, with honest, honorable, and conscientious boards of directors. But any bank, to which the aid of the public deposites is necessary for its safety, cannot be fit for a public depository. Upon the real condition of all the State banks in the State of New York, the recent act of the Legislature, taxing the people of the State with a loan of six millions of dollars, to save them from breaking, is a commentary of very unequivocal significancy. The people of New York, to the amount of six millions of dollars, are now made the collateral security for the debts of their banks. But this is a mere substitute for a new bank with a capital of six millions; and what must be its effect? An increase of liabilities in proportion to the capitals of all the banks; an increase of paper currency; a mere repetition, in varied form, of the experiment made between the extinction of the first Bank of the United States and the institution of the second. There is, indeed, some indication in this measure of a design in the Government of New York to supply a currency to take the place of the United States Bank notes throughout the Union. If so, the device is not destitute of ingenuity. But it must expect, in the course of its execution, to encounter rivals; and the people and the Legislature of Pennsylvania will, in the process of time, be likely to discover that there are more things in heaven and earth than have been dreamed of in their philosophy.

The first reason, then, assigned by the Secretary of the Treasury for the withdrawal of the deposited public funds from the Bank of the United States, is good for nothing. Are the reasons founded upon the alleged misconduct of the bank any better?

Sir, there is one ingredient in them, an exceedingly odious one, from which that is at least exempt. The near approach of the time when the bank charter will expire involves no dishonorable imputation upon any man. But when dishonest and corrupt conduct is charged upon the Bank of the United States, the reproach nominally cast upon the bank really falls upon living men; and upon whom does it fall? Upon the president and stock directors of the bank. And who are the president and stock directors of the bank? The president is a citizen of Philadelphia, whom any man in this hall may be justly proud to call his friend; a man of eminent ability, of a highly-cultivated mind, of an equable and placid temper, and in every other relation of life, of integrity irreproachable and unreproached; a man, too, independent in his circumstances, and to whom the loss of his office could scarcely be felt as a misfortune. That office he holds by the choice, annually renewed, of the stockholders. From the time when he was first chosen president, for a succession of ten years, until and including the year 1832, he had been nominated by the President, and confirmed by the Senate of the United States, as one of the Government directors of the bank. And even now, after all these charges and denunciations against him, he has twice received the honorable testimonial of his fellow-citizens, by being unanimously elected president of the trustees of the Girard College. The directors are chiefly merchants, with one or two eminent lawyers, of Philadelphia; men of good estate and good name; interested, as stockholders, in the bank; serving gratuitously, and never eligible more than three years in succession. Sir, that such persons should be charged with dishonesty and corruption by bankrupts and swindlers, by men of scarified characters and dog-eared reputations, or by politicians who, like the wind of a West India hurricane, can chop round from north to south and from east to west in the twinkling of an eye, and blow with equal fury either way, is not at all surprising; but men of honest fame, and such I should be willing to believe the Secretary of the Treasury to be, should not slander one another.

Mr. Speaker, there is another idea which, in connexion with this subject, I wish to present to the consideration of the House. In the conjectural imputation of base and corrupt conduct to men having a stake of reputation in social intercourse, there should be some proportion between the heinousness of the offence imputed and the magnitude of the object to be attained by its commission. In the melancholy records of human infirmity, I know it is not unexampled to find very great crimes committed for very small purposes. But these are exceptions and not rules. Such is not the course of things in the ordinary moral economy of the world's affairs. What is the recharter of the Bank of the United States to the president and to the board of present directors? It is of very little if of any importance to their individual interest. But as they hold their offices in trust, for the benefit of the company, their duty to their constituents requires that they should, in a suitable manner, and by lawful means, obtain a new charter if they can; their own interest in the event is nothing, or next to nothing. It is also their right as citizens, and their duty to their constituents, to defend themselves against charges of misconduct and corruption. And if those charges are made from the high places of the land; if they are made for electioneering purposes; if they are made not before judicial tribunals, where their honest fame would be sheltered by the protection of the laws, and vindicated by the verdict of their peers; if they are circulated by multitudes of presses, paid with the money of the people; if they are held forth in presidential messages, and vetoes, and proclamations, and cabinet consultations, published in newspapers, and denied to the legislative assemblies of the Union; if, in short, the rancorous and incessant denunciations against them go forth directly to the people from the first Magistrate of the Union, is it necessary? is it rational?—is it consistent with common justice or common sense—to charge them with corruption or dishonesty for defending themselves before that tribunal of public opinion to which the appeal is made against them? Sir, in tracing, by mere conjectural sagacity, human actions to their motives, when you meet honesty at the threshold, it is a poor occupation to ransack dark corners and deep recesses to detect corruption.

But, sir, the Secretary of the Treasury, distrusting the validity of his reasons for removing the public deposites, drawn from the approach of the term when the bank charter will expire, charges the president and stock directors of the bank with misconduct—with corruption.

Sir, with regard to any allegation of corruption on the part of the bank, by which, in the opinion of the Secretary of the Treasury, the corporation have forfeited the right of holding the deposites, I believe it not within the competency either of the Secretary of the Treasury or of this House, to come to that conclusion. The corporation is a moral person, entitled to the rights of persons, and amenable, not to the Secretary of the Treasury nor to this House, but to the judicial tribunals, for the performance of its duties. If the corporation have done wrong to the Executive Government, the Attorney General is the officer to prosecute them before the courts instituted under the constitution to sit in judgment upon them. They are entitled to trial by a jury of their peers.

The President of the United States has announced to Congress his opinion that the bank had forfeited the charter, and that he would have directed a *scire facias* to be sued out to prove this charge, but that there would not have been time for the Supreme Court to bring the trial to an issue before the expiration of the charter of the bank. I remark with reluctance upon this statement of the President; but do say that it is not a sufficient reason for withholding the public deposites from the bank. The President and the Secretary of the Treasury, by these declarations, constitute themselves the accusers of the bank. Shall they sit in judgment upon those whom they accuse? Shall they be the executioners of those upon whom they sit in judgment? The removal of the deposites from the bank, for the misconduct of the bank, necessarily imports all this. The Secretary of the Treasury, under the direction of the President, constitutes himself at once the accuser, the judge, jury, and executioner of the bank. He draws up the charge, he pronounces sentence of guilt, he adjudges the forfeiture of the right, and he executes the judgment. All this he does by the removal of the deposites; all this he does, without hearing the parties accused, without even giving them notice of the charges against them. Sir, in the fictions of the heathen mythology, Rhadamanthus himself, the most inexorable of the judges of the infernal regions, heard the culprits at his bar, after chastising them; "*Castigatque auditque.*" He chastises and he hears. Our Secretary of the Treasury improves upon the code of Rhadamanthus. He accuses, he judges, he chastises, but he never gives the culprit a hearing, either before or after his sentence.

Now, sir, I say this to show the insufficiency of this reason for withholding from the bank the deposites of the public funds; the alleged, not the proved misconduct of the bank.

And this misconduct--what is it? As a moral person, the bank enjoys the rights of persons; and among them the right to sue and be sued, to plead and be impleaded, to answer and be answered, to defend and be defended, in all State courts having competent jurisdiction, and in all the circuit courts of the United States. The fifth article amendatory of the constitution of the United States has expressly provided that no person shall be deprived of life, liberty, or property, without due process of law. The Secretary of the Treasury has no authority to constitute a code of criminal law, or to hold the bank responsible for offences not recognised as such by law. He has no authority to make that an offence which is not prohibited by law. Of all his charges against the bank, the only one that I can see which imputes a transgression of the law, is that which alleges that the president and directors have authorized a committee of their own body, called the exchange committee, to transact business, for which, by the charter, the presence of not less than seven directors is required. Now, this charge arises from a misapprehension by the Secretary of the Treasury of the import of the words, to transact business. This has been so fully explained by the learned and eloquent member from Pennsylvania, that I deem it unnecessary to say a word further upon the subject. To the weight of his character, were it possible for any testimony of mine to make addition, nothing but his presence could interdict me from giving it. At the head of his profession, which is the law, in the State to which he belongs, to that profession he has, until even now that we first see him among us, devoted the labors of more than thirty years; conversant especially with the department of commercial law, and intimately familiar with the principles and practice of banking, as a director both of the old and of the present Bank of the United States, his voice must carry with it, on all these questions, an authority which it becomes me peculiarly to respect. He did, sir, in his speech, so unanswerably refute this allegation of the Secretary of the Treasury, that the transaction of business by the exchange committee was a violation of the words of the charter, that it would be wasting the time of the House to multiply words in repeating what he has said.

But, sir, in assigning his reasons for punishing the bank by the removal of the public deposites, the Secretary of the Treasury has not only performed in his own person the parts of accuser, judge, jury, and executioner, but, to facilitate the performance of all these functions, he has constituted himself *ex post facto* the legislator of a new criminal code, and promulgated new penal statutes, by which these heinous offenders are to be tried and condemned.

And what are these heinous crimes of the bank, for which its stockholders, including the whole people of the Union, have, by the judgment of the self-constituted legislator, forfeited their rights and their property? They are—

1. That the ruling principle of the bank is its own interests.

2. That the bank has used its means with a view to obtain political power, and thereby secure the renewal of its charter.

To the first charge it is added, that the just claims of the public are treated by the bank with but little regard, when they have come into collision with the interests of the corporation.

Mr. Speaker, in one of Shakspeare's plays there are two personages of the department of the kitchen, named Launce and Speed; one of them (Launce) takes a fancy to be married, and falls in love with a milk-maid, who, he says, has more qualities than a water-spaniel. He communicates to his friend Speed a written cat-log of her conditions, that is, of her virtues and her vices. In reading it over, Speed finds, in the enumeration of her vices, that she is slow in words; upon which Launce exclaims, "O villain! set that down among her vices? To be slow in words is a woman's only virtue; out with it, and place it as her chief virtue." Sir, when I hear it charged upon the Bank of the United States, that is, upon the president and stock directors of that bank, that the interests of the corporation are their ruling principle, and hear it charged as a vice of the bank, I cannot help thinking, like Launce, that it should be transferred to the other side of the account, and set down among the bank's chief virtues. Why, sir, for what are the president and directors of the bank appointed but to protect, to defend, and to promote the interests of the corporation? And what are the interests of the corporation but the interests of our constituents, the people of the United States, who, as owners of one-fifth part of the stock, constitute, themselves, one-fifth part of the corporation? Sir, in complaining that the interests of the corporation are the ruling principle of the president and directors of the bank, the Secretary of the Treasury has given the most signal testimonial to their fidelity to their trust. Their ruling principle ought to be, as I most sincerely believe it is, the interests of the corporation. Sir, that ruling principle cannot make them regardless of the just claims of the public; it cannot come in collision with the just claims of the public; the just claims of the public are identical and the same with the interests of the corporation. There is, in this charge of the Secretary of the Treasury against the bank, inconsistency and self-contradiction. It is precisely the same as if he had said, so exclusive is the regard of the president and directors of the bank to the public interest, that they pay no regard to it at all. And, sir, this inconsistency and self-contradiction run through the whole argument, and discolor every fact adduced by the Secretary in support of his charge. Take, for example, the case of the three per cent. stocks, and the bill of exchange upon France, which are urged by the Secretary as the great

proofs of the injustice of the bank, in endeavoring to advance its own interests at the expense of the interests and just rights of the people of the United States.

What was the case of the three per cents.? The bank was required to pay off, say twelve millions of the public debt, which bore an interest of three per cent. a year, to pay it off at two given days, in the year 1832; the bank paid it off accordingly. Part of this debt, however, was due in Europe, say five millions. The bank negotiated an arrangement, by which the European holders of the debt consented to wait a year longer before they should receive payment of their portion, they taking the bank for their debtor instead of the nation, and receiving three per cent. for the year's interest. This was equivalent, for the time, to so much addition to the capital of the bank. It enabled the bank to accommodate borrowers here to double the amount, for the year, and to receive therefor an interest of six per cent. The profit to the bank was the difference between three per cent., which she paid on say five millions, and six per cent. interest, which she received on double the amount which it enabled her during the same time to loan. But suppose it enabled the bank to loan only to the same amount. She paid one hundred and fifty thousand dollars for the use of the money, and received three hundred thousand dollars by the employment of it. Suppose, however, that it enabled her only to keep at discount a sum equal to that which she borrowed, her profit upon the transaction was one hundred and fifty thousand dollars, one-fifth of which, say thirty thousand dollars, she paid in dividends to the people of the United States. Undoubtedly, the ruling principle of this transaction was the interest of the corporation; but where can you find in it the slightest, the remotest injury to the interests or the just rights of the people of the United States? It brought thirty thousand dollars into their treasury; it furnished capital for profitable employment to thousands of our citizens; and I am unable to perceive any interest, or any right of the public, which could be impaired or injured by it to the value of a dollar.

The case of the protested bill of exchange upon the French Government is equally justifiable. If the Secretary of the Treasury had the right to draw this bill, there can be no question that the French Government is responsible for the damages universally claimable on the protest. The protest itself vested in the United States the right to the damages, and in the bank the right to claim them, as clear and indisputable as the right to repayment of the bill itself. These damages were equally recoverable by the laws of the land; and they were the property of the corporation. Had the President and directors remitted them, they would have committed a breach of trust to the stockholders utterly indefensible. The loss to the public in this transaction lies at the door either of the French Government, or of the drawer of the bill. The pretension that the bank were bound, in this case, to remit the damages upon the protest, is, in substance, a claim to exemption from the laws of the land by the Secretary of the Treasury, in matters of exchange. The admission of it would have established a precedent liable to the most dangerous abuse. It was nothing less than a pretension that the Secretary of the Treasury should be released from all responsibility for damages upon bills drawn by him on foreign Governments, and protested.

But what shall be said of the heinous sin of the bank in using its means with a view to obtain political power? The evidence alleged by the Secretary of the Treasury, as substantiating this enormity, is the disclosure by the lynx-eyed penetration of certain patriotic detectors of the politics of their colleagues, appointed, it seems, for that purpose, by the President, with the unwary confirmation of the Senate. They are called Government directors, and they seem to consider themselves as *ex officio* viceroys and spies over the rest of the board. The exceeding sagacity of these eager searchers into mysteries has brought to light the astonishing fact that their brethren in the direction of the bank have, by recorded resolutions of the board, put the whole thirty-five millions of dollars of the capital of the stockholders, including the seven millions belonging to the people of the United States, the whole mass of the profits on business accumulating for distribution in dividends and a reserved fund, and the whole credit of the bank, which can scarcely be estimated at less than one hundred millions of dollars, at the disposal of the president of the bank, to print and circulate pamphlets, in defence of the bank, against slanderous and hostile denunciations, or, in the construction of the Secretary of the Treasury, to obtain political power. Of this sum, perhaps one hundred and fifty millions of dollars, it appears that, in the space of four years, an amount not much short of sixty thousand dollars has actually been expended in printing and extensively circulating a treatise upon banking and currency by Mr. Gallatin, three or four reports of committees of Congress, and two or three speeches in refutation of charges against the bank.

This charge, Mr. Speaker, is two-fold. First, of the power given to the president to dispose of the whole property of the bank. And, secondly, of the expenditure by him, under that power, of a sum approaching to sixty thousand dollars. The substance of the charge is of wasteful and corrupt profusion of the property of the stockholders; and the argument, by blending together the two parts of the accusation, labors to swell the account of actual expenditure up to the whole extent of the power delegated to the president; so that the Secretary of the Treasury has worked himself up into a belief, and his argument would persuade us, that the whole capital, profits, and credit of the bank had been actually wasted, or was in most imminent danger of being squandered in printing and circulating pamphlets to obtain political power.

And now, sir, what becomes of that other grievous accusation, that the interests of the corporation are the ruling principle of the president and directors of the bank? Which of the two impeachments are we to believe? Is the bank a Shylock, with his knife in hand, ready to cut the pound of flesh nearest to the heart of his unfortunate debtor? Or is he a Timon of Athens, to whom the world is but a word, which, were it his, a breath would give away? Sir, we have looked at the charge of extortion, and it has vanished into air. Let us examine the charge of profusion, and see if it is more substantial. Look at it in both its parts. The resolution of the directors is, that the president of the bank be authorized to cause to be prepared and circulated such documents and papers as may communicate to the people information in regard to the nature and operations of the bank.

Sir, can any one in serious argument say that this resolution put the whole property of the bank at the disposal of the president? Suppose it had been a resolution authorizing him to purchase a box of wafers, or a bunch of quills? According to this argument, such a resolution would have put a hundred and fifty millions of dollars of the bank's property at the disposal of the president to buy a box of wafers, or a bunch of quills. The quintessence of this charge is, that the board of directors did not put this resolution in the form of a congressional act of appropriation. Sir, the constitution of the United States provides that no moneys shall be drawn from the Treasury, but in consequence of appropriations made by law; and hence arises the necessity of limiting the amount of appropriations. But how often, in our own practice, do we authorize expenditures without limiting their amount. It was but the other day that we authorized the Clerk of this House to purchase books for the use of our members. Did we put the whole treasury of the United States at his disposal for that purpose? Sir, to authorize an expenditure, and to make an appropriation, are things totally distinct from each other, although nothing is more common than to confound them together. The resolution of the bank directors authorizes an expenditure without making an appropriation. But the Secretary of the Treasury must be at the last gasp for an argument, to say that thereby they put the whole property of the bank at the disposal of the president for that purpose. As the Legislature of the nation, Congress can authorize no expenditure without making an appropriation. But no such principle is applicable to the expenditures of individuals, whether single persons or corporations. A member of the other House once told the Senate, that, in the arrangement of his domestic establishment, his wife was the committee of ways, and he was the committee of means; but who ever heard of a man's limiting his expenses of marketing for the family, or his wife's disbursements for a bonnet, a necklace, or a shawl, by an act of appropriation? The authority, therefore, to print and circulate pamphlets was precisely equivalent to an authority to procure stationary, and carried its limitation with itself. It was left discretionary, precisely because it was limited in its own nature. But the Secretary of the Treasury tells us that "the sum actually charged to the expenses under this resolution is sufficiently startling." Startling? Is it, indeed?

The sum actually charged in these expenditures, in four years, amounts to $58,265 05, in round numbers take it to be $60,000. The bank alleges that all this expenditure was incurred in defending the institution against the assaults which it was enduring from the administration and its partisans. The President of the United States and the Secretary of the Treasury consider it all as electioneering against the re-election of President Jackson. Now, if the printing and circulating of an essay of Mr. Gallatin upon banking, and of half a dozen reports and speeches made to the two Houses of Congress upon the subject of the bank itself and its operations, was electioneering against the re-election of the President, what was the electioneering for him? The President and the Secretary of the Treasury both consider the re-election of Andrew Jackson as precisely equivalent to a judgment of the people of the United States against the bank. What is this but to declare that every thing said and done by the President, during the first term of his administration, against the bank, was electioneering for himself? All his appeals to the judgment, to the prejudices, to the passions of the people against the bank, were all operations to secure his re-election. This is ground, sir, not of my selection; it is that upon which the President of the United States and the Secretary of the Treasury themselves have chosen to put their charges against the bank; and whatever I may say in following the deductions which irresistibly flow from this statement of the case, must be taken as the necessary inferences from premises exclusively their own.

Thus, when, in the summer of 1829, the friends of General Jackson, in New Hampshire, undertook to dictate, through the agency of the then Secretary of the Treasury, to the bank, the removal of the president of the branch bank at Portsmouth, whose offences were his eminent talents, his inflexible integrity, and his friendship for Mr. Webster; and when the same "friends of General Jackson in New Hampshire," and among them sixty members of the Legislature, sterling Jacksonmen without alloy, sent a whole list of directors for the same branch, to be forced upon the president and directors of the bank for their appointment; when the then Secretary of the Treasury, with an acuteness of discrimination worthy of the keenest disciple of Ignatius Loyola, blended together so skilfully the lines of political purity and political prostitution, for the use of the bank—it was all electioneering for the re-election of President Jackson.

When the Secretary of War, by unlawful orders, took away the payments of pensions in New Hampshire and New York from the branch banks, and gave them to the banks belonging to the "friends of General Jackson"—it was all electioneering for his re-election to the Presidency.

When, upon discovering that the bank was not so tractable under this management as might be desired, the President of the United States, in his first annual message to Congress, denounced the Bank of the United States as unconstitutional, but recommended a Government bank in its stead—this was in both its parts a mere electioneering proposition to secure his own re-election.

When in the subsequent annual messages to Congress of 1830, of 1831, and 1832, the denunciations of the Bank of the United States as unconstitutional were repeated; and when the substance of these denunciations was communicated by anticipation, for the benefit of certain brokers in Wall-street, "friends of General Jackson," before the message was communicated to Congress—this was a mere electioneering expedient to secure his own re-election.

When, in July, 1832, an act for rechartering the Bank of the United States had passed both Houses of Congress, immediately after a full investigation of the affairs of the bank by a committee of this House, the President put his negative upon that act, and told Congress that if they had applied to him, he would have given them a constitutional bank—this veto was a mere electioneering expedient, and the veto message was a pamphlet to secure his own re-election.

Mr. Speaker, I repeat that these are not positions of my own choosing; I say they follow irresistibly from the ground of controversy with the bank, taken by the President of the United States and the Secretary of the Treasury themselves. If the pamphlets, published and circulated by the bank in their own defence, are to be considered as political weapons of electioneering against the re-election of the President, then the efforts of his administration to turn the bank into a political engine to promote the purposes of his partisans, and, upon failure of them, all his subsequent denunciations of the bank, and acts of hostility to that institution, were acts of mere electioneering for himself. His hostility to the bank was a mere courtship of popular favor, and his mode of filling the measure of his country's glory was by using the unpopularity of the bank as the engine to renew his lease of the Government, and to prolong his continuance in power. Sir, it is filling the measure of his country's glory with sparkling champagne; all the liquor overflows, and there is nothing left in the cup.

And now, sir, let us follow the track of the Secretary of the Treasury, and inquire what has been the cost of this contested election to the people of the United States. The Secretary of the Treasury tells you that the sum of sixty thousand dollars, spent in the space of four years upon electioneering pamphlets by the bank, is sufficiently startling. Startling, Mr. Speaker, is an emotion, and not a calculation; the word is sensitive, and not meditative; it indicates passion, and not reflection. It is not the word or the thing best adapted to the operations of a financer. Calculation is always cool. Let us keep ourselves cool and compare accounts. The bank, in the course of four years, have spent sixty thousand dollars in printing and paper, they say in self-defence; the President of the United States says, in electioneering against him, and for a recharter to themselves. This money was the property of the stockholders, and one-fifth part of it (twelve thousand dollars) belonged to the people of the United States. Sir, the people of the United States own seventy thousand shares of the stock of this bank. When the President of the United States declared war against the institution, every one of those shares was worth one hundred and thirty dollars. What are they worth now?

At the utmost, one hundred and five dollars a share. Compare the prices current of the two periods, and you will find that every share of the bank stock owned by the people of the United States, has lost twenty-five dollars of its value to them by this electioneering of the President of the United States, against the bank, and for himself. Twenty-five dollars a share, upon seventy thousand shares, is one million seven hundred and fifty thousand dollars; and this is the sum which the President of the United States has levied upon the people, by his electioneering against the bank and for himself.

Thus, then, stand the comparative accounts. The bank has cost the people of the United States, in electioneering against the President, and for itself, twelve thousand dollars. The President has cost the people, in electioneering against the bank, and for himself, one million seven hundred and fifty thousand dollars. And in this same contest of electioneering, while the bank has expended forty-eight thousand dollars of the money of the other stockholders, the President of the United States has taxed them to the amount of seven millions of dollars. Eight millions seven hundred and fifty thousand dollars is the sum levied by the President of the United States upon the stockholders of the bank, for his electioneering; and the Secretary of the Treasury tells us that sixty thousand dollars expended in the same contest by the bank is sufficiently startling.

There is, indeed, this difference between the sixty thousand dollars money of the stockholders, expended in this contest by the bank, and the eight millions seven hundred and fifty thousand dollars of the same money levied in the same contest by the President. With the sixty thousand dollars, industry was employed, and for them an equivalent was received. Information was circulated among the people upon subjects deeply affecting their own interests, and the materials were supplied for making up a correct public opioion. But the eight millions seven hundred and fifty thousand dollars tax levied upon the stockholders of the bank by the President of the United States, in electioneering for himself, are so much property destroyed. They are so much of the capital stock of the nation consumed as by fire; no information has been communicated by their destruction to the people; no industry has been employed; no equivalent for the loss received. Far otherwise. If there be a widow, or an orphan, whose dower or whose inheritance consisted of ten shares in the stock of the bank, a tax of twenty-five dollars upon each and every one of those shares has been levied upon that widow or orphan, as contributions to his re-election. So much of their property has been taken away from them, not for the benefit of others, but to be destroyed. The capital stock of the Bank of the United States, on the first of January, 1832, was worth, in the market, at least forty-five millions of dollars, and every stockholder in that institution might have paid his debts or purchased land with his stock, at an advance of thirty per cent. To pay debts or to purchase lands at this day, the same stock may be applied at an advance of two, three, or, at most, four per cent. The difference is the tax levied by the President of the United States for his re-election, and his warfare against the bank. Not spent in printing and circulating pamphlets, and propitiating printers, but nullified, destroyed; sunk in depreciation without benefit to any human being.

Thus, then, the reasons of the Secretary of the Treasury, for removing the public deposites from the Bank of the United States and its branches, are insufficient. They are insufficient even for ordering and directing otherwise than that the deposites should be made there, which was the whole extent of his lawful authority. They are worse than insufficient for removing from them funds which had been already deposited there; for which he had no lawful authority, and which was usurpation.

Mr. Speaker, I believe these charges of dishonesty and corruption equally ungenerous and unjust. They are ungenerous, because they are made under the protection of official station, against private citizens, in a manner which deprives them of the means of defending themselves and vindicating their characters. They are unjust, because made, not in the candid, open, and explicit forms which ought to mark all official denunciations against individuals, but in a manner consciously evasive and distrustful of itself, and because they are untrue.

I say they are made under the protection of official station against private citizens; for, sir, let it be remembered that the president and stock directors of the Bank of the United States are not officers of the Government. They are neither appointed, nor removable by the President of the United States. The United States hold seven millions of dollars of the stock. The President and Senate appoint five out of the twenty-five directors, and the charter contains sundry provisions for making the bank the agent of the Government for the performance of certain duties and services. But the president and stock directors are private citizens, entitled to the enjoyments of all the rights of other private citizens. The management of the affairs of the bank is intrusted to them, together with the Government directors, under the general law of corporations, of acting by majorities, and so long as they keep within the pale of action warranted by the laws of the land, a charge of dishonesty or corruption against them, uttered by the President of the United States, or the Secretary of the Treasury, is neither more nor less than slander, emitted under the protection of official station against private citizens. This is both ungenerous and unjust. It is an abuse of the shelter of official station to circulate calumny with impunity.

Observe, too, that those charges, deeply as they affect the character of private individuals, are never made directly against them by name. No! it is *the bank*, that is the monster; the moneyed aristocracy; the mammoth corporation; *that* is the sink of corruption; the purse-proud tyrant, corrupt itself, and practising corruption upon the whole people! And to what an odious extent have these charges been carried! Have you yourself, Mr. Speaker, been exempted from the general imputed contamination? Deeply as you may have been dipped in the Stygian waters of Jacksonism, are you yet not vulnerable at the heel? Has it not been given as a reason for removing the deposites only sixty days before the meeting of Congress, that, if the last Congress had been in session but one week longer, the bank would have corrupted two-thirds of the members of both Houses, and purchased a recharter, beyond the reach of a veto? And were not we, ourselves, was not this present Congress, held accessible to the same corruption, in advance? Was not this formally assigned as the reason for withdrawing the deposites without waiting for our meeting? And is not this infamous imputation authenticated beyond all daring of denial? Infamous, I say, to us, to the people who chose us as their Representatives, and to the president and stock directors of the bank, if true; infamous, if not true, in him who uttered it.

Now, sir, to set you, and all the members of both Houses of the last and of the present Congress aside, and, I say, strip the President and the Secretary of the Treasury of their official stations, and neither of them would dare to say to, or of, Nicholas Biddle, in the presence of credible witnesses, that he was a dishonest or corrupt man; and what I say of Nicholas Biddle, I say of Richard Willing, of Manual Eyre, of Matthew L. Bevan, of Ambrose White, of John Sergeant, of James C. Fisher, of Joshua Lippincott, of Charles Chauncey, of Matthew Newkirk, of Lawrence Lewis, and of John Holmes. These were the directors of the bank who published their defence against the denunciations of the President's cabinet rescript of the 18th of September last. Now, I repeat, strip Andrew Jackson and Roger B. Taney of the little brief authority which invests them with the privilege of slandering their fellow-citizens with impunity, and neither of them would dare to charge any one of those men whom I have named, either before their faces, or any where in the presence of credible, impartial witnesses, with dishonesty or corruption, either in general terms or by any one specification. Neither of them would dare go to the city of Philadelphia, and there, in any possible manner, avow a charge against any one of those men, which could make up an issue for a test of character by a verdict of their peers. It may, indeed, be a question whether even a President of the United States, or a Secretary of the Treasury, does possess the right of pouring forth slanders upon private individuals, wholly without responsibility to the laws protective of character. It cannot be doubted, that, under color of the discharge of official duty, it is in the power of those high dignitaries to blast the reputation of individuals by groundless imputations, for which the injured party would in vain seek reparation or indemnity from the laws of his country. But, even this odious privilege has its limits. Neither a Secretary of the Treasury, nor a President of the United States, is wholly above the law. No one will deny that both of those officers are, as individuals, liable to action or indictment for slanders, like others; and there seems to be a full consciousness of this, in the undeviating uniformity with which they point their official defamation at the bank, instead of directing their charges, as fair and honorable adversaries ought to do, at the president and stock directors of the bank, the real objects of their accusations.

When the President of the United States said that if the last Congress had continued in session one week longer, the bank would, by corrupt means, have procured a recharter by majorities of two-thirds, in both Houses of Congress, to what portion of the members of both Houses did this honorable testimonial of his confidence specially apply? At the preceding session of the same Congress, a bill to recharter the bank had passed the Senate by a vote of 28 to 20. It had passed in the House by a vote of 107 to 85, and this was immediately after an investigation of the affairs of the bank, by a committee of the House, who went to Philadelphia for that express purpose, and every member of that committee is also a member of this House. Of the 107 members of the House who voted for that recharter, 50 are members of this House; of the 85 members who voted against it, 41 are members of the present House; and there is in this proportion, on both sides, a coincidence so remarkable, that I cannot help inviting to it the attention of the House. It has been assumed by the President of the United States, and repeated by the Secretary of the Treasury, and by the report of the Committee of Ways and Means, that the re-election of the President, after his veto upon this very bill to recharter the bank, is of itself equivalent to a verdict of the people against the bank. Mr. Speaker, I shall not inquire what sort of an estimate this position supposes the people to have formed of all the other measures of a four years' administration. It seems to me an admission, that in all the rest of his measures, the people saw and felt nothing, which could have secured to him his re-election, but that this crushing of the monster, was not only meritorious in itself, but sufficient to outweight a mass of demerit, in the whole system of the administration besides, which would have forfeited the claim to that approbation of the people of which the result of the election was the test. Sir, if the President of the United States is willing that his reputation as a statesman at the head of this Union, should go down upon the records of this age, to the admiration of after times, on the single and solitary foundation of his having destroyed the Bank of the United States, I can have no possible objection to his being gratified. He will suffer no injustice by having that measure applied to his foot as the standard, and then inferring from that the whole man. "*Ex pede Herculem,*" all the rest will be perfectly congenial with it; and such I have no doubt will be the judgment of posterity. But, sir, if his re-election can, with any pretence of reason, be considered as an evidence of the sentence of condemnation by the people, against the bank, then I say that the re-election of the members of the House, who voted for and against that bill to re-charter the bank, is evidence far more conclusive and unequivocal of the sentiments of the people with regard to the bank and the recharter, than the presidential election was or could be. Now, sir, every member of this House who voted for or against that bill to recharter the bank, has passed through that ordeal of re-election since he gave that vote; and it so happens that the proportion of re-elected members of those who voted for and against the recharter, is precisely the same. One member of the House who voted for the recharter, Philip Doddridge, of Virginia, we soon after followed, in melancholy procession, to the grave; and sure I am, that there is not a Virginian heart who hears me, but will respond to me when I say that his vote was no feeble testimonial of the purity of purpose with which every vote was given on that occasion, which now stands recorded in association with his. Had he lived and consented to serve, there can be no doubt that he would still have been one of us. There would then have been 51 re-elected members of 107 members, who voted for the recharter; there are 41 of 85 who voted against it; and as 41 is to 85, so is 51 to 107. Sir, the doctrine of chances, and all the other elements which are mingled up in the process of electioneering throughout this whole Union, has not produced a variation from the proportion, to the amount of a single man; and what is the inference that I draw from this curious and extraordinary arithmetical demonstration? Why, sir, that all the members on both sides of the question, those who voted for and those who voted against the recharter, faithfully represented the sentiments of their respective constituents; and this result, so uniform of the elections to this House throughout the whole Union, is of itself an honorable vindication of the integrity of its members, from the baseness imputed to them by the Chief Executive Magistrate.

This vindication, it must also be observed, is more necessary to that portion of the members of the House who voted against the recharter, and were the devoted friends of the President and of his administration, than to the rest. It was from the 85 members who voted against the recharter that the recruits of corruption must have been levied, to constitute with the 107 who had already voted for the recharter, that majority of two-thirds which could have effected the recharter in defiance of the veto. Of the 85 names which stand thus recorded, 21 must have changed their votes from the negative to the affirmative before the recharter could have been accomplished by a majority of two-thirds; and this is what the President of the United States considered not only as practicable, but as certain to have been effected, by corrupt means, if the last session of Congress had continued one week longer. Mr. Speaker, I do not believe there was one member of the last Congress who voted against the rechartering of the bank, who could have been induced to change his vote by corrupt means, had the president and directors of the bank been base enought to attempt the use of them. I believe this imputation to have been as unjust as it was dishonorable to both the parties implicated in it. That it was cruelly ungenerous towards the friends of the administration in this House is my deliberate opinion; and, as I am well assured, that there was not one of them justly obnoxious to the suspicion, so there is no one of them who can be considered exempted from it. And now, when we reflect that this defamatory and disgraceful suspicion, harbored or professed against his own friends, supporters, and adherents, was the real and efficient cause, (to call it a reason would be to shame the term,) but that it was the real motive for the removal of the deposites during the recess of Congress, and only two months before its meeting, what can we do but hide our heads with shame? Sir, one of the duties of the President of the United States—a duty as sacred as that to which he is bound by his official oath—is that of maintaining unsullied the honor of his country. But how could the President of the United States assert, in the presence of any foreigner, a claim to honorable principle or moral virtue, as attributes belonging to his countrymen, when he is himself the first to cast the indelible stigma upon them. "*Vale, venalis civitas, mox peritura, si emptorem invenias,*" was the prophetic curse of Jugurtha upon Rome, in the days of her deep corruption. If the imputations of the President of the United States upon his own partisans and supporters were true, our country would already have found a purchaser.

Mr. Speaker, the reason thus assigned by the President of the United States to his Secretary of the Treasury, Mr. Duane, for removing the public moneys from the Bank of the United States, before the meeting of Congress, is not among those which his Secretary of the Treasury, Mr. Taney, has assigned to Congress after their meeting. That it was the true and efficient cause of that removal is evident, not only from the positive testimony of Mr. Duane, in his third letter to the people of the United States, but from the utter futility of the reasons assigned by Mr. Taney. There is an evidence in facts themselves, and in the characters of men, which authenticates testimony, beyond the reach of denial. Mr. Duane states that after Mr. Reuben M. Whitney, on the very day when he, Mr. Duane, entered upon his duties as Secretary of the Treasury, had communicated to him the determination of the President to cause the public deposites to be removed before the meeting of Congress, the President himself, the second day after, confirmed the information, and said, "that the matter under consideration was of vast consequence to the country; that, unless the bank was broken down, it would break us down; that, if the last Congress had remained a week longer in session, two-thirds would have been secured for the bank by corrupt means, and that the like result might be apprehended the next Congress; that such a State bank agency must be put in operation before the meeting of Congress as would show that the United States Bank was not necessary; and thus some members would have no excuse for voting for it."

"My suggestions (adds Mr. Duane) as to an inquiry by Congress, as in December, 1832, or a recourse to the judiciary, the President repelled, saying it would be idle to rely upon either; referring, as to the judiciary, to the decisions already made as indications of what would be the effect of an appeal to them in future."

These, then, were the effective reasons of the President for requiring the removal of the deposites before the meeting of Congress. The corruptibility of the Congress itself, and the foregone decisions of the Supreme Court of the United States—the legislative and judicial authorities were alike despised and degraded. The executive will was substituted in the place of both. These reasons had already been urged, without success, upon one Secretary of the Treasury, Louis McLane; he had been promoted out of office, and they were now pressed upon the judgment and pliability of another. He, too, was found refractory, and displaced. A third, more accommodating, was found in the person of Mr. Taney. To him the reasons of the President were all-sufficient, and he adopted them without reserve. They were all summed up in one—

"Sic volo, sic jubeo, stet pro ratione voluntas."

It is to be regretted that the Secretary of the Treasury did not feel himself at liberty to assign this reason. In my humble opinion, it ought to have stood in front of all the rest. There is an air of conscious shamefacedness in the suppression of that which was so glaringly notorious; and something of an appearance of trifling, if not of mockery, in presenting a long array of reasons, omitting that which was at the foundation of them all.

In the annual message of the President of the United States to Congress, at the commencement of their last session, a complete system of administration for the future government of this Union was set forth at full length, the single principle of which was declared to be to reduce the Government of the Union to a simple machine; and its ultimate object to sacrifice all other interests to those of the best part of the population. The simple machine was the means—the exclusive benefit of the best part of the population was the end of this system of Government. As illustrations of the great design, the message went much into detail upon four principal objects of national concernment, and the policy resulting from the whole system was, the determination to give away all the public lands to the best part of the population; to withdraw all protection from domestic industry; to renounce forever all undertaking of internal improvements; and to annihilate the Bank of the United States.

The destruction of the bank is but one of the four elements of this stupendous system. This, we have been told repeatedly by quasi official authority, had been resolved before ever the President left Tennessee to come and assume the reins of Government here. The destruction of the bank was necessary, both to the simplification of the machine, and to the accomplishment of the end. The bank presented an obstacle to the absolute and unlimited control and disposal of the whole revenue of the country. So long as the public funds were deposited in the Bank of the United States and its branches, they could not be used for the purpose of political partisans, or for gambling in the public stocks. So long as the bank could sustain the credit of the commercial community, it would be impossible to break all the traders upon borrowed capital, certainly not the best part of the population, probably, in the estimation of our Lycurgus, the worst.

The reason, then, paramount to all others, for the removal, by the Secretary of the Treasury, of the public deposites from the Bank of the United States, was the will of the President of the United States. It was a part of his system for simplifying the machine of Government. It was a part of his system for breaking all traders upon borrowed capital. It was a part of his system of ultimately reverting to a hard money currency, and prostrating every other interest in the community before the holders of lands and the holders of slaves. The measure was admirably adapted to all these purposes. What possible contrivance could have been so well suited to simplify the machine? It placed the whole revenue of the Union at all times at his disposal, for any purpose to which he might be disposed to apply it. In vain had the constitution of the United States solemnly enjoined that not a dollar of public money should ever issue from the Treasury unless in consequence of public appropriations made by law. In vain had the laws cautiously stationed the Register, the Comptroller, the Treasurer, as checks upon the Secretary of the Treasury, so that the most trifling sum in the treasury should never be accessible to any one, or even any two men. With a removal of the deposites and a transfer draft, millions upon millions may be transferred by the stroke of the pen of a supple and submissive Secretary of the Treasury, from place to place, at home or abroad, wherever any purpose, personal or political, may thereby be pro moted. All the perplexing complications of constitutional principle, all the jealous bolts and bars upon the gates of the treasury, all the vigilant sentinels stationed before them to guard them from intrusion, all vanish before this magic wand of the Secretary. At the "Open Sesame" of a transfer draft,

> "On a sudden open fly,
> With impetuous recoil and jarring sound,
> The brazen doors, and on their hinges grates
> Harsh thunder;"

surely nothing can be more simple!

To this same final object of simplifying the machine, two other maxims have been proclaimed as auxiliary fundamental principles of the present administration. First, that the contest for place and power in this country is a state of war, and all the emoluments of office are the spoils of victory. The other, that it is the invariable practice of the President to reward his friends and punish his enemies.

The selection of any bank as a place of deposite, is at once a loan without interest, and a grant of public money. It is a grant of all the profit which the bank makes by the use of the money. The Secretary of the Treasury might himself be a stockholder in every bank which he has selected as a public depository, as well as in one. What a simplification of the machine of Government! What a glorious opportunity to reward friends and punish enemies! What a distribution of the spoils of victory! Establish the precedent, and the next step will be to make it a condition of selection that the Secretary of the Treasury shall be a stockholder in the bank. It is very certain that none have been or will be selected any where, but such as are devoted friends to General Jackson. The officers of all such banks, their presidents, cashiers, directors, stockholders, debtors, and creditors, are all linked together, by the depositary tie, as friends and supporters of General Jackson; and if any one of them should flinch for a moment from his fealty, a transfer draft shall forthwith punish him as an enemy, just as a transfer draft rewarded him as a friend. What an admirable simplification of the machine of Government! What an unrivalled device for the benefit of the best part of the population!

Mr. Speaker, in the review of the reasons which have been assigned, as well as of that which has been suppressed, for this unlawful and unjust removal of the public deposites from the Bank of the United States and its branches to institutions unknown to your laws, and unchecked by your control, it has been my purpose to confine myself rigorously to the question before you. If any thing that I have said on this, or a former day, bearing specially upon the conduct or character of the present Chief Magistrate, as implicated in these transactions, should have been offensive to his friends and supporters here, I shall regret the circumstance, and pray the House to be assured that I have said nothing but under the dictates of a commanding duty. With regard to any personal relations which may have existed heretofore, or may now exist, between him and me, I shall say nothing. They form a part of the history of the country, and to the judgment of posterity I cheerfully leave them. When, as a representative of the people, I entered upon this floor, it was with a firm determination to support his administration in every measure which my conscience could approve, and to rebuke him and his administration for every measure, if any such should occur, which I honestly believed derogatory to the honor or pernicious to the interests of my country. During the time that I have been engaged in this service, I have supported his administration at more than one of its times of trial. I supported it in the tariff of 1832; I supported it in the revenue collection bill of the last session; supported it on both occasions against men whom I respect and esteem; supported it with an opposition and resistance to them from which I never would have receded. I hailed his proclamation as an exposition of constitutional principles, in general sound and creditable, though I could neither conceal to myself, nor disguise to others, its utter and irreconcilable inconsistency with the annual message sent to Congress but six days before. Of that annual message it became my duty to expose, by a full analysis, the radical, fundamental, and most pernicious errors, of which we are now barely beginning to taste the bitter fruits.

In his rancorous and unrelenting hostility to the respectable and worthy president and directors of the Bank of the United States I have never shared. It has appeared to me a passionate ebullition of anger and revenge, sophisticated into a self-conceit of unbending patriotism. I voted for the bill to recharter the bank, and deeply lamented, as I still deeply lament, the veto which rejected it. To that measure I look as the primary cause of all the miseries we are now enduring, and of the deeper and deepening woes that await our futurity. It is that veto which has been snatching from the mouths of labor its daily bread, and calling down upon itself the curses of the widow and the heart-rending cries of the orphan. And what have we seen as its consequences already? A President of the United States afraid of assassination! A President of the United States barring his gates and bolting his doors against deputations of his suffering fellow-citizens, and turning a deaf ear to their complaints! The removal of the public deposites is but a natural sequel to the veto of the recharter. It was not enough to put the victim to death, unless its dying hour could be made to agonize with torture. For all this, in the deep affliction of my soul, I say the President of the United States is personally responsible to this people. For every word that I have here said, or may say of him, I hold myself responsible to him, to my constituents, and my country. But I can have no controversy with any one or more of his admirers in this House, and shall make no reply to their sallies of temper exercised upon me in retaliation for my animadversions, in the discharge of my duty, upon him. It would not become me to speak here in the fear of him. They must not expect me to be silent for the fear of them. I believe them more honest than he believes them himself. If they are contented with that character which he gave of them to his confidential counsellor and Secretary, whom he dismissed for refusing to be the servile instrument of his will, I shall not disturb their self-satisfaction. In repelling with indignation, as a member of this and of the last Congress, his imputation of the rankest corruption upon the whole body of them both, I have not departed one hair's breadth from the subject of deliberation now before the House. That imputed rank corruption he assigned to his confidential counsellor and Secretary as his reason for insisting upon the removal of the public deposites before the meeting of the present Congress. It was, like all the reasons assigned by the Secretary, unlawful and unjust.

In conclusion, Mr. Speaker, I am well aware that I cannot expect to find myself in the majority in this House upon any question relating to this subject; but I would fain indulge the hope that the majority will take this question directly, without retreating from it, without flinching before it. Are the reasons assigned by the Secretary of the Treasury for changing the depository of the public funds from places prescribed by law to places selected at his will—are they, or are they not, sufficient to justify the measure? With perfect respect for the majority of this House, to whom I now address myself, I say, is it not your duty to your constituents (and I mean thereby the whole people of the Union) to answer that question, ay or no? The corporation of the Bank of the United States, and of that body the United States themselves, as stockholders, form a part, have formally complained of this act of the Secretary as of a wrong done to them, and they have petitioned you for redress. Permit me to say, it will be no sufficient answer to this complaint and petition for redress, to tell them that the bank shall not be rechartered. It will not be sufficient to say the bank is unconstitutional. It will not be sufficient to call it a monster, a tyrant, a corrupt moneyed aristocracy; to aver that it has used its power to control the press, to influence elections, or to produce the present pressure. Still less will it be sufficient, after repeating from year to year to every pillar of this House, till the very echoes are ashamed to return the sound, that the bank has committed all these crimes, to appoint a strolling committee to perambulate this whole Union, from Portland to New Orleans, and from Philadelphia to St. Louis, to inquire and report to this House whether the bank has committed them or not! The question to be answered is, has your Secretary of the Treasury wronged the bank, or has he not? Has he taken their property and converted it to the use of others?—including himself. If you shrink from answering this question, it will be an argument of strong prevailment, to those who shall occupy these seats hereafter, that you dared not meet it. The complaint of wrong and the petition for redress will survive you. "The evil that men do lives after them." The Bank of the United States will die; but its ghost will haunt this hall, though justice should be denied by Congress after Congress—perhaps from age to age—and your evasion of the question will be a standing recommendation of the claim, till importunity shall extort from your successors the reparation sought in vain from you.

Nor is this the only duty incumbent upon you--*upon you*--upon the majority of this House. The fate of the people and of their posterity is in your hands. The experiment undertaken by the Chief Executive Magistrate is, in its nature, an assumption by him of legislative power; but it cannot be consummated without your assent and co-operation. Most of you have been elected as members of this House under pledges to support his administration. How many of you were aware that, in redemption of this pledge, you would be called to surrender to him your own peculiar and appropriate functions of legislation?--to pervert the forms, and invert the substance, of that division of powers without which we have been taught from our childhood that freedom is but the shadow of a shade. Your constitution has committed its legislative powers to Congress, and the executive power to the President of the United States. But, now, the President has constituted himself the legislator, and calls upon you to execute his ordinances and decrees; and you, in this House, are about to respond to his call, because you are pledged to support his administration. Representatives of the people of the North American Union, is it for this that you were elected the trustees of their interests? the guardians of their rights? Is there no way but by laying them at the feet of Andrew Jackson that you can support his administration? Nearly two centuries since, in the same unblessed year which restored the Stuarts to the throne of England, the representative of the people of Denmark formally surrendered into the hands of their King the whole power of the nation; and, since that time, the Government of Denmark has been a marvellously simple machine. Is that, in the annals of nations, the example which, of all others, you would be ambitious of imitating? Mr. Speaker, in the gloomy hours of anticipation, which the actual condition of our country has, for the last four months, forced upon me, I have sometimes cheered for a moment my thick-coming fancies, by imagining what, in the present crisis of our history, the representatives of the people of this Union might be, and what they ought to be. I have pictured to myself a House of Representatives, in the short period of a two years' existence, erecting to itself a monument of imperishable renown; establishing for itself a reputation in after times of faithful co-operation with the other departments of the Government in promoting the welfare, and protecting the interests of the people, their constituents, and, at the same time, of inflexible tenacity and unyielding adherence to the principles of the constitution, and the theory of human liberty, handed down to them from their fathers to be transmitted to their children. I have asked myself what that small but steadfast band of statesmen and of heroes, whose forms salute us as we daily pass through yonder rotundo to and from this hall, in the very act of signing the Declaration of Independence; I have asked myself what would be their charge to us, their children and descendants, could they speak from the canvass as we pass them by; would they tell us that the summit of human glory is to be scaled by demolishing a bank? That the benisons of mankind are to be bought by the closure of a broker's shop? That half a dozen worthy and respectable traders of Philadelphia are tyrannizing over the nation in the guise of bank directors; and that, unless we take from them the power of loaning money, and calling at the appointed time for its repayment, they will trample our laws, our constitutions, and our liberties, under their feet? Sir, could the patriots of 1776 come down from the side of the wall, enter in solemn procession within these doors, take seats in front of your chair, and witness our deliberations, with what amazement would they learn the propositions submitted to us, and listen to the resolutions prepared for our adoption? Startled, as they well might be, at the shrieks and groans of agonizing freedom which they would hear reverberating within and around this Capitol, would they not inquire, what Attila, what Alaric, what Gengis Khan, had poured his hordes of Goths, of Vandals, or of Tartars, over our fertile fields, our peaceful plantations, and our late flourishing farms? What scourge of God had desolated our cities? What convulsion of nature had palsied the arm of industry? had furled the sails of commerce to mildew at your wharves? had silenced the mill-clap, the shuttle, and the loom? had banished the merchant from the exchange? had severed the ploughman from his plough? the mechanic from his implements of toil? and the daily laborer from his daily bread? Would they not inquire, what is, of all this, the cause? And how would they blush, or weep, to hear one-half of this House respond to their inquiry, the bank! and the other half, the removal of the deposites! Sir, the pressure of the removal of the deposites is nearly past; it has ruined its thousands, and afflicted its millions; but the simoom has blown over, and they who prostrated themselves on their faces before the blast survive unhurt, and may rise, and yet find their way out of the desert.

The pressure, from the removal of the deposites, is passing away. The prosperity of a great nation cannot long suffer from so trifling an incident as that. But the wrong is done, and its consequences will remain festering and inflaming the body of the community until that wrong shall be repaired. Your President has usurped legislative power; he has laid his hands upon your treasure, and he is now converting it to his own purposes. He has seized it, and now wields it as a weapon of power to himself, and an instrument of plunder to his partisans. Yet his experiment has but just commenced; its object is not merely to destroy, but to break the bank. His chosen State banks are to be his depositories and engines, to restore a metallic currency. With what intuitive sagacity are the means adapted to the end! Sir, his State banks would land the nation, they are already hurling it, into universal bankruptcy. His hand must be stayed, or the nation is undone. Mr. Speaker, thanks to the guardian angel of our Union, there is, even now, there is a power that stays his hand. His seizure of the public treasure will receive no sanction of law. His usurpation

of legislative power will remain a warning, and not an example, to his successors. Sir, is it to the representatives of the people, or to the representatives of the States, that future ages will look back for the fortitude that withstands usurpation, and for the energy that redeems the violated form of freedom? Shall the verdict of the next century pronounce that we have vindicated the rights of the people? that we have been true to our appropriate trust? that we have shaken off the shackles of party spirit? that we have burst the bonds of idolized mortality? Or shall that crown of glory be reserved for our fellow-servants in the northern wing of this Capitol? Mr. Speaker, there stands the Muse of History* prepared to record our votes. May they be such as we shall remember with consolation at the last hour of our lives!

NOTES TO MR. ADAMS'S SPEECH.

Collection act of 31st July.

(1) Sec. 5. *And be it further enacted*, That the duties of the respective officers, to be appointed by virtue of this act shall be as follows: It shall be the duty of the collector to receive all moneys paid for duties, and to take all bonds for securing the payment of duties.

(2) Sec. 9. *And be it further enacted*, That the collectors to be appointed by virtue of this act, shall respectively keep true and fair accounts of all their transactions relative to their duty as officers of the customs, in such manner and form as may be directed by the proper department or officer appointed by law to superintend the revenue of the United States; and shall, at all times, submit their books, papers, and accounts to the inspection of such persons as may be appointed for that purpose: And the collectors of the different ports shall, at all times, pay to the order of the officer who shall be authorized to direct the same, the whole of the moneys which they may respectively receive by virtue of this act.

(3) Sec. 19. *And be it further enacted*, That all duties on goods, wares, and merchandise, imported, shall be paid by the importers before a permit shall be granted for landing the same, unless the amount of such duties shall exceed fifty dollars; in which case, it shall be at the option of the party making entry to secure the same by bond, with one or more sufficient sureties, to be approved of by the collector, and made payable as followeth, to wit: For the duties upon all articles of West India produce, within four months; for the duties upon all Madeira wines, within twelve months; and for the duties upon all other goods, within six months.

(4) Sec. 30. *And be it further enacted*, That the duties and fees, to be collected by virtue of this act, shall be received in gold and silver coin only.

(5) *From the act to establish the Treasury Department, 2d September*, 1789.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be a Department of Treasury, in which shall be the following officers, namely: a Secretary of the Treasury, to be deemed head of the Department; a Comptroller, an Auditor, a Treasurer, a Register.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to digest and prepare plans for the improvement and management of the revenue, and for the support of public credit; to prepare and report estimates of the public revenue and the public expenditures; to superintend the collection of the revenue; to decide on the forms of keeping and stating accounts, and making returns; and to grant, under the limitations herein established, or to be hereafter provided, all warrants for moneys to be issued from the Treasury in pursuance of appropriations by law. (See above, the 9th section of the collection law.)

Sec. 4. *And be it further enacted*, That it shall be the duty of the Treasurer to receive and keep the moneys of the United States, and to disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned by the Comptroller, recorded by the Register, and not otherwise; he shall take receipts for all moneys paid by him; and all receipts, for moneys received by him, shall be endorsed upon warrants signed by the Secretary of the Treasury; without which warrant so signed, no acknowledgment for money received into the public treasury shall be valid.

(6) The following extracts from the journals of the Congress of the confederation exhibit that necessity in the strongest light:

Journal of Wednesday, June 21, 1780.

A letter of this day, from the board of war, was read, informing that a number of patriotic persons have formed a plan for the establishment of a bank, whose object is the public service; that the directors have applied to that board to represent to Congress the desire of the company that a committee of this body may be appointed to confer with the inspectors and directors on the subject to-morrow morning: Whereupon,

Ordered, That a committee of three be appointed for the purpose above mentioned. The members chosen, Mr. Ellsworth, Mr. Duane, and Mr. Scott.

Thursday, June 22, 1780.

The committee appointed to confer with the inspectors and directors of the proposed bank brought in a report, which was read.

The committee also laid before Congress the plan of the bank, communicated to them at the said conference; which being read, Congress thereupon came to the following resolutions:

Whereas, a number of the patriotic citizens of Pennsylvania have communicated to Congress a liberal offer on their own credit, and by their own exertions, to supply and transport three millions of rations, and three hundred hogsheads of rum, for the use of the army, and have established a bank for the sole purpose of obtaining and transporting the said supplies with greater facility and despatch: And, whereas, on the one hand, the associators, animated to this laudable exertion by a desire to relieve the public necessities, mean not to derive from it the least pecuniary advantage; so, on the other, it is just and reasonable that they should be fully reimbursed and indemnified: Therefore,

Resolved, unanimously, That Congress entertain a high sense of the liberal offer of the said associators to raise and transport the before-mentioned supplies for the army, and do accept the same as a distinguished proof of their patriotism.

Resolved, That the faith of the United States be, and the same hereby is, pledged to the subscribers to the said bank, for their effectual reimbursement and indemnity in the premises.

Resolved, That the board of treasury be directed to deposite in the said bank bills of exchange in favor of the directors thereof, on the ministers of these United States, in Europe, or any of them, and in such sums as shall be thought convenient, but not to exceed in the whole £150,000 sterling; that the said bills are to be considered not only as a support of the credit of the said bank, but as an indemnity to the subscribers for all deficiencies of losses and expenses which they may sustain on account of their said engagements, and which shall not, within six months from the date thereof, be made good to them out of the public treasury; and, in case of failure, such a proportion of the said bills as shall be requisite to make good the said deficiency, shall be negotiated for that purpose, by the said directors, and the residue thereof returned into the treasury.

Resolved, That upon representation made that the bank stands in need of occasional assistance, Congress will advance as much of their current money as can be spared from other services.

Resolved, That a standing committee of Congress be appointed to confer with the officers of the said bank, as occasion may require. The members chosen, Mr. Ellsworth, Mr. Duane, and Mr. Scott.

The next notice of a bank is of

Saturday, May 26, 1781.

Resolved, That Congress do approve of the plan for establishing a national bank in these United States, submitted to their consideration by Mr. R. Morris, the 17th May, 1781; and that they will promote and support the same, by such ways and means, from time to time, as may appear necessary for the institution, and consistent with the public good.

That the subscribers to the bank shall be incorporated agreeably to the principles and terms of the plan, under the name of the "President, Directors, and Company of the Bank of North America," so soon as the subscription shall be filled, the directors and president chosen, and application for that purpose made to Congress by the president and directors elected.

Resolved, That it be recommended to the several States, by proper laws for that purpose, to provide that no other bank or bankers shall be established, or permitted within the said States, respectively, during the war.

Resolved, That the notes hereafter to be issued by the said bank, payable on demand, shall be receivable in payment of all taxes, duties, and debts due, or that may become due or payable, to the United States.

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* The beautiful statue, in the wheel of whose car is the clock, behind and over the Speaker's chair, in the attitude of recording as the hands of the clock revolve.

Resolved, That Congress will recommend to the several Legislatures to pass laws, making it felony, without benefit of clergy, for any person to counterfeit bank notes, or to pass such notes knowing them to be counterfeit; also making it felony, without benefit of clergy, for any president, inspector, director, officer, or servant of the bank to convert any of the property, money, or credit of the said bank to his own use, or in any other way to be guilty of fraud or embezzlement, as an officer or servant of the bank.

Saturday, December 29, 1781.

An ordinance for incorporating the subscribers to the national bank was read a first time.

Ordered, That Monday next be assigned for a second reading.

Monday, December 31, 1781.

The ordinance was read a second and a third time, and agreed to.

(7) On the 9th of August, 1790, immediately before the close of the second session of the first Congress, and when the collection law had been about one year in operation, the following order was adopted by the House of Representatives:

Ordered, That the Secretary of the Treasury be directed to prepare and report to this House, on the second Monday of December next, such further provisions as may in his opinion be necessary for establishing the public credit.

Considerations on the Currency, by Albert Gallatin, page 42.

The capital of the State banks existing in the year 1790 amounted to about $2,000,000. The former Bank of the United States was chartered in 1791, with a capital of $10,000,000. The charter was not renewed; but in January, 1811, immediately before its expiration, there were in the United States eighty-eight State banks, with a capital of $42,610,000, making then, together with that of the national bank, a banking capital of near $53,000,000. In June, 1812, war wasde clared against England; and in August and September, 1814, all the banks south and west of New England suspended their specie payments.

Considerations on the Currency, page 44.

The creation of new State banks, in order to fill the chasm, was a natural consequence of the dissolution of the Bank of the United States; and, as is usual under such circumstances, the expectation of great profits gave birth to a much greater number than was wanted. They were extended through the interior parts of the country, created no new capital, and withdrew that which might have been otherwise lent to Government, or as profitably employed. From the 1st of January, 1811, to the 1st of January, 1815, not less than one hundred and twenty new banks were chartered, and went into operation, with a capital of about forty, and making an addition of near $30,000,000 to the banking capital of the country.

Considerations on Banking and Currency, page 45.

The increase of issues from forty-five and a half to sixty-eight millions, or of about fifty per cent., within the first fifteen months of the suspension of specie payments, was the natural consequence of that event.

Considerations on Banking and Currency, page 46.

We have stated all the immediate and remote causes within our knowledge, which occurred in producing that event; and, although the effects of a longer continuance of the war cannot be conjectured, it is our deliberate opinion that the suspension might have been prevented at the time when it took place, had the former Bank of the United States been still in existence. The exaggerated increase of State banks, occasioned by the dissolution of that institution, would not have occurred. That bank would, as before, have restrained within proper bounds and checked their issues; and, through the means of its offices, it would have been in possession of the earliest symptoms of the approaching danger. It would have put the Treasury Department on its guard; both, acting in concert, would certainly have been able at least to retard the event. And as the treaty of peace was ratified within less than six months after the suspension took place, that catastrophe would have been altogether avoided.

We have already adverted to the unequivocal symptoms of renewed confidence shown by the rising value of bank notes which followed the peace. This would have greatly facilitated an immediate resumption of specie payments, always more easy, and attended with far less evils, when the suspension has been of short duration. The banks did not respond to that appeal made by public opinion; nor is there any evidence of any preparation or disposition on their part to pay their notes in specie until after the act to incorporate the new Bank of the United States had passed. We are inclined to ascribe this principally to the great difficulty of bringing the various banks in our several commercial cities to that concert which was indispensable. But it cannot be concealed, that, in such a situation, the immediate and apparent interest of the banks is in opposition to that of the public. It is well known that the Bank of England, though apparently disposed at first to resume its specie payments, found a continued suspension extremely convenient and profitable; that, during that period of twenty years, its extraordinary profits, besides raising the usual dividend from seven to ten per cent., amounted to thirteen millions of pounds sterling, and that it accordingly threw obstacles in the way of the resumption. The State banks of the United States were only inactive in that respect, and did not impede that desirable event; but they used the advantages incident to the situation in which they were placed; and to what extent their issues were generally increased has already been shown.

Considerations on Banking and Currency, page 47.

It will be found, by reference to the report of the Secretary of the Treasury, of December, 1815, that his recommendation to establish a national bank was, in express terms, called "a proposition relating to the national circulating medium," and was exclusively founded on the necessity of restoring specie payments and the national currency. He states it as a fact incontestably proved, that the State banks could not, at that time, be successfully employed to furnish a uniform national currency. He mentions the failure of one attempt to associate them with that view; that another attempt, by their agency in circulating Treasury notes, to overcome the inequalities of the exchange, has only been partially successful; that a plan recently proposed, with the design to curtail the issues of bank notes, to fix the public confidence in the administration of the affairs of the banks, and to give to each bank a legitimate share in the circulation, is not likely to receive the general sanction of the banks; and that a recurrence to the national authority is indispensable for the restoration of a national currency. Such was the contemporaneous and deliberate opinion of the officer of the Government, who had to struggle against the difficulties of a paper currency, not only depreciated, but varying in value from day to day, and from place to place.

It was not till after the organization of the Bank of the United States, in the latter part of January, 1817, that delegates from the banks of New York, Philadelphia, Baltimore, and Virginia, assembled in Philadelphia, for the purpose of agreeing to a general and simultaneous resumption of specie payments. A compact, proposed by the Bank of the United States, and ratified by the Secretary of the Treasury, was the result of that convention. The State banks engaged to commence and continue specie payments, on various conditions, relative to the transfer and payment of the public balances on their books, to the Bank of the United States, and to the sum which it engaged previously to discount for individuals, or, under certain contingencies, for the said banks; and also with the express stipulation that the Bank of the United States, upon any emergency which might menace the credit of any of the said banks, would contribute its resources to any reasonable extent in support thereof, confiding in the justice and discretion of the banks, respectively, to circumscribe their affairs within the just limits indicated by their respective capitals, as soon as the interest and convenience of the community would admit. To that compact, which was carried into complete effect, and to the importation of more than seven millions of dollars in specie from abroad, by the Bank of the United States, the community is indebted for the universal restoration of specie payments, and for their having been sustained, during the period of great difficulty, and of unexampled exportation of specie to China, which immediately ensued.

Among the difficulties which the bank had to encounter, must be reckoned the effort made to alleviate the distress which always attends the return from a depreciated to a sound currency.

Considerations on Banks and Currency, page 50.

The distress that took place, therefore, at that time, (1819,) may be clearly traced to the excessive number of State banks incorporated subsequently to the dissolution of the first Bank of the United States, and to their improvident issues. Those of the country banks of Pennsylvania alone amounted, in November, 1816, to $4,756,460, and had been reduced in November, 1819, to $1,318,976. A committee of the Senate of that State, appointed in December, 1819, to inquire into the extent and causes of the present general distress, ascribe it, as we do, to the improvident creation of so many banks, as will appear from the following extract from their report:

"At the following session, the subject was renewed with increased ardor; and a bill, authorizing the incorporation of forty-one banking institutions, with capitals amounting to upwards of $17,000,000, was passed by a large majority. The bill was also returned by the Governor with additional objections; but two-thirds of both Houses (many members of which were pledged to their constituents to that effect,) agreeing on its passage, it became a law on the 21st March, 1814; and thus was inflicted on the Commonwealth an evil of a more disastrous nature than has ever been experienced by its citizens. Under this law thirty-seven banks, four of which were established in Philadelphia, actually went into operation."

Considerations on Banking and Currency, page 50.

We have an account of one hundred and sixty-five banks that failed between the 1st of January, 1811, and the 1st of July, 1830. The capital of one hundred and twenty-nine of these amounted to more than $24,000,000, stated to have been paid in. The whole amount may be estimated at near thirty millions, and our list may not be complete. The capital of the State banks, now existing, amounts to about one hundred and ten millions. On a total capital of one hundred and forty millions, failures have amounted to thirty, or to more than one-fifth of the whole.

Considerations on Banks and Currency, page 84.

The manner in which the bank checks the issues of the State banks is equally simple and obvious. It consists in receiving the notes of all those which are solvent, and requiring payment from time to time, without suffering the balance due by any to become too large. Those notes on hand, taking the average of the three and a half last years, amount always to about a million and a half of dollars; and the balances due by the banks in account current, (deducting balances due to some,) to about nine hundred thousand. We think that we may say, that, on this operation, which requires particular attention and vigilance, and must be carried on with great firmness and due forbearance, depends, almost exclusively, the stability of the currency of the country.

(8) *Extract of the reply of the Secretary of the Treasury to the Chairman of the Committee of Ways and Means, dated 14th October*, 1814.

The establishment of a national institution, operating upon credit, combined with capital, and regulated by prudence and good faith, is, after all, the only efficient remedy for the disordered condition of our circulating medium. While accomplishing that object, too, there will be found, under the auspices of such an institution, a safe depository for the public treasure, and a constant auxiliary to the public credit. But, whether the issues of a paper currency proceed from the national treasury or from a national bank, the acceptance of the paper in a course of payments and receipts must be forever optional with the citizens. The extremity of that day cannot be anticipated, when any honest and enlightened statesman will again venture upon the desperate expedient of a tender law.

It is proposed that a national bank shall be incorporated for a term of twenty years, to be established at Philadelphia, with a power to erect offices of discount and deposite elsewhere. [Legislative and Documentary History of the United States Bank, page 481.]

(9) *Extract from the report of the Secretary of the Treasury, on the state of the finances, December* 6, 1815.

Of the services rendered to the Government by some of the State banks, during the late war, and of the liberality by which some of them are actuated in their intercourse with the Treasury, justice requires an explicit acknowledgment. It is a fact, however, incontestably proved, that those institutions cannot, at this time, be successfully employed to furnish a uniform national currency. The failure of one attempt to associate them with that view has already been stated. Another attempt, by their agency, in circulating Treasury notes, to overcome the inequalities of the exchange, has been only partially successful. And a plan recently proposed, with the design to curtail the issues of bank notes, to fix the public confidence in the administration of the affairs of the banks, and to give to each bank a legitimate share in the circulation, is not likely to receive the general sanction of the banks. The truth is, that the charter restrictions of some of the banks, the mutual relation and dependence of the banks of the same State, and even of the banks of the different States, and the duty which the directors of each bank conceive they owe to their immediate constituents, upon points of security or emolument, interpose an insuperable obstacle to any voluntary arrangement, upon national considerations alone, for the establishment of a national medium, through the agency of the State banks. It is, nevertheless, with the State banks that the measures for restoring the national currency of gold and silver must originate; for, until their issues of paper be reduced, their specie capitals be reinstated, and their specie operations be commenced, there will be neither room, nor employment, nor safety, for the introduction of the precious metals. The policy and the interest of the State bank must, therefore, be engaged in the great fiscal work, by all the means which the Treasury can employ, or the legislative wisdom shall provide.

The establishment of a national bank is regarded as the best, and perhaps the only adequate resource, to relieve the country and the Government from the present embarrassments; authorized to issue notes, which will be received in all payments to the United States, the circulation of its issues will be co-extensive with the Union; and there will exist a constant demand, bearing a just proportion to the annual amount of the duties and taxes to be collected, independent of the general circulation for commercial and social purposes. A national bank will, therefore, possess means and the opportunity of supplying a circulating medium, of equal use and value in every State, and in every district of every State. [Legislative and Documentary History of the Bank of the United States, page 612.]

(10) *A resolution relative to the more effectual collection of the public revenue.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary, to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing, or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared; or in notes of banks which are payable and paid on demand in the said legal currency of the United States; and that, from and after the 20th day of February next, no such duties, taxes, debts, or sums of money, accruing or becoming payable to the United States as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States. (Approved April 30, 1816.)

(11) *Bank charter.*

Sec. 15. *And be it further enacted*, That, during the continuance of this act, and whenever required by the Secretary of the Treasury, the said corporation shall give the necessary facilities for transferring the public funds from place to place, within the United States, or the territories thereof, and for distributing the same in payment of the public creditors, without charging commissions, or claiming allowance, on account of difference of exchange; and shall also do and perform the several and respective duties of the Commissioners of Loans for the several States, or of any one or more of them, wherever required by law.

Sec. 16. *And be it further enacted*, That the deposites of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise ord ander direct; in which case, the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order or direction.

(12) *An act in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, approved May* 1, 1820.

Sec. 6. *And be it further enacted*, That no contract shall hereafter be made by the Secretary of State, or of the Treasury, or of the Department of War, or of the Navy, except under a law authorizing the same, or under an appropriation adequate to its fulfilment; and excepting, also, contracts for the subsistence and clothing of the army or navy, and contracts by the Quartermaster's Department, which may be made by the Secretaries of those Departments.

Monday, April 7.

The CHAIR announced the following as the Committee of Bank Investigation, under the 4th resolution adopt-

ed by the House on Friday last: Messrs. Thomas, of Maryland, chairman; Everett, of Massachusetts; Muhlenberg, of Pennsylvania; Mason, of Virginia; Ellsworth, of Connecticut; Mann, of New York; Lytle, of Ohio.

RHODE ISLAND MEMORIALS.

This being petition-day—

Mr. BURGES said he had in his hand a memorial from the county of Bristol, Rhode Island, accompanied by a letter which he wished to have read.

The CHAIR said it could only be done by unanimous consent.

Mr. CHILTON, adverting to the very painful altercation which had on the last petition-day been occasioned by the reading of a letter in reference to memorials, objected to the reading of the letter now referred to.

Mr. BURGES then made some remarks in reference to the respectability of the memorialists, and going to show that they were of both parties. The memorial was then read and laid on the table.

Mr. B. moved that a certain letter (or letters,) read on the last petition-day by his colleague, and which had been withdrawn from the files of the House, might be restored thereto.

The CHAIR stated that this motion could only be received by unanimous consent; and doubted if it would be in order even then. The House had no power over the paper in question, which was a private letter.

Objection was made, and the motion, requiring unanimity, was not received.

Mr. PEARCE presented resolutions adopted at Providence, others at North Providence, and others adopted by the workingmen of Providence; which were severally read and laid on the table. He also wished to present two communications addressed to himself, one of them signed, as he stated, by more than a hundred names, on the subject of the bank and the deposites.

Objection being made to the reception of these papers, Mr. P. moved to suspend the rule that they might be received; but the House negatived the motion.

VERMONT MEMORIALS.

Mr. ALLEN, of Vermont, presented a memorial from the county of Chittenden, in that State, remonstrating against the removal of the deposites, and praying for relief. Mr. A. accompanied the presentation of this memorial by observations, going to show that the memorial had been adopted and signed without regard to party distinction; in evidence of which he stated that the presiding officer of the meeting was connected with the administration, and had been a candidate for Governor at the last election. He then went into a brief explanation of the grounds taken by the memorialists, in reference to the principle involved in the removal of the deposites.

Mr. SLADE, of Vermont, presented the proceedings of a meeting of citizens of the county of Rutland, in that State, on the subject of the removal of the public deposites from the Bank of the United States, together with a memorial signed by sixteen hundred and ninety freemen of that county, on the same subject. These papers, Mr. S. said, had been in his possession nearly two weeks, during which time the presentation of them had been delayed by the operation of the rule which restricts such presentation to Mondays of each week, and the entire occupation of the last Monday in the receiving of petitions from other States.

Mr. S. said, it gave him great pleasure to be able to say that the meeting whose resolutions he presented, and the freemen whose names appeared upon the memorial, were justly entitled to the most respectful attention of Congress, not more from the great importance of the subject of the resolutions and memorial, than from the intelligence and patriotism of those whose sentiments they imbodied.

The gentleman from Rhode Island, [Mr. Pearce,] said Mr. S., has just presented the proceedings of certain citizens of his State, whom he denominates the workingmen of Providence. The people of the district which I have the honor to represent, sir, are all workingmen. They constitute no distinctive party, but embrace all parties; are confined to no particular class, but form every class of that community—a community where the distinction of high and low is scarcely known, and where there is, perhaps, a greater equality of fortune and condition and intelligence, than is to be found in any other portion of the United States. The poor we, indeed, have among us; but they are too deeply imbued with the intelligence which pervades that community, to be operated upon by the attempt to array them as a distinct party against their more wealthy neighbors. All such attempts they know how to detect and appreciate. They know that when the prosperity of the rich is struck down by the arm of power, they must, also, agonize under the blow.

Such is the community from whose bosom comes up into this hall, through these resolutions, and this memorial, the deep tones of distress and apprehension. The names attached to the memorial embrace men of every employment and condition in that community—farmers, mechanics, merchants, manufacturers, and professional men; all moved, by a common impulse, to look to the Government for relief from the evils which one branch of it has brought upon them, and to implore that the still greater evils of a continuance of its policy may be averted.

In speaking, said Mr. S., of the memorial which I have the honor to present, it is proper, and perhaps not unimportant, to say that it is signed by men of all political parties. It is due to truth, however, to state that but a small proportion of the signers are of the party usually denominated the "Jackson party;" a party, however, which is not numerous in that quarter, and, if the present policy of the Executive is to be persisted in, seems not likely to be much increased. The list of names appears to embrace a fair proportion of the other two parties which divide the State. In alluding to them, it gives me great pleasure to say that the anti-masons of my district, and, so far as I am informed, of the State generally, are as deeply convinced of the injustice and impolicy of the executive "experiment," and as heartily desirous that the country may be relieved from it, as any portion of the people of Vermont. And, sir, permit me to say, without intending to disparage any other party, that they stand in a position to give to their opinions, on this subject, great weight; inasmuch as an adherence to their principles has brought them into conflict with the leading party opposed to this administration, and has, therefore, left their decision, on the present question, less subject to the bias of strong party impulses. That decision, too, is known to be in opposition to the opinions, publicly expressed, of a distinguished individual, who has been connected with the anti-masonic party. The calculations, however, which have been made upon his influence with that party, on this question, I am happy to believe, will be entirely disappointed, at least in the State which I have the honor, in part, to represent. The anti-masons in Vermont, and, I trust, every where, will think and act for themselves on this subject.

The people who thus come to this body with an expression of their opinions, and a prayer for relief, had, up to the commencement of the fatal "experiment" of the Executive, enjoyed a high and almost unexampled state of prosperity. Steady and profitable markets, aided by a sound and sufficiently abundant currency, had stimulated and rewarded every branch of their industry, and given a rapid development to their resources. Wool, their great staple, and which the memorialists represent the county of Rutland to have produced to the amount of $300,000 during the last year, had enjoyed a protection which had greatly increased the numbers, and improved the quality of their flocks; inducing large and increasing investments in that species of property, and a gradual adaptation of agricultural improvements to its growth. And, though the adjustment of the tariff of the last session has excited apprehension as to the final condition of this important interest, the same adjustment had given assurance of present security from ruinous fluctuations—at least, so far as they might depend upon the measures of the Government.

It was, said Mr. S., in the midst of this prosperity, and while the people were reposing in this fancied security, that the executive experiment was resolved upon, and its execution commenced. The shock which was immediately felt in the commercial cities has gradually extended into the country, and at length reached the people whose resolutions and memorial I now present. They come to tell us that the "opening season of active pursuits" finds them stripped of the means of prosecuting their ordinary enterprises, or even of fulfilling their ordinary engagements. The season for remittances has arrived. The merchants, urged by the unusual pressure upon them, from the cities, are compelled, in turn, to make unusual demands upon their debtors; and this, too, at the moment when the general distrust and apprehension produced by the suddenly forced derangement of the relation between the Government and the Bank of the United States, and, as a necessary consequence, between the latter and the State institutions, has withdrawn from circulation, and locked up, the means of discharging those demands. Between the double operation of an increased demand for money and a diminished supply the people of Vermont are placed in a position in which they cannot but feel, and, feeling, cannot but speak.

But they do not complain merely of the existing pressure. They look forward to the season of the year when the sale of their great staple has usually afforded them the means of discharging their engagements and giving energy to new enterprises. They see, in almost certain prospect, a reduction of one-fourth, or one-third, of the former prices of that article, and a corresponding reduction in the value of their land and labor, and the products of both. Debts must, in the mean time, be paid; lawsuits, of course, multiplied; lawyers, sheriffs, and constables, fully employed; property sacrificed; credit prostrated, and families ruined.

Thus suffering, and thus apprehending a continuance, if not an augmentation of suffering, the citizens whose resolutions and memorial are now presented have undertaken to look into its cause, and inquire after its remedy. They attribute the existing derangement of the currency, and business of the country, to the sudden and, as they believe, uncalled-for removal of the deposites from the Bank of the United States. They regard this act as a flagrant violation of the national faith, pledged to continue the public moneys in that depository while it was safe, and the institution continued to perform the appropriate duties of their transmission and disbursement. These duties they understood to have been faithfully performed, and that safety to have been unquestioned and unquestionable. The use of the public moneys, during the continuance of the charter, they consider, moreover, as one of "the benefits" for which the bank paid the sum of one million five hundred thousand dollars to the people of the United States.

So far as this is to be regarded as a question between the Government and the bank, the memorialists think they see, in this act of the Executive, an utter disregard of the rights of that institution, which deserves their decided reprehension. That reprehension they express, not from any special sympathy for the bank, but from a regard to those principles of common justice, which they have been taught to venerate—justice which they will not patiently see denied, even to the humblest individual in the community. The injustice towards the bank they consider to have been exceedingly aggravated, by the obvious and inevitable exposure of the people of the United States to the disastrous consequences which have followed its perpetration, and which they think a wise and prudent Executive would have foreseen and avoided.

The memorialists take the liberty also to express their views with regard to the authorship of the act in question. They look beyond the forms of the proceeding—to its substantial and true import. They regard it as the act of the President, who, to effect a purpose, contemplated by no law, and justified by no necessity, has converted the agent of Congress into his own special agent; and thus, through the forms of a legal agency, has accomplished what it would have been palpable usurpation for him to have otherwise attempted. The assignment of reasons by the Secretary they, therefore, regard as a mere mockery, since those reasons are, in fact, though they could not be in form, the reasons of the President, given by the command of the President.

The memorialists consider it of the very essence of the power conferred on the Secretary of the Treasury to change the depository of the public moneys, that he should exercise his own discretion over the subject; that, ceasing to exercise that discretion, he ceased to be Secretary of the Treasury, for the purposes contemplated in the 16th section of the bank charter, and became the "pliant instrument" of the President; that the power in question, having been conferred by Congress, to whom the constitution commits the special guardianship of the public treasure, can be controlled only by Congress; and that the subjection of it to the control of any power other than that creating it is a palpable and glaring absurdity.

The act of the President, thus performed, the people whom I represent, said Mr. S., believe to be both an abuse and a usurpation of power; an abuse, in removing the Secretary of the Treasury without reason; and a usurpation, in thereby reaching and disposing of the public moneys, which the President could not otherwise have touched with even a color of authority. These moneys they regard as now practically at the absolute disposal of the President, to an extent enabling him to exercise a moneyed control more dangerous to the "purity of elections," the "freedom of the press," and the "morals of the people," than it can be pretended the Bank of the United States could ever exercise.

The conduct of the bank, in the trying emergency produced by the executive threat of prostration, they consider to have been marked by a prudence and forbearance deserving of the highest commendation, and that to that prudence and forbearance the country is now indebted for exemption from universal bankruptcy.

The idea of a metallic currency to fill the channels of circulation, and effect the exchanges of an active, enterprising, and rapidly advancing community, they consider as eminently "visionary and impracticable, and calculated to mislead the public mind, and pervert the public judgment with regard to the true character and tendency of the late executive measures."

The memorialists, continued Mr. S., are distressed, deeply distressed, under the operation of the paralysis which is gradually chilling their enterprise, withering their strength, and sinking their hopes. But they look above and beyond the present pecuniary pressure. They see the spirit of executive encroachment breaking down the barriers of the constitution, spurning the restraints of law, and assuming powers which belong only to the whole

Government. Pecuniary distress they can endure. Severe though it may be, it is not in its nature to endure unmitigated and perpetually. But encroachments of power become, insensibly, a part of the fundamental law. Submitted to, they exert a subduing influence upon the spirit of freedom, and will be felt in their effects throughout all future time.

The memorialists, said Mr. S., do not ask, specifically, for a recharter of the Bank of the United States, but they ask that what has been rashly done may be speedily undone; that the public moneys may be restored to their legal depository; and that the public faith may be thus redeemed; the just balance of the Government restored; the supremacy of the laws maintained; and the constitution rescued from the grasp of usurpation.

Mr. S. concluded by asking that the resolutions and memorial might be read, referred to the special committee appointed to inquire into the causes of the present distress, and printed. Ordered accordingly.

TROY (N. Y.) MEMORIAL.

Mr. **PIERSON** presented a memorial from Troy, (N. Y.) approving the course of the administration in the removal of the deposites.

In presenting the above memorial, Mr. P. addressed the Chair as follows:

Mr. Speaker: I am charged with the presentation of a memorial and certain resolutions expressive of the sentiments of my constituents in relation to the agitating question which has so long occupied the attention of this House. A convention of delegates chosen by the people in their primary assemblies throughout my district, adopted this memorial and these resolutions without a dissenting voice. At this convention, more than two hundred delegates thus chosen were assembled, and it is fair to presume that a majority of my constituents entertain the sentiments conveyed to this House through this memorial and these resolutions. I have before me the proceedings of some of the meetings in the county towns at which these delegates were chosen, expressive of the same sentiments, but in stronger language. I should have contented myself with the bare presentation of these proceedings without a single remark, if I had not perceived that they had been publicly arraigned before I had an opportunity of presenting them here. I have perceived, also, that in the remarks made on the presentation of another memorial from my district in the other branch of Congress, I have been publicly charged with misrepresentation. I owe it to this House, as well as to myself, to make an explanation, and I ask permission, Mr. Speaker, to do so.

Leave being granted, Mr. P. proceeded:

Before I avail myself of this indulgence, it is proper that I should briefly state the character of this convention, and the substance of the memorial and resolutions. I have already made mention of the number of delegates that attended this convention. I need not add that they were highly respectable. The people who chose them in their primary assemblies, have given you a sufficient guarantee of their respectability. It may sometimes happen that, in the circulation of memorials for signatures, fictitious names may be placed upon the roll, or genuine ones obtained, by fraud and misrepresentation; but it rarely happens that delegates, chosen directly by the people, will dare to deceive or misrepresent them. Sir, it is with some degree of pride that I acknowledge a personal acquaintance with most of these delegates. There are few, very few, among them, who are wealthy, but there are many, very many of them, who, by honest industry, have acquired a competency, which they are, no doubt, desirous of preserving, but which they will cheerfully surrender, if necessary, in defence of public liberty. They are engaged in all the great departments of human industry. A large proportion of them are employed in agriculture—an employment which forms the foundation of national wealth, I had almost said of national virtue. Some of them are engaged in commerce and manufactures, and many of them are mechanics and artisans, whose skill and industry are unsurpassed by any other people in any other section of our country.

Sir, in order that I may not be again charged with misrepresentation, let me not be misunderstood as to the political character of this convention. It was not composed of no-party men, nor was it an assemblage of persons without distinction of party. We have such meetings in the State of New York by name, but there is too much intelligence in the main body of the people, to be deceived by them. We know, then, that when a call of a meeting without distinction of party is made, it is to be composed chiefly, if not exclusively, of the opponents of the administration. The friends of the administration have never disguised or concealed their political names. They are republicans—they avow themselves such. This convention was a republican convention. It was called and convened by that name. It adopted the proceedings I am about to present by that name; and however odious the name may now be to certain politicians, it will never become obsolete, so long as we preserve our present form of government. Let New York and New York politicians be abused ever so much, a political party will exist there. It has existed ever since the formation of our Government. It existed when Mr. Jefferson was first elected President. His political principles are still fondly cherished in New York by a political party; and it is this party which, at this trying time, will be found, as it always has been, opposed to a national bank; and, as a matter of course, opposed to the restoration of the deposites. The substance of the memorial that I am about to present, may therefore be inferred. The memorialists tell you, in the most respectful language, that, in common with a great majority of the people of the United States, they had viewed, with unfeigned alarm, the power of this bank. They tell you, too, that they had deemed the result of the last presidential canvass a decisive expression of the public will that this dangerous institution should not be perpetuated.

They tell you, moreover, that they were aware that the charter of so great a monopoly would not be suffered to expire without a struggle—that they anticipated all its movements to excite public alarm, derange the currency, and prostrate individual credit. But they tell you, notwithstanding, that they approve of the measures of the administration in relation to this institution, and that they are convinced that its demands for a recharter should be refused, for the purpose of effectually resisting this war of the bank upon public and individual credit. In conclusion, they tell you that they are opposed to the recharter of the bank, and to the restoration of the deposites. Their resolutions are expressive of the same sentiments in bolder language.

Sir, I have felt myself called upon to say this much of this convention and their proceedings; and I will now notice what has been publicly said against them. I have before me a paper published by the printers to this House, which contains the publication of a letter written in my district, and read in the Senate, an extract of which I beg leave to read here. It is in these words:

"Ere this arrives, you will have heard of certain resolutions passed in a county convention, called by the office-holders and their creatures, to attend through the power of party discipline, approbating the course of the President. But such cannot be the sober sense of the county. The meeting, we presume, was got up in consequence of our memorial."

This letter, as is said, was signed by nine or ten citizens of Troy, and at the head of the list was the mayor of the city. Their names are not published, though I am informed they were made public when the letter was read. They have been reported to me. If correctly, (and I have no reason to doubt it,) I know them well. Some of them are men of great wealth, and all of them of great respectability. But most, if not all of them, have been known as belonging to a political party which Mr. Jefferson has most faithfully described, and whose principles and motives he detected at an early period in the history of our Government. In short, sir, they are federalists. At this day there are very few persons in the district I represent, who will avow themselves such; but from the sentiments expressed in this letter, it may be taken for granted these nine or ten gentlemen are not averse to such avowal. "This convention," say they, "was called by the office-holders and their creatures," ay, "creatures," Mr. Speaker. This is not an uncommon expression. It is often applied indiscriminately to the democracy and yeomanry of my district. I do not intend to rebuke those gentlemen for the remark. It was not a casual expression—it was deliberately made; it undoubtedly conveys the "sober sense" and meaning of these nine or ten gentlemen. They believe, no doubt, as an eminent statesman and leader of their party believed and said, before the adoption of our constitution, "that all communities divide themselves into the few and the many—the first are rich and well born—the other, the mass of the people. The people are turbulent and changing—they seldom judge or determine right; give, therefore, to the first class a distinct and permament share in the Government." Sir, those gentlemen carry out this principle. "This meeting," say they, "we presume was got up in consequence of our memorial." Thus we see that those nine or ten very worthy, very wealthy, and very respectable gentlemen, claim as their memorial, one that has heretofore been presented to both branches of Congress, signed, as it was said, by one thousand seven hundred and thirty of the citizens of Troy, without distinction of party.

Sir, I have a few words to say of this famous "Troy memorial," inasmuch as what I have hitherto said in relation to it has been the subject of much comment, and some misrepresentation.

That memorial was originally transmitted to an honorable Senator from the State of New York, for presentation. Before he presented it, he was kind enough to submit it to my inspection; presuming, no doubt, that inasmuch as it came from my district, I was better acquainted with the memorialists than himself. I stated to the honorable Senator that the memorialists were highly respectable; that I was personally acquainted with many of them, and had information of others upon which I could rely. I did not state to him, as has been reported in one or more of the papers published in this city, that I was personally acquainted with nineteen-twentieths of them. The honorable Senator neither understood nor reported me as saying so. I do not believe there is any one man living who is personally acquainted with that proportion of them. My knowledge of the memorialists was founded upon acquaintance with, and information of them. I so said, and was so understood at the time. But I did state to him that I did not believe that more than one hundred of the memorialists were the friends of the administration. I did not think or intimate that the memorial was entitled to less weight or credit because it came from the opponents of the administration, and it will be perceived that, in the remarks made by the gentleman charged with the presentation, not a word was said of the political character of the memorialists, until another honorable Senator insisted that it had been signed by the citizens of Troy, without distinction of party. Then, and not till then, was the information I had given made public.

Sir, I certainly ought not to express my regret, that my political opponents attach so much importance to the fact that a few of my political friends signed that memorial. It was a perfect non-committal production. It said nothing about the recharter of the bank or the restoration of the deposites, and I believe neither the United States Bank nor the deposites were at all mentioned. Sir, I would permit my political opponents to claim among the memorialists any number of my friends they choose, if they would leave unmolested those of my constituents who did not sign it, and my humble self.

It was but a day or two after that memorial was presented, that another letter from a gentleman in my district was made public. This last letter asserted that the aforesaid memorial was signed by the citizens of Troy, without distinction of party, "except a few whole-hog collar-men." I speak from recollection, for I have not the report of this last letter now before me. I am not mistaken, however, in the quotation of this last delicate expression.

At this day the expression is so common and so general in its intended application both here and elsewhere, that it has ceased to be reproachful. It seems to be applied by political opponents to all the friends of the administration without discrimination. It is applied to every representative who will not betray the trust reposed in him by a confiding people. If he will violate the pledges he has given to his constituents, then, and not till then, he becomes uncollared, and unshackled, and is hailed as an independent representative. Sir, permit me to say that I, for one, aspire to no such honor or distinction.

Mr. Speaker, I have a few words to say in vindication of myself, and I have done. "These nine or ten respectable citizens, with the mayor at the head of the list," say, in the communication from which I have read an extract, that "our memorial" as it has been called, "was presented to the citizens of Troy without distinction of party, and that of the one thousand seven hundred and thirty citizens who signed it, it is found on a critical examination, recently made, that at least four hundred are, or have been, administration men."

Sir, when I read this report, I almost feared that I had been too hasty in my examination of the names of the memorialists, and that I had been incautious, if not incorrect, in the statement I had made. I knew, to be sure, that I had seen the call of the meeting at which that memorial was adopted. I had seen the names of the persons appended to that call reported to be one thousand one hundred in number. I had received communications from constituents whose veracity was never questioned, asserting, that of those one thousand one hundred signatures, there were only thirty-one of the friends of the administration. I have now before me a paper published in my district, in which this assertion has since been made public, and which I have never seen contradicted. I had seen most, if not all, of the names appended to the call of that meeting, appended also to the memorial. I know, both from acquaintance with, and information of, the residue of these memorialists, that they were generally of the same political character. I knew, moreover, that I had intended to make a liberal allowance when I stated the number at one hundred; still I feared I had been mistaken. I was willing publicly to correct the mistake if I could become satisfied that I had made one; I therefore procured a copy of the names subscribed to that memorial, and transmitted it to my constituents for information. They cheerfully instituted an investigation, and have communicated the result of it to me. Their communication I am willing should be made public. I ask that it may be read by the clerk. (It was ordered to be read, as follows:)

"Troy, New York, *March* 29, 1834.

"Hon. J. Pierson. Dear Sir: After a patient investigation and examination of the names appended to the memorial sent from this city in February last, to Congress, only ninety-five of those names have been found known by either of us, the subscribers, to be friends of the general administration; ninety-seven are aliens; sixty-seven are minors; and upwards of five hundred are not found on the city directory. It is probable that the number of each of the above may be some larger, as there are names unknown to any of us. There are also names known to be non-residents, and some are presumed to be fictitious. Several of the subscribers heretofore have seen many of those who have signed the said memorial, and who are friends of the administration, and they state that they are opposed to the recharter of the United States Bank, and approve of the course which the administration has pursued in relation to the same, and that if the memorial had been for a recharter of the said bank, they would not have signed the same."

This letter, said Mr. P., is signed by twenty-three citizens of Troy. They are not only gentlemen of great respectability, but intimately and extensively acquainted with the people of that city. I hazard nothing in saying that they are as well (if not better) acquainted with the political character of the citizens as any other equal number of gentlemen in that place. They are all well known throughout my district, and some of them throughout the State of New York. They have stood, and still stand, high in the confidence of the people—too high, indeed, to require the tribute of my poor praise.

Sir, I have not made this explanation or exposure in a spirit of unkindness towards those nine or ten gentlemen who have seemed desirous of wounding my feelings. I have made it in self-defence. I do not question the integrity of those gentlemen. They have, no doubt, stated what they believed. They predicated their statement or averment, (call it what you please,) as well upon information as their personal acquaintance. Sir, they should have had the charity to believe I did the same thing. If I were in fact mistaken, surely such mistake might have been deemed by them of too little importance to be the subject of correspondence with an eminent statesman. But, sir, I do not intend to complain. I shall leave all those who have been engaged in this controversy against me, in the quiet enjoyment of all the honors they have acquired in a warfare that is novel, if not unprecedented.

Mr. SELDEN presented a memorial from the "operative mechanics of the city of Troy, eight hundred and eighty-one in number. In presenting the memorial, Mr. S. remarked that, having heretofore presented a memorial from that city, signed by one thousand seven hundred and thirty individuals, which had been made the subject of comment by the representative from that district, he would, for a moment, call the attention of the House to the two memorials, to the remarks of the honorable member, and to the letter read by him, relative to the one thousand seven hundred and thirty signers to the first paper. That letter says, that five hundred of the names were not to be found in the city directory.

Both of these memorials speak the same language, they condemn the step taken by the executive branch of the Government, in assuming the right to control the public money, independent of the action of Congress. And they deem a national bank an essential instrument to regulate the currency and carry on our internal trade.

When he presented the first memorial, in obedience to the wishes and rules of the House, he had almost abstained from any remark. The memorial has now become the object of criticism by the member from Rensselaer. Having been reared in Troy, Mr. S. observed that he could speak with some knowledge; and he ventured to affirm that the memorial expressed the opinion of the great body of her citizens, of all parties. He believed two thousand four hundred to two thousand five hundred to constitute the largest number of votes which can be polled in Troy, and the honorable member, by a very short calculation, can determine what majority one thousand seven hundred and thirty must produce in that number of votes, and what effect such a demonstration of public opinion must have upon the elections in the county of Rensselaer.

It is said that the signers to the large memorial are only the men of wealth, and particularly the merchants, "who, as a class, have been so accurately described by Jefferson." Be it so. What will he say of the petition now presented by eight hundred and eighty-one operative mechanics? Are these rich men too? The truth is, there is now in the politics of the country a common ground on which all classes will assemble, and unite in a common object—to preserve the constitution and the laws; and they will succeed in their efforts.

There are five hundred names on the first memorial, we are informed by the letter, not in the directory. Are these the rich or the poor? Are they those who own or occupy separate tenements, and, therefore, have their names published, or are they the laborers who are at board? The gentleman may rest assured these five hundred will be found when the election-day approaches. Perhaps there are some of those, whose petition is now presented, not having their names in the directory, yet those whose certificate is now produced may rest assured their votes will be deposited in the ballot-box.

Although not all householders, they are citizens without whose mechanical labor no community can be kept together; they have prospered under a Government of constitution and laws, for which they do not intend to substitute the executive will. They now suffer in the derangement and overthrow of their business—they ask for relief from this House.

ALBANY (N. Y.) MEMORIAL.

Mr. SELDEN next presented a memorial from the city of Albany, expressing a decided opinion against the course pursued by the Executive.

Mr. S. said he considered it one of the most important papers offered for the deliberation of Congress. It came from the seat of Government of the State of New York. It was the result of a meeting which, in numbers, had never been equalled in that city, convened in front of the Capitol, and within a stone's throw of the residence of the Governor.

This memorial was signed by two thousand eight hundred, out of less than four thousand votes. A memorial of a different character had been presented by the member from that district, signed, as is said, by one thousand seven hundred citizens of Albany. Mr. S. observed that it would probably have been more accurate to have said, citizens of the county of Albany, as he understood that signers, not only from the city, but from other parts of the county, had contributed to make out the number. Assuming, however, that they are all legal voters of the city, it would leave one thousand one hundred majority hostile to the position assumed by the Representative; and no one who is acquainted with the district can doubt the effect it would have upon its vote. The intimate connexion which this city holds with the commerce of the Western country, and the politics of the whole country, renders this memorial one of controlling importance. It speaks the sentiments of a large majority of those who reside at the seat of Government, directly in opposition to the opinions of the Legislature, expressed a few weeks ago. It speaks the opinion of the people, in opposition to the opinion of the Representative. It is the declaration of the constituents, opposed to the act of their agents.

The cities of Albany and Troy are located at the head of the tide waters of the Hudson, and at the termination of the great inland communication which connects the Western country with the seaboard. They are the depositories of the vast products of the western and northern districts of New York, Vermont, Ohio, and of the Lakes. They supply them with merchandise, and purchase their produce. The commerce is immense; that of the city of Albany is greater than any inland town in the United States.

The memorialists inform us that the sources of their former prosperous trade have been cut off; that the negotiations and arrangements heretofore made, preparatory to the spring business, have been interrupted; that the deposites of the productions of the interior along the great channel of trade, at the various points from which they are sent to market, are not exhibited as formerly; that prices have greatly declined; that wheat, flour, provisions and lumber, their great staples, cannot be sold, except at ruinous sacrifices; and they attribute these difficulties to the course pursued by the executive department of this Government relative to the public deposites, and the unusual and unnecessary hostility manifested, by that department, to the Bank of the United States, without waiting the action of Congress upon the subject.

They say a national currency, created and sustained by a national bank, is essential to the business of the country; that the interchange of commodities between different sections, with a corresponding interchange of payments, cannot be accomplished by means of local bank paper; that local banks cannot give a general circulation. Upon the information of these memorialists confidence may be placed. It is not often that we receive a petition from the city of Albany, upon any subject. The prosperous operation of their business, the rapid increase of the trade, population, and property of that city, has confined the attention of her citizens at home. Nothing but great public necessity, great losses and suffering, great impending danger, not only to the business but to the laws and constitution of the country, would have induced her citizens to come forward and lay their grievances before this House. The movement has been slow, but it has been powerful; and this House, if they do not now know, will learn, that the representations, from the city of Albany, of the decided character here exhibited, afford an accurate index of the opinions of the people in the interior of New York.

This memerial may be considered not only important, as coming from so large a portion of our fellow-citizens, but it is also important in another view. When we call to mind that this memorial succeeded the action of the Legislature of the State upon the same subject; when we call to mind that it was followed, within five or six days, by a recommendation, from the Governor of New York, to the Legislature, to raise, upon the security of the State, five millions of dollars, to relieve the people from the distress in which the country has been involved by the action of a branch of this Government, we may rest assured that it is of no ordinary importance, and that it is looked upon in that light at home. The memorialists enjoy the confidence of the people in the interior; their statement will be relied upon, not only as accurate in fact, but in conclusion.

It is not to be understood that the memorial indicates a change of opinion as to the necessity of a national currency and a national bank. The State has no hostility to a bank, properly organized and controlled; were it in order to refer to a paper, it would show the opinions of many leading politicians. This State fully understands the advantage which is to be derived from a well-regulated national paper currency.

In conclusion, Mr. S. remarked that, although the memorial was very long, he would move to have it read; it was prepared by those upon whose intelligence we might depend, and presented a clear and candid review of the whole subject.

The memorials were then read, ordered to be printed, and laid on the table.

PHILADELPHIA COUNCILS' MEMORIAL.

Mr. BINNEY presented a memorial of the citizens of the city of Philadelphia, in Select and Common Councils assembled, praying Congress to apply a corrective to the disastrous condition of affairs throughout the country, and stating their opinion that the only adequate corrective was in a recharter of the Bank of the United States, and a restoration of the former relations between the Government and the bank. He said that, in presenting this memorial, he should adhere to the rule, by giving the character of the body from which it proceeded, and a brief statement of its contents. The Select and Common Councils, by whose committee the document was handed to him to present, were the Legislature of the Corporation of Philadelphia, which had now existed since the first year of the last century. It consisted of two bodies, one annually elected, and the other formed upon an analogy to the Senate of Pennsylvania and to that of the United States, and partially renewed by elections each year. Its legislative powers were very extensive, comprehending the whole subject of police, and city improvement, and regulating, for the purposes of public charity as well as for municipal expenditure, a vast amount of property, real and personal. Both the bodies were composed of men representing every profession and interest in the city, and who might be presumed to express with perfect accuracy the prevailing judgment upon the causes, effects, and remedies, of the present distress. It was to the management of the city concerns by those bodies, that so much of its late prosperity was to be attributed. These Councils presented their memorials in two capacities: first, as superintendents of the general welfare of that community, and, secondly, as the trustees of large funds devoted to charity, and to the improvement of the city. In the character first adverted to, he could make no summary of their representation of existing evils more effectual or more brief, than that which was given in a paragraph of their own memorial. It stated that--

"From the date of the removal of the deposites, the scene of public prosperity had rapidly changed. Foreign commerce had nearly ceased: internal trade had been ruinously diminished by the derangement of the currency and the loss of confidence. The loom of the manufacturer was idle--the builder paused in the midst of his enterprise, and the mechanic and the laborer were left inactive; while the want of labor and its customary reward left the philanthropist just reason to fear for the moral, as well as the fiscal and physical condition of the people."

In their character as trustees, that corporation held the largest estate that private industry and enterprise had ever accumulated in the United States, and devoted to the public good--the estate of the late Stephen Girard. It also held upon trust, for the relief of the indigent lame and blind, the accumulations, not so large, but still very considerable, of another life of industry, which Mr. Willes had, with equal munificence, bestowed upon the afflicted. It held also in trust for those from whom it had borrowed money for public improvement, a large sinking fund, destined by the wisest fiscal provision to relieve the city from debt. The fact which the memorial stated in regard to the loss sustained by a portion of these interests, the Girard stocks, and the sinking fund, since the removal of the public deposites, was a volume in itself, and would furnish some measure of the general and universal loss proceeding from the same cause. That fact was, that these trusts had lost, in the fall of stocks since the 1st of October last, a sum exceeding three hundred thousand dollars. The loss on real estates, rents, and other sources of revenue, was not particularized. It would probably be found to be equally or more extensive. Mr. B. said that he would add this testimony to the mass which had accumulated on the table of the House; and the effect of which he trusted would ultimately show, that the resolutions adopted on Friday last, were not definitive, but would yield to the increasing evidence that they were opposed to the interests of the country. He moved that the memorial should be read, laid on the table, and printed.

Mr. McKENNAN rose and said: Mr. Speaker, I beg leave to present the proceedings of a meeting held among my constituents on the all-absorbing topic which has engaged the attention of the House for some time past, and is now agitating the nation, and, in doing so, intend to confine myself strictly within the spirit and meaning of the rule which has been properly adopted in reference to the presentation of memorials. It will not be considered improper in me to state that the county of Washington, in which this meeting was held, is one of the largest and most populous counties in the State of Pennsylvania. Of itself, it constitutes a congressional district, and its inhabitants, I venture to affirm, in point of industry, economy, enterprise, intelligence, and morality, will not suffer in comparison with the inhabitants of any other district in the Union. In that district there are no very large manufacturing establishments. Its inhabitants are principally agriculturists, engaged in the raising of grain and the growing of wool, which latter article has become one of the great staples, and the principal item in the active wealth of the county.

I am justified in saying that the meeting from which those proceedings emanated was one of the largest political meetings ever convened in the county, It was composed of persons of the first respectability, and of all trades, professions, and callings--of merchants, mechanics, professional men, and farmers--of all political parties, Jackson men, national republicans, and anti-masons. In the chairman of the meeting, I recognise the name of a gentleman who, although not a vociferous politician, is one of the most firm and decided friends of the present administration, and my information is, that many others of the same political complexion were there. It was, sir, emphatically a meeting of the people. I have undertaken to state the fact, that friends of the administration participated in the proceedings of the meeting, not because I believe that the representatives of the people ought not to lend a listening ear to the complaints and the views of citizens of the country, to whatever party they may belong, but merely to satisfy the House that there is a spirit abroad in the land which party trammels cannot confine and cannot suppress. A suffering people will speak out.

Having said thus much as to the character and political complexion of the persons who composed the meeting, I now beg leave briefly to give to the House the substance of the views and sentiments expressed in their resolves. Before doing this, it may be proper to say, that they do not complain of present severe distress. The time for the sale of their principal staple commodity has not yet arrived, and they will not feel, in its deepest severity, the injurious effects of the policy of the Government for some months; and although they have already suffered much in the reduction of the prices of their agricultural products, and in the stagnation of business, still they come forward, not so much to complain of distress and suffering, as to raise their voices against what they conceive to be a usurpation of power on behalf of the Executive, and a trampling under foot of the constitution and laws of the country.

In the first place, they solemnly and strongly protest against the policy of the General Government, so far as that policy has been developed, in recent experiments upon the currency of the country, and express their decided conviction that those "experiments" are detrimental to its best interests—contrary to the spirit and letter of the constitution, and dangerous to the liberties of the people. They deprecate the adoption of this rash and ill-advised measure, as bearing, with peculiar hardship, upon the interests of our State, which stands pledged to carry out its great scheme of internal improvements, and also to sustain its credit at home and abroad.

They assert that, in the contract between the Government and the bank, they recognise the right of the bank to protest against such official acts, whether originating from the President of the United States, or his Secretary of the Treasury, tending to deprive said bank of the custody of the public moneys, for which the bank has paid a valuable consideration.

They express the opinion that Congress is and should be considered the guardian of the public treasury, and that, when the President or any of his subordinates interfere with that guardianship, they commit an act which is not sanctioned by even the color of law.

They give their opinion that the bank has done no act warranting the withdrawal of the deposites, and affirm that, consequently, the reasons of the Secretary of the Treasury are unsatisfactory and insufficient.

They entertain the opinion, and so express themselves, that the Secretary of the Treasury was authorized by the charter to withdraw the deposites from the vaults of the bank, in case they were unsafe, but not otherwise, and that, inasmuch as such pretence is not even set up, they consider the removal of the deposites as illegal and unjustifiable.

They condemn the act with reference to the time when it was done, just on the eve of the meeting of the representatives of the people, who are presumed to be acquainted with the wishes of their constituents, and who are the constitutional guardians of the public purse.

They recognise in the charter of the bank a contract between the people, through their delegates in Congress, and the stockholders, and assert that it is a usurpation of legislative power in the Executive to interfere with or modify the nature of that contract against the consent of the contracting parties; and that the President, in removing the deposites, with the avowed purpose of compelling the bank to close its concerns before the time stipulated in the contract, is a usurpation of the powers of the Legislative branch of the Government, and an infringement of the chartered rights of the bank.

They pay a merited compliment to the firmness and integrity of the late Secretary of the Treasury, and condemn the conduct of the Executive in removing him from office for refusing to violate the trust specially committed to his care by act of Congress—a trust which he was bound to execute to the best of his ability, and according to his convictions of right.

They assert that the "experiment" of substituting State banks for a national bank, as fiscal agents, has signally failed; and give their opinion, that the plan proposed as part of the experiment which is to be tried upon the people, of substituting a specie currency for a paper one based upon specie, is visionary, and, if carried out, will prove destructive to the prosperity and fiscal operations of the nation.

They insist that the plighted faith of the Government demands that the deposites should be forthwith restored, and that, until this is done, all other schemes of relief, unaccompanied with this, will be worse than useless.

They express a confident belief that the President has it in his power to restore an unhappy country to her former state of peace and prosperity, and urge, that to do an act that would relieve his fellow-citizens from the horrors of bankruptcy, and the country, which has so often exhibited its devotion to him, from wide-spread ruin, would be the deed of the patriot; and that the reflection arising from the execution of such duty, should be more grateful to his feelings than the sounding fame, even when acquired as a soldier or statesman, upon a thousand fields of renown.

Finally, they pronounce the allegation that the Bank of the United States has acted improperly and oppressively in contracting her accomodations, unjust, unfounded, and disingenuous, as is clear from the fact that she has not withdrawn any thing like an amount equal to what has been abstracted from her vaults.

Thus I have given the substance of the resolutions passed by my constituents, which breathe the spirit of freemen, and of men alive to the best interests of their country. I have only to add, that I respond most heartily to the sentiments which they have thus fearlessly and ably avowed, and ask that they be laid upon the table and printed.

The memorial was read, ordered to be printed, and laid on the table.

NORTHUMBERLAND COUNTY (PA.) MEMORIAL.

Mr. **ANTHONY** presented the memorial of 1,118 citizens of the county of Northumberland, Pennsylvania, approving of the course pursued by the administration in removing the Government deposites from the Bank of the United States, and remarked, that the memorialists were principally the farmers, the mechanics, and yeomanry of the county; that they were among the most honest, enterprising, and respectable portion of his constituents; that it embraced only a part of the county, and he had understood that others of similar tenor had been transmitted, which were not yet received. He was pleased to observe, among the petitioners, the honorable gentleman's name, who, as his predecessor, had occupied a seat two years on this floor, and many other gentlemen with whom he had a personal acquaintance, and felt highly gratified that they had recommended the propriety of the course that had been pursued last Friday by a majority of the House; that although they were not versed in "previous questions," yet their language was, that they desired a speedy decision of the question, and prayed Congress not to grant a restoration of the deposites. After stating that his constituents viewed with surprise and indignation the conduct of the United States Bank, and believed that the present pecuniary embarrassment of the country was caused by that institution, he moved that the memorial be read, laid on the table, and printed; which was agreed to.

LYCOMING COUNTY (PA.) MEMORIAL.

Mr. **ANTHONY** also presented the memorial of one hundred citizens of Muncy, Lycoming county, Pennsylvania, in which they represent that the removal of the deposites from the Bank of the United States was imprudent, illegal, contrary to the spirit of the constitution of the United States, and disrespectful to Congress.

Mr. A. observed that the petitioners were of the highest respectability and intelligence, and embraced his neighbors and many of his intimate personal friends. They were merchants, mechanics, professional men; some of them those who are ranked among that class of citizens who, in the language of Addison, "*Iras et verba locant.*" He said they complained of great pressure and embarrassment in the monetary concerns of the country; and respectfully appeal to Congress for relief; that they ask for the restoration of the deposites and renewal of the charter of the Bank of the United States, with such modifications and amendments as experience may have suggested. He moved that the petition be read, laid on the table, and printed. Agreed to.

BERKS COUNTY (PA.) MEMORIAL.

Mr. **MUHLENBERG** presented memorials signed by 5,480 citizens of Berks county, in Pennsylvania, praying that the United States Bank may not be rechartered and that the public deposites may not be restored, and denying the existence of great distress in that neighborhood. The language of the memorial was respectful. It was signed chiefly by farmers, mechanics, and laborers, the yeomanry of Berks county, men distinguished for the morality of their habits, and their attachment to the institutions of the country. Their opinions were entitled to respect at home, and throughout the State, because they speak a united and powerful voice through the ballot-box, and he hoped they would be respected here, for here the opinion of every citizen was entitled to respect, whether federal or democrat, bank or anti-bank. He asked the reading of one of the memorials.

The memorials were read, ordered to be printed with the names, and laid on the table.

CHESTER COUNTY (PA.) MEMORIAL.

Mr. **POTTS**, addressing the Chair, said he had in his hand twenty-three memorials, signed by sixteen hundred citizens of Chester county, Pennsylvania, in relation to the removal of the public deposites and the recharter of the Bank of the United States.

The county of Chester (said Mr. P.) as is doubtless well known to every gentleman on this floor, is among the largest and most populous counties of the State of Pennsylvania. Possessing a soil, for the most part of great natural fertility, highly improved by good cultivation, and, although embracing within its limits various manufacturing establishments of iron, cotton, &c., yet it is mainly an agricultural county; its citizens are principally farmers, practical, independent farmers; men who cultivate their own lands with their own hands. And widely, sir, as it is known for its excellent husbandry, it is not less extensively so for the industry, enterprise, public spirit, and intelligence of its citizens. These memorials, Mr. Speaker, bear the names of a class of people who come befor you, not as Jackson men, nor anti-Jackson men, but under the more appropriate title of freemen. They are not party men, they have no party purposes to answer. Their object is higher, purer, nobler. It is to vindicate the constitution and laws of their country. They see in the manner in which the President had directed the removal of the public treasures from the custody where the law had placed them, a violation of the constitution and the law. They see, sir, by that act, that one of the main defences which the wisdom of their forefathers had thrown around liberty, to guard it from the encroachments of power, has been broken down; and, alarmed for the consequences that must ensue, they come here, sir, and in the respectful but decided language which it befits freemen to use to their representatives, they demand the restoration of the public moneys to their proper depository, thereby giving to power the merited rebuke, and inculcating the wholesome lesson, that that public officer assumes a fearful "responsibility," who does it in defiance of the constitution and the laws. We have, Mr. Speaker, approached an alarming crisis in our affairs, and—

The **SPEAKER** here observed, that the gentleman from Pennsylvania would please confine himself strictly to the rule, in stating merely the substance of the memorials, as it was now a very late hour, and as there was a large number of the States yet to be called.

Mr. **POTTS** said that he did not wish to infringe the rules of the House; that he had intended making some further remarks, but would forbear, and, as the memorials which he held in his hand were similar to some before presented by him to the House, and read and printed, he would only ask that these, without reading, be laid on the table.

ADAMS COUNTY (PA.) MEMORIAL.

Mr. **MILLER**, of Pennsylvania, presented the proceedings of a meeting of the citizens of Adams county, in Pennsylvania, held at Gettysburg, on the 22d of March last. Mr. M. said that the gentleman who had enclosed the proceedings to him, authorized him to say that the meeting was large and respectable. He said he knew a number of the gentlemen himself, whose names appeared in the proceedings, and knew them to be, not only respectable, but intelligent. The proceedings are in relation to the Bank of the United States, and the public deposites. They are opposed to the recharter of that institution, and approve of the measures of the administration in the removal of the public money from it. They have also referred to several political topics, not immediately connected with legislation, but relating to a national convention, and the nomination of candidates for the first offices in the Government. On all of which subjects, Mr. M. said they had expressed their sentiments so much more fully, and so much better than he could, in any condensed remarks he might make, he would ask for their reading.

The hour being late, the motion for reading was withdrawn, and the proceedings were ordered to be printed, and laid on the table

YORK (PA.) MEMORIAL.

Mr. BARNITZ presented the proceedings of a public meeting lately held in the county of York, Pennsylvania, at Wolf's, in West Manchester township, praying a restoration of the public deposites to the United States Bank, and a recharter of the bank.

In presenting these proceedings, Mr. B. briefly stated that it was a meeting of a peculiar character, composed of respectable farmers, and others connected with the agricultural interests of the country, who, from their opportunities and situation, were well qualified to form correct opinions as to the present embarrassments, as well as the causes, and remedies for relief. They had a deep interest in the public prosperity; and, in engaging in these proceedings could have no other motives but such as regarded the welfare of the community. After briefly stating the general contents or the resolutions, he moved that they be printed and laid upon the table; which was agreed to.

PRINCE GEORGE'S COUNTY (MD.) MEMORIAL.

Mr. CARMICHAEL prensented certain proceedings in Prince George's county, with a memorial signed by 800 of the voters of that county, praying for the restoration of the deposites. He then went into an explanation of instructions he had received from 50 of his constitutions, and was going pretty much at large into a statement of facts, tending to show that the distress, represented by the memorialists, had no existence, when he was restrained by the Chair. He concluded by stating that the memorial prayed for a restoration, retroactive as well as prospective, of the public deposites to the United States Bank, but did not ask the recharter of the bank.

ROCKINGHAM AND SHENANDOAH (VA.) MEMORIALS.

Mr. BEALE, from Rockingham and Shenandoah counties, presented memorials against the restoration of the deposites to the Bank of the United States.

On presenting the above Mr. BEALE said: Mr. Speaker, I present you the resolutions of a people, who, in Virginia, in all the great struggles for political freedom, have been denominated the 10th legion of its democracy. Their resolutions approve of the withdrawal of the public money from the Bank of the United States, declare the unconstitutionality, illegality, and irresponsibility, of the Bank of the United States, and as therefore dangerous under a Government of limited powers.

It has been common upon the presentation of memorials and resolutions here, to say that they come from persons of all parties; not so here: those from a part of the county of Rockingham were unanimous—those from the county of Shenandoah were opposed by one dissenting voice, to one of the resolutions, amidst the affirmative sanction of hundreds of its bold yeomanry. But, Mr. Speaker, this large majority were of a particular party, they were of that party, and of that people and their descendants, who, in the days of the Revolution, fought against the British, the Indians, and the tories, and aided in establishing upon a firm basis, the rights of our race. They were of that party, who, under the auspices of Mr. Jefferson, effected the great civil revolution of 1800. They were of that party who sustained the administration in the late war made for the rights of our sailors, and the liberties of the seas, and who did not then hold out false lights to the enemies of our country, and who in more modern times, have rallied under no banner but that of the Union.

LEXINGTON (KY.) MEMORIAL.

Mr. ALLAN, of Kentucky, presented the memorial of the citizens of Lexington and county of Fayette, against the removal of the deposites, &c.

He said that, on the presentation of memorials, it had become customary in this House, and in the other, to speak of the character of the memorialists. If high character, intelligence, and experience, give weight to a memorial, then the one which he had the honor now to present ought to receive the most respectful consideration. It comes from the city of Lexington, a name associated in the revolutionary struggle with the first resistance to arbitrary power. The citizens of Lexington, in peace and in war, have ever maintained a character in accordance with all the associations of the name of their city. The inhabitants of a city, who adopted a name to honor the first resistance to despotism, now present themselves before Congress, to protest against usurpation.

In looking over the names of these memorialists, I discover that all interests are fully represented: farmers, mechanics, merchants, and professional men, all unite. If long experience in the active pursuits of life enable men to judge truly of the causes of public prosperity and public distress, then he should repose great confidence in the opinions of these memorialists. These men have, in a single age, built a large and flourishing city, and converted a wilderness into the most highly cultivated country that is to be found in America. A foreigner, to view their extensive pastures, their cultivated fields, their spacious mansions, the progress of the arts, the provisions for education, would believe that all these improvements had been the slow growth of a thousand years. The men who have done more in the short term of their own lives than has been accomplished in other countries in centuries, after having had full experience in all kinds of currency, now tell you that this great nation cannot get along upon the basis of a State bank note currency. That a fixed standard of value is identified with the titles of property, the security of commerce, and the safety of labor. That the only means that ever has been discovered, by which the issues of the State banks could be restrained, and their notes regulated, is the agency of a national bank, established by the national Legislature, and under the government of national laws. These practical men, guided by the light of experience, recommend that the national bank shall be rechartered. They give it as their opinion, that the taking of the public treasure out of the custody of the legislative and transferring it to the executive department, was a dangerous violation of the constitution. They believe that the substitution of the State banks, as the fiscal agents of the Treasury, will derange the finances and jeopard the public treasure.

The substance of what these memorialists pray for, is, 1st. That Congress will retain the power of regulating the currency, and not surrender it to the State banks.

2d. That the affairs of the Treasury shall be administered through the agency of a national bank, under the control of Congress, where the representatives of the people can see that their money is safe, and not scatter it through the Union in State banks, where it is not subject to the control of Congress. 3d. That the public treasure shall not be taken from the use of the people of the United States, and given to the Eastern cities as a banking capital; and 4th. That the public treasure should be restored to the custody of the legislative department of the Government.

Mr. A. moved that the memorial be printed; which was agreed to.

HARRISON COUNTY (O.) MEMORIAL.

Mr. LEAVITT rose and remarked that, two weeks since, he had presented to the House several memorials from the county of Harrison, in the State of Ohio, signed by about seventeen hundred persons, making known their opposition to the restoration of the deposites to the Bank of the United States, and to the rechartering of that institution. He now held in his hand another memorial from the same county, but of an opposite character, which it was his purpose presently to offer to the House. Before he did so, it became his duty to submit a motion for the printing of the names of the signers to the anti-bank memorials to which he had just referred as having been presented by him on a former day. He would state, in explanation of the reasons which governed him in making this motion, that, since the presentation of these memorials, he had been informed that charges and allegations had been mutually made by one party against the other, in the county of Harrison, of unfairness in obtaining signatures to the memorials which had been respectively circulated by them, and both parties had indicated a desire that the names attached to the several memorials should be printed.

Mr. L., having obtained leave for that purpose, then submitted a motion that the names upon the memorials formerly presented by him should be printed; which was accordingly ordered by the House.

Mr. L. then said he was charged with the presentation of a memorial, said to be signed by about two thousand of the inhabitants of the county of Harrison, in favor of the restoration of the public deposites to the Bank of the United States, and the recharter of that institution; which, on motion of Mr. L., with the names attached, was ordered to be printed.

Mr. L. also presented a memorial from the same county, signed by upwards of three hundred persons, against the restoration of the deposites, and against the rechartering of the Bank of the United States; which, together with the names, was ordered to be printed.

WARREN COUNTY (O.) MEMORIAL.

Mr. CORWIN, on presenting a memorial of the citizens of Warren county, Ohio, praying the restoration of the public deposites and a recharter of the United States Bank, addressed the Chair as follows:

Mr. Speaker: I am charged with the presentation to this House of a memorial, signed by about two thousand of the inhabitants of a single county of the district I have the honor to represent. By reference to the names and designations of occupations affixed to them, it will be seen that they are composed of farmers, merchants, and a great variety of those engaged in mechanical pursuits. They are emigrants, or the descendants of emigrants, from every State in the Union, and present in many respects a faithful miniature picture of the manners, habits, tastes, and opinions, of the whole American population. They are generally in that condition for which a pious and wise one of old so fervently prayed—they are neither rich nor poor, but in that happy medium between the extremes of poverty and wealth which philosophy had taught and all experience proved to be most favorable to the cultivation of that only true dignity of character, a modest yet manly independence of thought and action. They inhabit the most fertile portion of the Miami valley, a district of country remarkable for its exuberant production of those heavy articles of subsistence that are every where regarded as necessaries of life. For these (the only subjects of export trade in that country) the memorialists have usually found markets through the Ohio and Mississippi rivers, in the South, and lately through the Ohio canals and the lakes, in the North—markets which have yielded an encouraging reward to their industry; I say, sir, their industry, for in that country almost every man engaged in agricultural pursuits wields his own sickle and scythe, and ploughs with alacrity his own fields. I may say, without exaggeration, that they have a country and population that (if need should be) could realize the boast of the better days of the Roman commonwealth, when "every rood of earth maintained its man." Many of these memorialists came to that country whilst the wandering and marauding Indian tribes held there a divided empire with the arts and enterprise of civilized life. They have lived, in half the length of years allotted to the life of man, to see the then unbroken forest disappear, and rich plantations, covered with luxuriant crops, rise up in its place. The Bank of the United States has, for the last fifteen years, furnished a capital for their trade, and a currency which represented truly the exchangeable value of their property. This currency, always as good as gold or silver coin, is now rapidly disappearing, and the paper of State banks, having an estimated value never equal to its nominal amount, as rapidly taking its place. Experience, (that sure, but, in these times, too much neglected teacher,) dearly bought, almost fatal, experience, has taught them that this last cannot subsist without some power stronger than charter stipulations to regulate and control it. In the present state of affairs they look with fearful anticipations to that ruinous condition in which the establishment of the United States Bank found them, and from which the excellent administration of its functions, as a regulator of currency, redeemed them. Without this institution, they expect to see again currencies of different values in different parts of the Union, with a difference of exchange operating, as it once did, as a tax, varying from two to ten per cent., on every article they buy from the Atlantic cities. They expect to see State banks, all over the country, sinking into hopeless insolvency, leaving immense amounts of their paper worthless, in possession of those who have earned it with the labor of their own hands. They already feel the baneful influence of a deranged and vicious currency, in the depression of prices and general stagnation of trade. They see in that paralysis which has benumbed the great mercantile cities of the North and Southwest, the near and sure approach of ruin to themselves—for they look to those great hearts of trade for the life-blood which is to nourish the industry and enterprise of that rich interior of which they are a part.

These memorialists believe that the evils, present and prospective, of which they complain, are to be traced to the late act of the Secretary of the Treasury in withholding the revenues of the country, the money of the people, from the United States Bank, where it had been heretofore safely kept and usefully employed. They assert, what is now conceded by all, that the money of the Government and people was safe in the custody of the United States Bank, and fear that it is not so in the State banks that now have it. They insist that as the safety of the public treasure in the United States Bank is not denied, and as the bank has performed faithfully the duties pertaining to its fiscal agency, that the withdrawal from it o the public deposites, is indefensible upon principles o national good faith or sound policy. I have already informed you, that this memorial comes from a county bearing the venerated name of Warren. Having ever present to their minds the glorious associations connected with the name of "the first great martyr to the cause of liberty," it is not to be expected that they should speak in "'bated breath and whispering humbleness" of power usurped or power abused. In a strain of honest indignation, they declare the late conduct of the Secretary of the Treasury to be unwarranted by the constitution or laws of the land. They appeal to Congress as the guardians of the law and their constituted agents, for redress. They ask you to vindicate their violated constitution and broken laws, by an immediate restoration of the public moneys to their former place of deposite. They pray you to recharter the United States Bank. These measures are respectfully demanded of us as the only means by which lost confidence and quietude can be restored, and their prosperity, now rapidly declining, arrested in its downward career.

BELLEFONTE, CENTRE COUNTY, (PA.) MEMORIAL.

Mr. **HENDERSON** presented the proceedings of a meeting held at Bellefonte, Centre county, Pennsylvania.

Mr. H. said this meeting was acknowledged to have been the largest ever convened in this county, and composed of the professional men, the substantial farmer, the manufacturer, and the mechanic. Amongst the many respectable names which he recognised, was that of our distinguished fellow-citizen, the Hon. Andrew Gregg, whose name alone, at least in his own State, will command for those proceedings a respectful attention. He would only add, that it was highly gratifying to him to find that his course here, upon this all-absorbing question, had met with the approbation of so large a portion of his fellow-citizens, and that, without doing violence to his own opinions, he could cheerfully obey their mandates. Mr. H. also presented the proceedings of a meeting adverse to those last presented. Mr. H. said that, differing, as he did, in many of the sentiments contained in those resolutions, he could cheerfully bear testimony to the respectability of the men whose names were signed to the paper; some of whom were too well known to require this humble tribute.

SHELBY COUNTY (KY.) MEMORIAL.

Mr. **POPE** presented a memorial and resolutions of 1,083 inhabitants of Shelby county, Kentucky, deprecating the removal of the public deposites from the Bank of the United States, ascribing the present distress of the people to that cause, and resolving in favor of their restoration to that bank, and in favor of a recharter thereof, with such modifications as will meet the general sense of the people. Mr. P. observed, that the signatures were evidently not the autographs of the memorialists, but were copied, he presumed, from the originals. He had no doubt, however, that it had been fairly done, inasmuch as the gentlemen who had forwarded the memorial to him were of high character and worth. He had received the memorial on last Wednesday, and would have been much pleased if he could have presented it before the vote on the subjects of the memorial had been taken; but he was precluded from doing so by the rules of the House, which only permitted their presentation on Mondays. He stated that the people of Shelby county, as a body, were eminently respectable, industrious, and intelligent, and so were the memorialists, as far as he knew them, and he regretted that he could not concur with them in all their views. He moved that the memorial be laid upon the table and printed. Agreed to.

ADJOURNMENT OF CONGRESS.

Mr. **BOON** asked leave to offer a resolution, fixing a day for the adjournment of Congress. Objections being made, he moved to suspend the rule, but, in consequence of numerous remonstrances all around him, he immediately withdrew the motion.

NATIONAL CURRENCY.

Mr. **EWING** sent certain papers to the Clerk's table, which he wished to have printed, and observed that, if the House would hear him on the subject, he would promise not to occupy more than an hour.

The **CHAIR** inquired whether the papers were memorials?

Mr. **EWING** replied, that they were not memorials, but contained programmes, draughts, and outlines, for the establishment of a national currency.

The **SPEAKER** stated that these could not be presented but by unanimous consent.

Loud objections being made to the leave, Mr. **EWING** withdrew his motion.

DELAWARE COUNTY (PA.) MEMORIAL.

Mr. **DARLINGTON** said: I have been requested to present to the House the memorial of the citizens of Delaware county, Pennsylvania, praying for the restoration of the public deposites to the Bank of the United States, and for the renewal of the charter of the bank. These memorialists are, in point of intelligence, respectability, industry, and enterprise, not inferior to the citizens of any other county in the State, or in the Union. This memorial is signed by the citizens of the county, without distinction of party—by the opposers of the administration, and by those who have uniformly supported it; and by all classes and conditions of society—the farmers, the manufacturers, the mechanics, and the laborers. It is signed by 2,530 of the citizens, which constitutes a very large majority of the taxable and votable inhabitants of the county. This is apparent from the fact that the whole number of taxable inhabitants in the county does not probably exceed 3,200 persons, and that the highest vote ever polled in that county did not exceed 2,400. I am informed by the respectable gentleman who handed me the memorial, that there are not more than 200 of the persons whose signatures it contains that are not entitled to a vote. The memorialists represent that they are farmers, manufacturers, mechanics, merchants, and laborers; and that they have heretofore been highly prosperous in their several pursuits; and, from the sound and healthy state of business amongst them, they had reason to expect continued prosperity. From the great facility afforded by water power, connected with the active enterprise of the citizens of the county, manufacturing of various kinds, as cotton, wool, paper, and iron, is extensively engaged in. Capital exceeding $1,500,000 is invested in these various operations, producing a manufactured property amounting to $2,000,000 annually, and giving employment to at least 1,500 hands. The prosperous and flourishing state of things which existed a short time ago, has now entirely changed; and it is this reverse from prosperity to suffering and distress, which has induced these memorialists to address you. They tell you the mechanics are now without employment; the manufactories are, some of them, actually closed; others have partially suspended operations; and all of them are preparing to wind up business, should Congress do nothing to relieve them; that the merchants are unable to collect their bills—the prices of agricultural products are rapidly declining—a great reduction of the wages of laborers has taken place—and that, ere long, hundreds will certainly be left without employment, should the present state of things continue. This sudden change from a state of enviable prosperity to one of impending distress and ruin, they attribute to the fatal experiment of the Executive in removing the public deposites from the Bank of the United States to the local banks; a measure which they regard as a tyrannical usurpation and abuse of power; an experiment which has deranged the currency, and destroyed commercial credit and confidence. The memorialists express their belief that a restoration of the deposites, and a recharter of the Bank of the United States, under such modifications as Congress, in its wisdom, may deem necessary and expedient, are the only safe, certain, and effectual remedies for the present wide-spread distress. They look with hope to Congress to adopt such measures as will speedily settle the deranged state of the currency, and restore confidence to the community.

The memorial was read, laid upon the table, and ordered to be printed.

The whole of the residue of the day was consumed in the reception and hearing of memorials; when, at about half past four o'clock, the House adjourned.

Tuesday, April 8.

Mr. MASON, from the Committee on the Public Lands, reported a bill relinquishing the reversionary interest of the United States in an Indian reservation, situated between the Mississippi and Des Moines rivers, and wished it to receive its engrossment.

Mr. C. JOHNSON made some inquiries respecting the grounds of the bill.

Mr. MASON explained, and stated that these reservations had been allowed by the treaty of Washington, on the 24th August, 1824, for certain half-breeds of the Sacs and Foxes, who had now become amalgamated with the white population, and who desired to hold their lands in fee.

Mr. VINTON made further inquiries, the object of which was to see that no advantage was about to be taken of these Indians.

Mr. MASON having removed his doubts, and

Mr. ASHLEY having confirmed the assurances and explanations given, the bill was ordered to be engrossed for its third reading.

PUBLIC DEPOSITES.

The resolution of Mr. Mardis, on the subject of the deposites, coming up again as the unfinished business of the first hour,

Mr. CORWIN, of Ohio, resumed the floor, and continued his speech in opposition to the resolution, and spoke till the expiration of the hour; when

The House passed to the next order, viz: the consideration of the

COMMUTATION BILL.

Mr. CRAMER then resumed and concluded his remarks, as follows:

Mr. Speaker: The time which this subject has already occupied the attention of the House, and the distinguished talent and ability with which all the provisions of this bill have been sustained by the committee who reported it, admonish me that nearly all has been said which was necessary and proper, and that I ought not to trespass upon the patience of the House by obtruding my views upon it, conscious as I am that my proper province is rather to listen to and receive instruction than to endeavor to impart it to others. But a deep sense of the justice of these claims, a settled conviction of the entire propriety and expediency of the provisions of this bill, and, more especially, the manner in which it has been assailed by one of my honorable colleagues, must be my apology for briefly presenting the reasons which have contributed to the formation of my judgment; not that I indulge the vain hope thereby to influence the vote of a solitary member of this House, but with a view to a clear and succinct statement of the case as it presents itself to my own mind. I would inquire what were the services rendered by the petitioners? And on what equitable grounds is compensation demanded? If I have understood these claims rightly, they are based on the solemn pledge of the nation, given at a crisis when it had nothing else to pay in but its faith and its depreciated credit, and made for services the most important, appalling, and hazardous that can be imagined. Yes, sir, the men for whom this bill proposes compensation, entered and continued in the service of the country, literally with a hangman's noose around their necks. For what, I ask, would have been their condition, if they had proved unsuccessful in the final issue? No one need be told that the most of them, in all human probability, would have been tried, condemned, and executed as rebels. Congress, therefore, conscious of this fearful exposure, and as an additional inducement for them to remain in the service of their country, promised them the little pittance of half pay for life, on condition that they continued in the service to the close of the war, and this was predicated on a still more uncertain contingency, well understood by both parties, viz: that they should be victorious in the dreadful and unequal contest in which they had embarked. This agreement or contract was consummated by a resolution of this House, recorded 21st October, 1780; it was afterwards, in March, 1783, on the magnanimous request of the officers interested, commuted for a much less sum than the original amount, namely, five years' full pay in money, or in securities bearing an interest of six per cent. per annum. Thus we have the services performed, and the pledged compensation; and what are the objections to the fulfilment of the contract, or, in other words, to the passage of the bill under consideration? One which was urged by my honorable friend from New Hampshire is, that it erects a new and a different tribunal to ascertain whether the claimants bring themselves within the letter or spirit of the resolution of 1783. And is this objectionable? I confess I listened with attention to the gentleman who made it, and heard no satisfactory reason assigned to sustain the objection. Is it not evident that action on these claims would be more uniform and expeditious if they shall be settled by the Secretary of the Treasury under a general law, than if investigated and adjudicated by a committee of this House, fluctuating and changing as that body must necessarily be? Surely it must be admitted that the present arrangement would be infinitely more just, as the same rule, by the same officer, would be applied to all claimants, with leisure sufficient carefully and critically to examine all the proof. In addition to this, it would save much of the time of this and the other House, and also prevent unnecessary delay and expense to the applicants. It would, therefore, promote true economy as well as expedite justice; for it must be recollected and admitted that the individuals here claiming are creditors of the Government, and if we pay at all, we must, or ought to pay interest at the rate stipulated in the resolution to which I referred, for the entire period these settlements have been deferred. Another objection which has been made against this bill is, that the rule prescribing the proper testimony to substantiate the time and extent of the service is too favorable to the applicants. This, however, is an assumption not warranted by facts, nor by the established rules of evidence, as applicable to ancient covenants. But this objection has been so fully discussed, and so triumphantly refuted by gentlemen who have preceded me in this debate, that I will not tax the patience of the House with any additional reason to demonstrate its fallacy. The third objection which has been taken to the provisions of this bill is, that some may possibly be thereby included who have already received compensation, and perhaps others who were not originally entitled to any; and, therefore, it is gravely inferred that because we may possibly do wrong, we must not do that which is clearly and manifestly right. This is proving too much. It would extend to the total exclusion of all legislation; for I defy human sagacity to frame a law so that injustice might not sometimes be consequent on its enforcement. But I cannot perceive, from the face of this law, nor from any legitimate reason which has been presented to the consideration of the House, that such consequences would necessarily, or even probably, follow, unless gentlemen are disposed to maintain the position, which I regret to say some have too broadly intimated, that these claimants were so destitute of moral rectitude, so sordid, so superannuated, and so indistinct in their reminiscences, that, in order to effect their own or others' designs on the Treasury, they would affirm to any statement of facts which an artful, unprincipled scrivener might indite. But, in charity to the gentleman from New York who intimated this, I will not suppose it was seriously intended as being peculiarly applicable to these venerated relics of our nation's pride and boast. But be it as some gentlemen will have it, that occasional frauds may and will be practised, still I am for the law; for I insist that these claims are more sacred, and of a higher order, than any others which can be presented to the consideration of this House; and, for one, I hope I may be spared the painful retrospect of having uttered any sentiment derogatory to the character of these claimants, or of having, from false notions of economy, withheld that which was justly due to any man who in that momentous struggle rallied around the sinking standard of his country. Yes, sir, I concientiously contend that it is better, far better, in this case, that some should even receive Benjamin's portion, than that any should go unsatisfied. But is it correct that frauds would be more successfully practised on a vigilant, intelligent public officer, than on the members of this House? So far as my experience extends, the reverse of this position is true. I therefore maintain that if gentlemen who are opposed to this bill are solely intent on carefully and honestly guarding the treasury, this is the proper and most effectual mode of doing it. But, for myself, sir, I am not disposed in this case to bar the treasury of the Union, at the hazard of doing injustice to those revolutionary veterans who, in the most gloomy and agonizing period of our nation's emancipation, stood in the front ranks in many a bloody and embattled field. No, let that eagle-eyed vigilance to protect the funds of the nation be reserved for a proper subject and a fit occasion; let it be rigorously observed and enforced in all cases of doubtful constitutional prerogative, to make appropriations either on the ground of construction, expediency, or precedent—the most villanous and still the most successful subterfuges heretofore resorted to, to rob your treasury and sap the foundations of your Government. I will go all lengths with the gentlemen on this point, and here, I will assure them, is an ample and a glorious field for curtailment. Nay, I will go with them for retrenchment and economy on all proper occasions. But, for heaven's sake, let us not commence this system by doing an act of violence and gross injustice to the war-worn veteran, or to his lineal descendants. No, sir, parsimony, here, would be prodigality; for we should be squandering and dissipating that which dollars and cents could not compensate for. I mean our national character—for I assert that it is an undeniable proposition that these are just dues, growing out of a national compact, for services the most adventurous and important ever performed by man. And will any one have the hardihood to affirm, that in this case the laborer is not worthy of his hire, or, in other words, his promised reward? If any one doubts, let him estimate, if he can, the value of our independence, of our exalted and happy condition, as a people, contrasted with any or all other nations on the face of the globe; nay, let him estimate, if possible, the value of our Union—yes, our Union—and then let him say, if he can, that the men who achieved this by their valor and patient endurance of every deprivation and danger, shall go unpaid, and be denied the trifling bounty which was their due by solemn contract, because, forsooth, it will take a few thousands, nay, millions if you please, to liquidate and cancel these claims. For one, I deprecate all such miserable, miserly suggestions; such contracted, sordid reasons; and pity the mind that can be influenced by them. What! refuse to pay for services, but for which we should not now be here, legislating in this magnificent hall, for a great, independent, and magnanimous nation? No, sir, we should have been spared that proud satisfaction, for we should still have been the humble vassals of some foreign prince, for such a race of patriots and heroes has not appeared on the American stage since that eventful period. For one, sir, I never will be satisfied until every man who fought and bled in the revolutionary struggle is paid the last cent which is legally or equitably his due. No, sir, I never shall feel as though enough had been done for those men who have done so much for us individually, for the nation, and for the world, until all, from the least to the greatest, are paid the uttermost farthing. Let it not be said of this republic as it has been truly said of all the ancient republics, that they were ungrateful to their best benefactors. No; the Government in this case should act as an honorable man would act—invite all his just creditors to come and receive their pay, subjecting them to no unnecessary expense or delay. What would be said of an individual who should render the same excuse? interpose the same plea in bar to the payment of his creditors, which has on this occasion been urged by honorable members in avoidance of these claims on the part of the nation? I ask, what would be said of an individual who should refuse to pay a class of hardy adventurous laborers to whom he was principally indebted for an immense estate, because he, of his own volition, unauthorized by their consent, had appointed a time when he would pay, and inasmuch as through inadvertence or ignorance they had not attended to his call at the time specified, and who should therefore assume that he was exonerated from all liability, that now the door of justice was closed, that the day of retribution was past, and that he would not pay? And still more: suppose he should interpose this other plea which has here been urged in behalf of the Government, that there were many of these claimants, and if he paid one he could not refuse to pay others; and that the amount, although just, would be too large, and therefore he could not and would not pay: would not every honorable man condemn such an excuse, and despise the wretch that made it? And shall the Government do that which no man possessing a correct moral sense would dare to justify in his friend? Sir, I trust for the honor of the country that such principles will never be sanctioned as the deliberate sense of this or any future Congress. These claimants come not here, sir, as most others do, praying extra compensation for extra services rendered, or perhaps services never rendered. They come not here, sir, praying remuneration for real or pretended losses; but they do come with the nation's bond in their hands, sealed with their own blood or the blood of their sires, and they ask us, as their faithful guardians, and the executors of our fathers' will, to cancel it. They come not here, sir, supplicating favors; but they come here literally and emphatically demanding rights. And will you turn them away from this Capitol, as a knave would from his counting-house, with the rogue's plea, the statute of limitations? Yes, sir, it is literally the rogue's plea in this case; for I contend that Government has no moral right beyond what an individual has to vary a contract, without the mutual consent of the contracting parties.

I trust there is too much honor and integrity, too much of the spirit of '76 in this House, to sanction such an unjust judgment.

When Mr. Cramer had concluded—

Mr. CRANE obtained the floor; but yielding to a suggestion of Mr. Polk, who wished the House to take up the general appropriation bill, he moved the postponement of the further consideration of the commutation bill till Thursday next; which motion was agreed to.

The House then, on motion of Mr. POLK, went into Committee of the Whole on the state of the Union, Mr. Hubbard in the chair, and took up the

GENERAL APPROPRIATION BILL.

The bill was read by sections.

On motion of Mr. POLK, the following item was stricken out, viz:

"For the chief clerk in the Department of State, in addition to the salary now provided by law, $500."

Mr. VINTON moved to insert an amendment, the effect of which would be to raise the salary of the machinist in the Patent office from $700 to $1,200; and of the messenger of that Department from $400 to $700. Mr. V. explained the duties performed by these officers, and dwelt especially upon the important and rare qualifications requisite to the right discharge of the duties of the former of them. He advocated the propriety of the increase of these salaries with much earnestness.

Mr. BURGES opposed it with equal warmth; compared the compensations received for similar duties in New England, and adverted to the suffering state of the country, and the incongruity of a proposal at such a time to augment the salaries of officers of Government.

Mr. McKENNAN demanded a division of the question, so as to take a separate vote on each of the two officers. It was divided accordingly; and being first confined to the machinist's salary,

Mr. VINTON further explained, and insisted on the justice and expediency of the amendment.

Mr. WARDWELL seconded him, and bore testimony to the good character and high qualifications of the individual (Mr. Keller) who now fills the office.

Mr. WILLIAMS, of North Carolina, without disputing the facts, was opposed to making the proposed increase in an appropriation bill; as a separate proposition, he might give it his support.

The question was taken, and the ayes were 61, the noes 51. No quorum having voted, it was taken a second time, when the ayes were 68, noes 71; so the amendment was rejected.

The next item was read, appropriating $1,400 as the salary of a clerk to be employed in arranging the archives of the State Department.

Mr. POLK sent to the Chair a letter from the Secretary of State, explaining the necessity for an appropriation of this description; describing the state of total confusion in which he found the correspondence and other documents in that Department, when he entered it, and the great advantage that would accrue to the public service from having the entire mass properly labelled and arranged. The letter stated that there was employment for another clerk permanently; but, at all events, it was indispensable that one should be employed for a time.

Mr. ADAMS, of Massachusetts, moved to amend the bill by striking out this clause.

In support of this amendment, Mr. A. observed, that his objection to it was one which applied to many other items of the bill, and was founded in this principle, originally the fundamental principle of all appropriation bills, viz: that there should be nothing in an appropriation bill but simply the appropriation of money for objects already provided for in some other law. This was the essential nature and appropriate function of an appropriation bill, as such. But this principle had, he well knew, been departed from in many instances, and multiplied abuses had been the consequence. The present example was in point to show the danger of such a practice. This item purported to be for a temporary clerk; but he understood from the statement made by the chairman of the Committee of Ways and Means, that a similar appropriation had been made last year.

Mr. Polk explained. A similar item had been inserted in the bill of last year, but it had not passed both Houses.

Mr. A. resumed. If that was the case, it only went to strengthen his objections to the item. The appropriation was warranted by no former law; it was said, indeed, to be for the employment of a clerk for one year; but, from the letter of the Secretary, it was very apparent that the object intended was to make this appropriation the entering wedge for a permanent additional clerkship in the Department of State.

Not merely was it represented as necessary that these papers were to be arranged and labelled, but indexes were to be made, and the whole archives were to be placed in that state in which it was right and proper that they ought to be. It was very plain that the Secretary wanted an additional clerk; and, if the chairman of the Committee of Ways and Means would introduce another bill, providing for a keeper of the archives in that Department, and make the office permanent, Mr. A. would vote for it, because he believed such an officer might be very useful. But he wished to have the clause stricken out of this bill, because he hoped that the bill would be purged of every thing of a temporary character, or that was pretended to be so; that appropriations would be made only for such expenditures as were necessary and permanent, and warranted by law, and that all items not of this description would be expelled from the bill.

Mr. POLK replied. Such a principle as the gentleman had laid down might possibly have prevailed in some of the early Congresses of this Government; but the gentleman would find, for at least twenty years past, provisions of a similar character to this one in every annual appropriation bill. They were, in fact, unavoidable. As an instance in point, he would refer to the appropriations for the employment of temporary clerks in the Pension office, in consequence of the pension act of 1832. For two or three years immediately after the passage of that act, the labors of the Pension office would, of course, be greatly increased; but after the first flood of applications was over, this additional force would not be necessary. Twenty additional clerks had been kept constantly busy; but did any one dream of making a permanent provision for that number of clerkships? So, in the appropriation bill of last year, there had been an item of upwards of $24,000 for extra clerk-hire, on the same principle that there had been an item for an increase of the salary of the translator of languages. Mr. P. conceded the soundness of the general principle laid down by Mr. Adams, but contended that there were just and proper exceptions to it. The Secretary represented the employment of such a clerk as indispensable. It was true, he desired him to be permanent; but Mr. P. had told the Secretary that an appropriation bill was not the proper place to insert a permanent clerkship.

Mr. HALL, of North Carolina, approved the principle advanced by Mr. Adams. Appropriation bills were subsidiary in their character, and the practice of thus extending them ought to be restrained. If the service needed was merely a contingent duty, why not pay for it out of the contingent fund?

Mr. **EVERETT**, of Massachusetts, stated that a proposition of a kind similar to this had been formally submitted to the Committee on Foreign Affairs by the former Secretary of State, (Mr. Livington.) The committee, after examining the subject, had recommended the appropriation, and the House had adopted it; but, in the Senate, owing to a misapprehension of the chairman of the Committee on Finance, who supposed that the same provision was contained in another part of the bill, it had been stricken out at a time when it was too late to correct the error. Mr. E. conceived such an appointment highly desirable. Its necessity had been felt in that Department for many years. In some cases, papers deemed to be very important, after a long search, could not be found. It must be very manifest that, unless the provision was made in the manner now proposed, it could not be reached this session.

Mr. **PARKER** was in favor of striking out. It must certainly be improper to provide, in an appropriation bill, for new items of expenditure. The work ought certainly to be done; but, might it not be accomplished by extra labor of the clerks already employed? In that case, however, they should be allowed extra compensation. But was it altogether proper that the House should hire additional aid to perform duty which had been neglected? Were they to employ industrious clerks to supply what lazy clerks ought to have done and did not? For his own part, he had never found in private life that increasing his number of servants ended in his work being any better done. He was, therefore, opposed to the item.

Mr. **WILLIAMS** said that he was more opposed to the item now than he had been at first. The appropriation, it seemed, had been asked for, and had not been granted; and yet the Department had gone on to have the work done, and now called on the House to pay for it.

Here an explanation was made to Mr. W. that such was not the fact.

Mr. W. resumed. Then he retracted what he had said; but still he wanted to know how these documents came into such a state of confusion. If those now in office were answerable for this neglect, he was opposed to employing additional clerks to get them out of the difficulty. But if the case was otherwise, he should then vote for the appropriation.

Mr. **R. M. JOHNSON** thought it absurd to believe, in the case of others, they might do a great deal by being industrious, and yet, when we turned to ourselves, we found how little was done by us. Gentlemen must remember that there was a constant increase in our population, and in the amount of our public business. Now, he denied that the work to be done in this case was useful and important; and yet gentlemen turned round to the Department, and taxed it severely for having assumed the power, depending on the representatives of the people, who were the only legal sovereign, to see that it should be paid for. Gentlemen thought that, with a little less slumber, and with a little less folding of the hands, the present clerks might do all. But how could they be compelled to do it? Would it, in fact, be done? Yet, when the Department came, and made a low bow, and asked for a clerk, with $800 or $1,000 salary, to preserve the public archives for the honor of the nation, the House was not to grant it.

He would add a word as to themselves. When the House called for uncommon diligence in others, they ought to set an example of it in their own case. Yet, what had the House done? They had spent four months in considering one single subject, and had not half disposed even of that. They had, indeed, acted negatively upon it. But they had done nothing affirmatively, except to pass a bill to provide their own eight dollars a day. The poor clerks were kept waiting; nothing had been done for the army, nothing for the navy. It was a time of peace, and these were of no consequence. The heads of Departments, and all the clerks, must be kept in a state of suspense. The chairman of the Committee of Ways and Means was not in fault. He had, every now and then, been crying out to the House, Here are the appropriation bills! here are the appropriation bills! here are the appropriation bills! but he had cried in vain. Mr. J. thought enough had been said. He had, to be sure, listened with great pleasure to all the speeches, but the House had done nothing else. Yet, no doubt, gentlemen thought they had all done their duty. Under these circumstances, they ought to look with a little indulgence upon the poor clerks. He was for the appropriation. Here, in a time of profound peace, it was fit that the House should think about adjourning at the end of six months. He would not, however, insist upon that topic at present.

Mr. **WAYNE** said, that if the committee had not been led away by an extreme caution, not required by the constitution, they need not have hesitated to pass this item of the bill. He felt the greatest respect for the gentleman from Massachusetts, [Mr. ADAMS,] but that gentleman asserted the obligation of a rule which was wholly new, so far as the experience of the House went. The practice of the Government had certainly been the other way. He thought the principle was one of abundant caution, and not required by the constitution; all that the constitution said was, that no appropriation should be made but by law. The present bill comprehended a great variety of items, which had been provided for by law; but it was utterly impossible, in the nature of things, that any Government could anticipate every expense that would be needed. There was certainly presumptive evidence that such an appropriation was necessary, for the House, as was stated by the gentleman from Massachusetts, [Mr. EVERETT,] had once agreed to it, and the present Secretary of State had declared the necessity of such a provision. He had declined exerting his power over the contingent fund, and had, out of respect, preferred to apply to the House; nor was any objection urged but a principle of extreme and unnecessary caution. There never had been until now so perfect an organization of the business of that Department. The difficulty did not grow out of the neglect of those now in office, but had been accumulating for forty years back.

Mr. **ADAMS** adverted to the ground he had at first taken, that appropriation bills should contain no objects but those elsewhere provided for by law. The chairman of the Committee of Ways and Means had replied, that the practice of the House had been different. This Mr. A. had admitted at the outset, but denied its propriety or necessity. The chairman had referred to extra clerk hire under the pension act of 1832. The fact was undoubtedly so, but that was all legitimate and proper, because the object had been sanctioned by law, and the appropriation was only to carry a law into effect. As to the increase of the salary of the translating clerk, it was not a temporary, but a permanent provision. There was a law defining the number of clerks in each Department. It had indeed passed some years ago. But now they found three times the number provided for by that law. How did they get there? Precisely by the very practice to which he objected: by just such items in appropriation bills as this now proposed. A temporary clerk was asked for one year. The next year he was asked for again, until he became permanent. Fifty new clerks had been appointed the last year in one single Department; and the chairman of the Committee of Ways and Means had now before him a petition from the clerks in all the Departments, for an increase of their salaries. If a bill was to be introduced for that purpose, it would be better to place the present item there. Besides, there was a standing committee of this House on the expenditures in each Department. It was their province to determine whether such an increase was necessary or not. What was the number of clerks at this time in the Department of State, Mr. A. had no knowledge; but it was much increased since he had had some connexion with that Department, and it was very doubtful to him, if the Committee on Expenditures should go there and should undertake to examine the affairs of the Department, as a committee had once done when he was there, whether they would not report to the House that there was no need whatever that the number of clerks should be augmented.

Mr. MERCER said that, with a view to excuse himself to a friend who was applying to him for his interest to obtain a clerkship, he had gone successively to every Department of the Government, to inquire for a situation for this individual, and he had been told by the head of each Department, except one, that he wanted none, and that one was the Secretary of War, who had told him that he had more clerks than he knew what to do with. If an individual wanted the papers in his office arranged, would his reasonable and natural course be to employ a new clerk or an old one? One who knew all about the papers, or one who knew nothing of them? He would venture to say that, if a new clerk should be employed for such a task, it would soon come to pass that nobody could find the papers but himself, and he must be rendered permanent of necessity.

Mr. M. did not know whether some of the remarks of the gentleman from Kentucky [Mr. Johnson] had reference to him, or to his friend from Tennessee, [Mr. Polk.] The gentleman had said that they had done nothing; that they ought to look at home; in a word, that people that lived in glass houses should not throw stones. Now, was this an indication of a purpose to put down every measure involving expenditure, by telling the people that the members had been there long enough? Were these remarks of the gentleman intended only as precursors to the application of the previous question to measures which deeply affected the best interests and most important rights of the people? Mr. M. took none of the gentleman's censure to himself. None had had a smaller share in producing the delay of which the gentleman complained.

Mr. M. insisted upon the soundness of the principle laid down by the gentleman from Massachusetts; and a contrary practice on the part of the House, formed not the rule, but the exception to the rule. He knew that there were precedents in abundance, but that did not alter the matter. The House had just refused to give a poor clerk in the Patent office such a salary as was given to the messengers of this House, on the very principle contended for, and yet now it was proposed to create a salary of $1,400 to pay for the arrangement of the papers in one of the Departments, which, it seemed, were in such a state of entire confusion, that the head of the Department could not find a paper that he wanted. Mr. M. did not, in the least, wonder at this state of things. There had been such a constant succession of changes in that Department, that it would be wonderful if things could be otherwise. The honorable banishment of a friend of his, who had formerly been chief clerk in that Department, but who had been sent as a consul to France, was, of itself, sufficient to account for this derangement in the files. Replace that individual, and he would engage that the difficulty would soon disappear.

Mr. M. here referred to the memorable struggle between the House and the Senate on the subject of compensation for brevet rank, which contest depended expressly on the principle that an appropriation bill ought to contain nothing but what had previously received the sanction of law.

Mr. CHILTON, though reluctant to prolong the debate, thought it might not be improper or untimely to awake the slumbering recollections of gentlemen, and recall them to the scenes of other days. He would invite them, especially, to a certain memorable report once made in that House, and from which, if it were admissible in any gentleman to quote, he was certainly that individual. It was now proposed to create a new office. If it was true that there was an inherent tendency in all Governments to the multiplication of offices and dependants, and if this tendency was highly injurious to the welfare of the country, he was very certain that gentlemen could not be desirous of engaging in a work so unholy. It was not for him to say whether such was the case or not, but he had certainly once acted on the presumption that it was so. He had then acted as honestly as he now did, but under very different lights, and with far less experience. This identical subject of expenditures in the Department of State had once been referred to a very celebrated committee of this House; and what was the opinion then entertained? He would take the liberty of reading an extract or two from their report; and if gentlemen should see nothing in it worthy of regard, then most certainly they could not charge him with a change of opinion.

[Mr. C. then quoted various passages from the report of the retrenchment committee.]

Here was the language of 1828. Then the plan was to diminish the number of clerks, and to augment their labors. Mr. C. had acted with these gentlemen, and had drawn the censures of thousands, from one end of the continent to the other, upon his head, by the part he had taken. Little, indeed, had he then expected, in the short space of four or five years, to see the friends he then acted with turn about and advocate an increase of expenditures to double the amount, or nearly, of what they had complained of, and such an augmentation of clerks as had never been witnessed from the foundation of the Government. It put him in mind of a reflection in Salmagundi: "On what a prodigious scale is every thing in this country!"

In the days of this retrenchment committee, it had been the hope of him and his friends that, if they could but once get the Executive of their choice, they should completely succeed in reducing the public expenditures. He begged leave to remind gentlemen (lest they might perchance have forgotten) of the language they held to their constituents, as an apology for their ill success in the work they had attempted. It was this: "We have done all we could, but in every step the Executive opposes us; let us but once get an Executive who will think and feel as we do, and all will go charmingly." Yes; and to render the charm more imposing, they had given him a succession of most inviting titles: first, he was "the hero of the West;" then, to add the seductive influence of republican simplicity, he was "the Tennessee farmer." But, presently, they got beyond this, and he was "the conqueror of the conquerors of the Old World;" "the second Washington;" then "the greatest and best;" and, last of all, (he had nearly forgotten this,) he was "the old Roman." The charm worked finely; and the people were told, once put this man into the Chair, and then will come the golden days of retrenchment and republican simplicity and economy. They were assured they had been sacrificed by men devoted to regal splendor. Among other things, they were informed of two hundred and seventeen dollars having been expended in blacking Indians' boots and shoes. Then the crime of furnishing wafers to seal the letters of members of Congress, penknives to sharpen their pens, and sealing-wax to enclose their documents. All worked admirably—it had the finest effect imaginable. The charm was of universal influence. And at length they got those into power who now held and exercised it. Well, he had come back to Washington with hopes elate;

the hope of being soon able to bear back to his constituents the joyful news that all was now going right; every useless expenditure had been discontinued. He found that ten or a dozen bills had been reported by the very able, talented, and worthy retrenchment committee. But when he rose, and endeavored to awaken the slumbering recollections of his former coadjutors, they seemed perfectly astonished to find that he had been honest all the time! Then it was that he discovered, for the first time, that it was a most convenient thing to have one set of principles to get into office by, and another to go by after you are in office. Mr. C. proceeded to make many more quotations from the retrenchment report, and to intersperse many caustic and satirical commentaries, in applying its doctrines to existing circumstances.

Mr. **POLK** quoted a number of precedents to show that the principle laid down by Mr. Adams in reference to appropriation bills could not be observed in practice.

Mr. **CAMBRELENG** reminded Mr. Chilton that when he [Mr. Cambreleng] had been on the retrenchment committee, he had advocated the abolition of the office of draughtsman, and that Mr. Chilton had, with success, advocated its continuance. Mr. C. said he had always been of opinion, and still was, that the business of the Departments might be accomplished with half the present number of clerks, were due diligence employed. He was in favor of the amendment: he would grant the sum asked for, but not the appointment of any additional clerk.

Mr. **POLK** inquired whether Mr. C. had urged any objection to the item in the Committee of Ways and Means?

Mr. **CAMBRELENG** replied that he really could not recollect. Mr. P. knew what was the usual course of matters in that committee: one read the bill, and the others voted for it.

Mr. **WAYNE** reminded the gentleman from New York [Mr. Cambreleng] of the temporary character of the appointments asked for: and replied to Mr. Mercer, that this appropriation had formerly been asked for while his friend was still in office, and before what the gentleman called his honorable banishment could have been anticipated.

Mr. **HARPER**, of Pennsylvania, thought the Committee of Ways and Means seemed likely to swallow up all the business of the House. He quoted the rule designating the duties of the committees on the expenditures in the several Departments, and contended that it was their province to inquire and judge as to the propriety of any increase of clerkships, and expenses, either permanent or incidental. He belonged to one of these committees, and should have been happy to perform the duty. But the committee had not even once met since the commencement of the session. The state of the Departments ought to be investigated, and the facts ascertained, before the House were called to act in relation to them. In contemplation of the existing state of the country, he was compelled to raise his voice: while others were struggling and suffering, the officers of Government were coming for additional salaries. There were several other items in this bill he should vote against, for he seriously apprehended a deficiency in the revenue the coming year. Every practicable retrenchment in the expenditures of Government ought to be made.

Mr. **CROCKETT** said, he was not anxious about the present item in the bill: but as the gentleman from New York [Mr. Cambreleng] had said something about votes for retrenchment and the case of the draughtsman, and as he (Mr. C.) and his friend from Kentucky [Mr. Chilton] had voted together on that question, he would say a few words in reply to him. What had been the situation of that matter? Why, the retrenchment committee had found out that the draughtsman to the House was not thought to be a friend of the administration; and as retrenchment was the order of the day, he must be retrenched, or "reformed," for he believed that was the word—reformed out of office, on the ground that the work could be done on better terms. Well, they reformed him out. Mr. C. voted against it, because he was well persuaded the work would cost the Government double what they gave this officer. And it happened that he was nearly right, for an examination was had, and in a very short time afterwards the House reinstated their draughtsman by an overwhelming vote. Mr. C. said he had seen the whole continent convulsed by this question of retrenchment. A hue and cry was set up every where against the extravagance of the Government. He had gone with the rest; for he really believed they should get rid of some very bad people that were destorying the country. He had voted to relieve the country. But he had not expected that they were going to behave like a parcel of little children on the bank of a branch, fishing for minnows with a pin hook. He had expected retrenchment by wholesale. He had never thought in a few years to see the expenses doubled. But he had lived now in the civilized part of the country long enough to find that when he was only a backwoodsman he knew little about matters. In short, what he had seen in this civilized part of the country had pretty much satisfied him that the whole of it was like the cry of the fellow who undertook to shave a hog—"great cry and little wool!"

Mr. **EWING**, of Indiana, next addressed the Chair, in a series of remarks.

After a brief rejoinder from Mr. **CAMBRELENG**, who stated that what the gentleman had insinuated respecting the grounds of his opposition arose from ignorance of the relations which subsisted between him and the Secretary of the Treasury,

And a farther reply from Mr. **EWING**,

Mr. **H. EVERETT** stated, that the present bill contained appropriations to the amount of $88,781, all resting on a principle similar to that now to be decided; which showed the importance of well considering the present item. Things seemed to be taking this course, that if the head of any Department sent a letter to the chairman of the Committee of Ways and Means, he could, as a matter of course, get any appropriation he might choose to ask for.

Mr. **BROWN** moved to amend the clause which Mr. Adams desired to strike out, by striking out only the first portion of it, which would leave out the clerk, and retain only the appropriation and the object to which it was to be applied.

Mr. **McKAY** scouted the idea of such an alteration in form, while the substance of the appropriation was left.

The debate was further continued by Messrs. **ADAMS, BURGES**, and **POLK**; when, on motion of Mr. **DICKSON**, the committee rose, Ayes 78, Noes 7, leaving the question on the disputed item of appropriation unfinished.

Mr. **VANCE**, of Ohio, asked leave to have an amendment printed which he proposed, at the proper time, to offer, in Committee of the Whole, in connexion with the appropriation bill, which had been under consideration to-day.

Objection being made, the reading of the amendment was called for; whereupon it was read as follows:

"*Be it further enacted*, That from and after the passage of this act, instead of the compensation now allowed by law, there shall be paid to the within-named officers the following sums per annum:

"To each of the Secretaries of State, Treasury, War, and Navy, four thousand dollars. To the Postmaster General, three thousand five hundred dollars. To each Assistant Postmaster General, eighteen hundred dollars. To each of the Comptrollers of the Treasury, two thousand dollars. To each of the Auditors of the Treasury, two thousand dollars. To the Solicitor of the Treasury, two thousand dollars. To the Register of the Treasury, two thousand dollars. To the Treasurer, two thousand dollars. To the Commissioner of Indian Affairs, two thousand dollars. To the Commissioner of the General Land Office, two thousand dollars.

"And that there be deducted from the compensation now allowed by law to the clerks in the Departments of State, Treasury, War, and Navy, including those in the General Land Office, at the rate of thirty-three and one-third per centum per annum.

"That from all officers of the customs, by whatever name designated, or in whatever manner employed, there shall be deducted from the compensation now allowed to them by law, at the rate of thirty-three and one-third per centum per annum.

"That from all officers connected with the system of the public lands, either as surveyors general, registers, receivers, or clerks, there shall be deducted from the compensation now allowed them by law, at the rate of thirty-three and one-third per centum per annum.

"That from all the clerks in the General Post Office, deputy postmasters, their assistants and clerks, there shall be deducted from the compensation now allowed to them by law, at the rate of thirty-three and one-third per centum per annum.

"That from all persons connected with the Indian department as superintendents, agents, sub-agents, interpreters, agents for removals, commissioners, or in whatever other manner employed, there shall be deducted from the compensation now allowed them by law or regulation, at the rate of thirty-three and one-third per centum per annum.

"That to the members of the Senate and House of Representatives, instead of the compensation now allowed by law, they shall receive six dollars per day, and six dollars for every twenty miles travel to and from the seat of Government. And that from and after the expiration of the present presidential term, the salary of the President of the United States shall be fifteen thousand dollars per annum."

Mr. **VANCE** now moved for the suspension of the rule, so as to allow him to make a motion to have his amendment printed. On which question,

Mr. **CRANE** demanded the yeas and nays.

They were ordered and taken, and stood as follows:

YEAS.—Messrs. John Quincy Adams, Heman Allen, John J. Allen, Chilton Allan, William Allen, Archer, Barber, Barringer, Bates, Baylies, Beaty, Binney, Bouldin, Briggs, Bull, Burd, Casey, Chambers, Chaney, Chilton, William Clark, Clayton, Clowney, Connor, Corwin, Coulter, Crane, Crockett, Davenport, Deberry, Deming, Denny, Dennis, Duncan, Ellsworth, Evans, Edward Everett, Horace Everett, Ewing, Fillmore, Foot, Philo C. Fuller, Fulton, Gholson, Gilmer, Gorham, Graham, Grayson, Grennell, Hiland Hall, Hard, Hardin, Joseph M. Harper, James Harper, Hazeltine, Heath, Hiester, Jabez W. Huntington, Jackson, William Cost Johnson, Benjamin Jones, Kinnard, Lane, Lay, Leavitt, Lincoln, Lytle, Martindale, Marshall, McCarty, McKennan, McVean, Mercer, Milligan, Robert Mitchell, Moore, Patterson, Pinckney, Potts, Ramsay, Reed, Selden, William B. Shepard, Aug. H. Shepperd, William Slade, Charles Slade, Sloane, Spangler, William P. Taylor, Thomson, Tompkins, Turner, Tweedy, Vance, Van Houten, Vinton, Watmough, Whallon, Edward D. White, Fred. Whittlesey, Elisha Whittlesey, Wilde, Williams, Wise, Young.—105.

NAYS.—Messrs. J. Adams, Anthony, Beale, Bean, Beardsley, Beaumont, John Bell, Bockee, Bodle, Brown, Bunch, Bynum, Cage, Cambreleng, Carmichael, Carr, Chinn, Samuel Clark, Clay, Coffee, Day, William K. Fuller, Gillet, Joseph Hall, Halsey, Hannegan, Harrison, Hathaway, Hawkins, Henderson, Howell, A. Huntington, Jarvis, Richard M. Johnson, Noadiah Johnson, Kavanagh, King, Lansing, Lawrence, Luke Lea, Loyall, Abijah Mann, Joel K. Mann, Mardis, Moses Mason, McIntire, McKinley, McLene, Miller, Osgood, Page, Parker, Dutee J. Pearce, Peyton, Franklin Pierce, Polk, Schley, Smith, Speight, Standefer, Stoddert, Sutherland, Francis Thomas, Philemon Thomas, Turrill, Wagener, Wayne.—67.

There being not two-thirds in favor of suspending the rule, as moved, the motion of Mr. Vance to print the amendment was overruled.

The House then adjourned.

Wednesday, April 9.

PUBLIC DEPOSITES.

After disposing of the morning business

The House resumed the consideration of the resolution relative to the deposites, submitted by Mr. Mardis.

Mr. **CORWIN** resumed his remarks, and spoke, without concluding, till the expiration of the hour.

On motion of Mr. **POLK**, the House then proceeded to the Orders of the Day; when

Several bills from the Senate were twice read, and referred.

GENERAL APPROPRIATION BILL.

The House then again resolved itself into a Committee of the Whole on the General Appropriation Bill—

And the question being on the amendment proposed by Mr. Brown, of New York, to amend the item for a clerk in the Department of State, for one year, for the arrangement and preservation of the archives in that Department, by striking out the former part of it, so as to leave the object specified, but omit the appointment of the clerk—

Mr. **DICKSON**, of New York, addressed the House in opposition to the amendment, and in favor of the proposition of Mr. Adams, of Massachusetts, to strike the entire item from the bill. He observed that, though this appropriation was small in amount, being only for the sum of fourteen hundred dollars, yet it was of considerable importance as to the principle involved. The bill of which it formed a part was entitled "A bill making appropriations for the civil and diplomatic service of the United States for the year 1824." From the very title, and upon the mere face of the law, it would be supposed by any one to be a bill for the payment of officers of Government previously created. But this item proposed to create the office for which it made provision. Now, if such an item stood alone, and was the only appropriation of this nature asked by the committee, it ought still to be provided for in a separate bill. But this was far from being the case. On looking over the bill, it would be perceived that it contained provision for additional clerkships, whose annual salaries exceeded $75,000. In one instance, there was provision for 268 clerks, whose compensation amounted to $31,731. There was no specification as to what Department these clerks were to serve in; no designation of what were to be their duties; but one gross additional item to previous items, of 6,000 4,000, 10,000 dollars, &c. When it was considered that all these amounts of money were for additional clerkships, he thought the least that could be asked was, that the provision for so many new offices should be placed in a separate bill, that the House might act distinctly on this measure alone. But he heard it said that, if the committee were to do this, such a bill would never pass. If that was the case, it was one of the most conclusive reasons that could be given in support of his position. For, when the House saw the whole case, if they would not act upon it, how much more dangerous was it to present the demand in small portions—here asking $700, and there $1,400, which it might be the more difficult to refuse? Let them have the whole that was asked for spread distinctly before them. Let the reasons be brought forward in favor of the measure, and then let the House act on the whole case. There were some of these clerkships for which he might probably be induced to vote; but he certainly should not vote for the whole of them. But the gentleman at the head of the Committee of Ways and Means had said that, if it was not intended to make the remaining appropriations contained in this bill, for additional clerk hire, the business of the Departments must stop; and the gentleman had instanced the case of the Pension office. But Mr. D. found an item for two additional clerks in the office of one of the Auditors, of $5,000.

Mr. **POLK** here interposed, and stated that the act of 1818 authorized the number of clerks in that office, and he would mention this to save the gentleman the trouble of unnecessary discussion.

Mr. **DICKSON** here quoted the bill, viz: "For compensation to two additional clerks for one year, made necessary in consequence of the increased accounts of pension agents, under the act of June seventh, eighteen hundred and thirty-two, and other duties specially directed by law to be performed by the Third Auditor;" and observed that, seeing this clause, he thought he had good reason to speak of the appropriation as one of those for additional clerks.

Yet the House was gravely told that, if these appropriations were not made, the business of the Department could not go on; and the pensioners must cease to receive their pensions. Mr. D. said that he should like to hear some good reason why they must cease, and why the business of the Department must stop. The whole number of applications for pensions was 30,625; of this number 23,438 pensions had been granted, 1,111 had been rejected; making 24,549 cases which had been definitively settled. This left a balance of but 6,076; of which 1,351 had been suspended with a view to the procuring of further evidence, and 4,725 were in the hands of agents or applicants. Of the whole number suspended, there was good reason to believe that much the greater part would never come back, as the requisite additional testimony could not be procured. So, then, it turned out that this Department had only about 3,000 cases on its hands; being not one-eighth part of the number which had been already decided. Was it then credible that the Commissioner would not be able to complete his task with such clerks as he already had?

Mr. D. said that he might anticipate some of the reasons which would probably be urged in behalf of this appropriation. But he declined doing so at this time, and should leave them to be stated by the gentleman at the head of the Committee of Ways and Means. He strongly suspected, however, that, if he had an opportunity to examine in like manner the clerkships asked for the other Departments, it might as conclusively be shown that they were not needed. But be this as it might, and supposing the emergency to be ever so great, if it was necessary to create new offices, with new salaries, to the amount of $80,000, he submitted that the true and proper course was to do this by a distinct bill. The gentleman had quoted precedents, and Mr. D. knew that such might be found. But the members all knew that, unfortunately, appropriation bills often passed but with too little scruple, and it was notorious that, at the last session, they had passed with less investigation than almost ever before. Items were often admitted inadvertently. These precedents, however, were not binding. Members were sent there to correct the errors of their predecessors, as well as to supply their defects. The gentleman from New York [Mr. BROWN] had proposed an amendment, which, he thought, would do away all objection to this item. He struck out the clerkship, but left the money appropriated. Now, said Mr. D., this did not alter the case. If any thing, it rendered the item still more objectionable, because it placed the money at the discretion of the Secretary of State, without any qualification; leaving him to give it to the clerks now employed, or to hire a new one, at his pleasure. This did not, in the least, remedy the objection which had been brought forward by the gentleman from Massachusetts, [Mr ADAMS.] He, therefore, hoped that the amendment would not pass, but that the motion of that gentleman, to strike out the whole appropriation, would prevail.

Mr. **JARVIS**, of Maine, observed, that it would be better to confine the discussion to the matter immediately before the committee, viz: the appointment of an additional clerk in the Department of State for a limited period. There was no question at present as to clerks in other Departments. The Secretary of State, in the performance of his duty, had applied to the House, through the appropriate committee, for the appointment of an additional clerk to put the archives of the office in proper order, and prepare the requisite indexes; and he stated that such a measure was absolutely necessary. Mr. J., not satisfied with a mere statement of the Secretary, had this morning visited the Department, and had satisfied himself by ocular inspection, that what was asked by the Secretary was needed by the public service. The evil complained of was a growing one, and had been of long standing. Mr. J. brought no charges against any one. The evil had, no doubt, arisen, in the first instance, from a want of the requisite force. But, however it had originated, the papers were at present in such a state of confusion as could not be remedied without the employment of additional force in that Department. Mr. J. had had a conversation with the Secretary, who stated that the clerks already employed were only equal to the discharge of the current business; and this extra service must be pretermitted, unless the House would allow an extra clerk. He thought that, in one year, a clerk working the usual time of six hours a day would be able to accomplish it; and he put it to gentlemen to say whether it was better that these papers should remain in their present condition, or be put in a state more creditable to the Government.

Mr. **LINCOLN**, of Massachusetts, said that he had not intended to trouble the House upon the present occasion: the item constituted but one of the details of the bill, and he trusted he should be one of the last to throw embarrassment in the way of any supplies which were requisite to the due administration of the Government. His relations had been such as to apprize him of the importance of adequate supplies, and of their being granted in due time. But there were reasons against the present appropriation, which had not been adverted to by any of the gentlemen who had yet addressed the House, and which had so much force upon his own mind, that he could not consent to give a silent vote. He trusted that those who knew his political course would acquit him of any disposition to seek popular favor, by exciting the prejudices of the people, or conciliate confidence by an affected regard to economy. He cared little for the amount of money now proposed to be drawn from the treasury, and less for any considerations in relation to those who were to be the recipients of it. But he cared much for the reasons and inducements which had been presented for the action of the House. Had not the chairman of the Committee of Ways and Means suggested the reasons he had done for this requisition, the item would scarcely have drawn his attention sufficiently to decide upon its intrinsic propriety or impropriety; but the reasons offered gave the appropriation an importance which would not otherwise belong to it. They affected the character of men; the memory of the dead; and the honor of the living. What was the ground on which this additional clerkship was urged? It was none other than the negliufactures, he would beg leave to quote a recent statement, which went to show that, in one neighborhood in his State, sixteen cotton mills had either stopped, or received orders to stop, on the first of next month; by which 28,300 spindles would be thrown out of operation, and 1,850 laborers dismissed from the employment by which they earned their daily bread. Was not this a fact which went to the point of his argument? Did it not show that it was important to husband the money of the people? Mr. L. feared he should be obliged to go for the reduction proposed by the gentleman from Ohio [Mr. Vance] in his own compensation—a calamity which was certainly very unexpected when he had come to this place, but a measure which the necessity of the times seemed to require. And he feared, further, that he should be obliged to suggest another amendment to this bill, from the peculiar aspect of a late decision upon his friends and himself; forty of whom had, by the vote of the House, been thrown out of a situation to express their sentiments on that floor. It had been determined that a committee of inquiry should go forth, to ascertain in what places the money appropriated by this bill should be deposited. He expected that that committee would shortly determine, and delight the House by a report that their careful and sedulous inquiry had resulted in the unanticipated discovery that the Bank of the United States, concerning which that committee at present, of course, knew little or nothing, since they were sent to inquire into its condition, turned out to be a perfectly safe place of deposite for the public moneys, and was on every ground worthy of being rechartered; and, therefore, that one of the resolutions which had been reported by the Committee of Ways and Means, and adopted by the House, in which it was declared that the deposites should continue in the custody of the State banks, ought to be rescinded. And, on this presumption, his amendment would propose that, after the words "any money in the Treasury," there should be inserted the following additional clause: "And deposited in the Bank of the United States." To such an amendment he should anticipate the consent of the chairman of the Committee of Ways and Means, and of the members of this Committee of the Whole; because, if the result of the inquiry now to be instituted by gentlemen who were unquestionably without any bias in the case, should show that the bank, in this great issue between the country and itself, should be able to sustain the plea of not guilty, and that committee, as an impartial jury, should return their verdict against the charge which had been preferred, then all would agree that the Bank of the United States was a proper place for the custody of the public deposites.

It appeared to him that, before the House made any appropriation, they should decide whether the money appropriated was to be taken from the Bank of the United States, or from the State banks. Mr. L. added that if he should be constrained to move such an amendment, he hoped his doing so would not be attributed to any purpose of delay. He trusted that the investigating committee would be prompt and diligent in the performance of their task, and that they would be able speedily to report to the House that there existed no fraud or corruption in the management of the bank, and that, in consequence of such report, the amendment would be adopted.

Mr. HAWES, of Kentucky, said that he was sorry the very first vault of the gentleman from Massachusetts on that floor had been the delivery of such a speech; that the gentleman had taken occasion on this small item of appropriation to launch forth into a general attack upon the administration. He admitted the gentleman to be correct in one thing, and that was, that his former relations had placed him in circumstances from which he ought to know something of the forms of business. But that was the only point in the gentleman's whole argument in which Mr. H. could agree with him. And what was the gentleman's argument? Sum it up, and what did it amount to? Had the gentleman attempted to show that the clerk was unnecessary? He had not. But he had resisted the appropriation only because the asking for it seemed to cast a slur on the predecessors of the present Secretary of State. He would ask that gentleman whether this was the first time that additional clerks had been called for in this very Department. If the gentleman would look to the appropriation bill of 1819, he would find this item:

"For additional clerk hire in the Department of State, $1,500."

When had this appropriation been made? Under the present administration? It had not. Who was at that time in the Department of State? The very gentleman [Mr. Adams] who proposed to strike out the present item. But the gentleman from Massachusetts [Mr. Lincoln] had travelled out of his way to make an attack upon the Post Office Department. Mr. H. had hoped that this Department of Government would not be attacked until the attack could be substantiated by some show of argument. But the gentleman had adduced none. Was there a deficit in the Post Office Department? There was. And the Postmaster General alone was held answerable for it. He would venture to say that that officer was not justly liable to any imputation. He was blameless—Mr. H. had been going to say—as an angel. If there was any deficit, it was owing to the conduct of members on that floor, and members of the Senate. Gentlemen who rose in their places, and abused the Post Office Department, would themselves go cringing and wheedling to the Postmaster General to get additional stage allowances, and an increase of mail accommodations; and then they would come there, and make speeches throwing the whole blame on that innocent officer. Accommodations had been extended to the people of the Union in the way of mail routes, such as never had been granted at any former period of the Government, and a consequent increase in the expenditure of money was of course unavoidable. He would then, on that floor, say to his constituents and to the world, that the blame did not attach to the Postmaster General, but to their own representatives and the representatives of others in both Houses of Congress.

But in this simple inquiry, whether an additional clerk was needed by the Department of State, the gentleman had given to the House the price of flour and corn, and the number of cotton mills which had been stopped. There was one other on which Mr. H. agreed with the gentleman, viz: that meat and bread were necessary to the support of human life. That fact had here been solemnly announced to the people of the United States, and Mr. H. was not disposed to dispute it, though he had thought that a little codfish and pork and molasses might be necessary to carry on the process. The gentleman had further taken occasion to say that he should vote for the amendment which had been modified by the gentleman from Ohio, [Mr. Vance.] Mr. H. hoped that he should always be found willing to vote for all salutary reductions in the expenses of Government. But when the gentleman came out beforehand, and let his constituents know that he should vote for such an amendment, he wanted to ask, not that gentleman but his constituents, whether he would vote for the amendment if he thought it would pass? Mr. H. said he was induced to say this, because that gentleman had travelled out of the record for the sake of making an attack upon a man whose character stood far above all attacks that could be made upon it; whose honor still stood, in Mr. H.'s view, unimpeached and unimpeachable, notwithstanding the attempts that were made to his prejudice. The people of this country for years to come would have reason to thank Major Barry for what he had done in increasing the mail facilities of the United States, although millions should be needed to defray the cost.

Mr. LINCOLN here explained, and denied having uttered a single suggestion against the character or conduct of the Postmaster General. He had not mentioned him, nor alluded to him. He had only stated facts in relation to the Post Office Department; what had been the state of its revenues when Mr. McLean went out of office, and what their condition was at this time.

Mr. WARD said that he rose for the purpose of submitting a single remark on the subject under consideration, with the view of making the honorable gentleman from Massachusetts acquainted with the fact, that the subject in relation to arranging and making indexes to the archives in the Department of State was submitted to the House of Representatives, in the first instance, by Mr. Livingston, the late Secretary of State, in compliance with a call made upon him by this House, and not by the present Secretary of State, as that honorable gentleman supposes.

Mr. W. said that a resolution was introduced into this House, some two or three years ago, according to the best of his recollection, he did not remember the precise date, requiring the Committee of Ways and Means to inquire into the expediency of such a measure. That the committee thereupon addressed letters to the heads of Departments, requesting their opinions upon the subject. In answer thereto, they gave it as their deliberate opinion that such a measure was absolutely necessary.

That, at that time, the sum of $6,000 was inserted in the appropriation bill, to be applied to that object, which, as was stated yesterday by the honorable gentleman from Massachusetts, [Mr. EVERETT,] was lost in the Senate, by reason of one of the members of the committee to whom the subject had been referred, having moved to strike it out, under the impression that the same item of appropriation was twice inserted in the same bill. He said he had no doubt but that the Secretary of State was induced, from that circumstance, to ask for the appropriation at this time, and he considered that the honorable gentleman from Massachusetts [Mr. LINCOLN] had done great injustice to the Secretary of State, by observing that he had cast a reflection upon his predecessors in office, in his letter to the Committee of Ways and Means, which had been read. That letter does not cast the slightest reproach upon any of the gentlemen who have heretofore filled that high office, and the distinguished gentleman now at the head of the Department of State is incapable of making such a charge against any individual.

The attention of the late Secretary of State was drawn to this subject more particularly in consequence of the act of the 5th May, 1833, which authorized the publication of the diplomatic correspondence from 1783 to 1789, and which, by a recent resolution of this House, is directed to be distributed. The voluminous papers from which the selections were made, had been deposited in the garret rooms of the Department of State in files, once arranged and labelled; but, from accidents and removals, the researches of historians, and the mistakes or neglect of those who from time to time had had access to the papers, in restoring them to the proper files, a perfect scene of confusion existed, and no man living could tell what papers were in the garret-rooms, or what were missing. They were, therefore, obliged to open every bundle of papers, with little regard to their labels, and from the vast mass to select every thing which bore upon the diplomacy of the country for that period.

During the progress of this work an act of Congress was passed authorizing the publication of the Documentary History of the United States, which will embrace a large proportion of the revolutionary papers. These must be selected and prepared for the press. A contract has been made with Messrs. Clarke & Force, by the late Secretary of State, to edit and publish the work; and unless the proper documents, most of which are now in the Department of State, are arranged or put in some order, the work cannot progress with the required facility, and the papers, old and worn as they now are, will sustain great damage without the contemplated arrangement and binding up in volumes. Among these papers, transcripts of which are now required for the Documentary History, are comprised not only the letters of the officers and agents of the Government, civil and military, but a mass of other papers of infinite importance to the finances of the country; the reports of all the various committees of Congress from 1775 to 1789 on public affairs, and upon the applications of individuals, of which there is no record; and excepting a few printed reports, nothing exists but the original draughts of the reports of those committees. Of the same character are the letters and reports of the board of war, letters and reports of the board of treasury and of the superintendent of finance, wherein a multiplicity of claims growing out of the revolutionary contest were reported or decided upon, and some of which are kept alive to the present day. There is no record, nor are there duplicates of those papers. By arranging these papers, and binding them in volumes, with suitable indexes, they will be preserved to future generations. Several volumes have been so arranged; but if the remainder are left as they now are, a few more years must insure their decay and entire loss.

The honorable gentleman from Massachusetts [Mr. LINCOLN] seems to think that our finances are not in a situation to warrant this expenditure. This objection a few years ago might have been urged with some force, when we were indebted a hundred millions of dollars; but the expenditure of the small sum of one thousand four hundred dollars, now that the debt is extinguished, for an object so laudable, and which all admit to be necessary, can carry but little weight with it. The objection against its being inserted in the appropriation bill might have been urged with greater plausibility if this had been the first time appropriations had been made in this manner; but as similar provisions have been inserted in most of the appropriation bills heretofore passed, Mr. W. said he should therefore record his vote in favor of it. He said he would take this occasion to observe that he regretted that gentlemen should, in the course of their remarks upon almost every question before Congress, deem it necessary to cast reflections upon New York—a State which he was proud to call his native State, and one which he had the honor, in part, to represent. In the remarks made in the House yesterday, by the honorable gentleman from Indiana, [Mr. EWING,] he stated, in answer to some observation made by his worthy colleague, [Mr. CAMBRELENG,] that he presumed the appropriation was intended for some clerk to be appointed from New York; for that State, he said, came in for all the "loaves and fishes," which might account, he said, for his [Mr. CAMBRELENG's] being in favor of it.

[Mr. EWING here explained—disclaimed any unkind intention; and made some remarks as to what he had before said, which were very imperfectly heard. They had some reference to the States of New York and Delaware.]

Mr. W. said he could not believe that the remarks of the honorable gentleman had been made in any spirit of unkindness towards that State; but Mr. W. said, as he was in favor of the appropriation, he felt himself called upon to disclaim being governed by any such considerations, and he believed that his honorable colleagues were as free from any bias of the kind as himself. Mr. W. said that, during the present discussion, he had ascertained from the "Blue Book," an official publication of the Department of State, and which contains a register of all officers and agents, civil, military, and naval, in the service of the United States, and which, in conformity with a joint resolution, is transmitted biennially to Congress, the remarkable fact, that the number of persons in office at the seat of Government from the great State of New York does not exceed nine, and the aggregate of their salaries twelve thousand dollars. The officers and clerks now employed in the several Departments at Washington have been appointed from the respective States as follows:

From Massachusetts	21	From Delaware	7
New Hampshire	10	Virginia	53
Connecticut	10	North Carolina	5
Vermont	1	South Carolina	3
Rhode Island	1	Georgia	3
N. York ($12,000)	9	Kentucky	6
New Jersey	15	Tennessee	3
Pennsylvania	45	Ohio	2
Maryland	97		

It is therefore manifest, from this statement, that the State of New York, which contains nearly one-sixth of the whole population of the United States, and which pays into the treasury more than one-half of the revenue of the Government, has not a fair proportion of its citizens in office, and, instead of being censurable and obnoxious to the charge made against it by that honorable gentleman, has just cause of complaint; but he was happy to see that the patriotic and intelligent people of that State require no prompting from personal feeling, or party considerations, to do their duty to their State and to their country.

Mr. **ARCHER** said that he had not risen for the purpose of entering into the general discussion, but simply with a view to explanation, which was due to a gentleman to whom he stood in relations, not only of official communication, but of personal and private friendship. He regretted that a gentleman whose representation was so deservedly high as was that of the gentleman from Massachusetts [Mr. Lincoln] should have made a charge, and no light one, upon the conduct of the present Secretary of State. He was sure the gentleman could not have well considered what he was saying, or he would not have suffered any influence of party spirit to seduce him into doing injury to one of the most honorable and high-minded men in the world. It had happened from the relation in which Mr. A. stood to the Secretary; and he had sought an opportunity of explanation in reference to the letter he had addressed to the Committee of Ways and Means, in the course of which he had taken occasion to say that he had not had the most remote intention of conveying any injurious imputation upon the conduct of his predecessors. Mr. A. thought there was no foundation for such an idea. It was a fact well known that, although this evil had long existed, the predecessors of the present Secretary had omitted to ask Congress for a remedy.

Did it follow, because the present Secretary had deemed it proper to supply this omission, that he was thereby reflecting on those who had gone before him? Ought he, out of deference to the precedent they had set him, to have suffered the evil to go on and increase? But the gentleman from Massachusetts had said he should have made his demand general for an additional clerk, and not specific, by referring to the particular duty that was to be performed. But if the Secretary had taken that course, what would have been said then? What! shall we grant an appropriation when we are not told what it is for? How much better founded would such an objection have been?

Mr. A. was sorry to see that there seemed to be such a temper prevailing. He had been informed by the Secretary that this clerk was needed, not only to arrange the papers in question, but to make indexes of them. If this should be done, it was not the Secretary who would be benefited, but the members of that House and the public in general, who now often suffered great inconvenience, because the officers of the Department were not able, at once, to lay their hands on papers which were called for. It was the House that would suffer the penalty, should this small appropriation be refused. If it were true, as had been alleged, that this bill contained for clerkships to the amount of eighty thousand dollars, he hoped some other item would be selected as a battle-ground on which to urge the ruthless war against the administration which was manifestly intended. Mr. A. would not now say how he should vote when those questions should arise. He should make up his opinion on the merits of each separately, and vote for it or not, according to its own distinct propriety.

Mr. **CHAMBERS** said that he was opposed to this appropriation, not on account of its amount, but because of the principle involved. And this was but one out of many items of the same kind in the same bill. He should vote for the amendment because the committee had created an office, of the necessity for which he was not satisfied. What evidence of that necessity had been shown to the committee? None, except the mere opinion of the Secretary of State. Mr. C. would be the last man to detract from the merit of that officer; but he was not willing, when acting upon that floor, to take the mere opinion of any man, whether connected with the Government or not, as to the creation of an office. That House should have better evidence than this. They were told that the papers in that Department were in a deranged condition, and a new clerk was asked to put them in order. But why was this necessary? It was certainly the business of the clerks in every Department completely to arrange the papers of which they had the custody; and it was matter of history that, during the progress of this Government, that Department had proceeded for four years without a demand for any new clerks. And they had the opinion of half a dozen Secretaries of State, who had not deemed the office necessary, to set off against the opinion of one that it was.

So far, then, as the weight of opinion was concerned, it was all against the appointment. Nor had the House any evidence of such an increase in the business of that Department, as rendered new clerkships indispensable. They had been told that the difficulties of our foreign relations had all been arranged on the most happy terms, and it was certain that the nation had no representative at two of the most important Courts of Europe. The House, therefore, had reason to suppose that the business of the Department was diminished rather than augmented, and that, if there was to be any change, it would be one in the way of retrenchment. But Mr. C. was opposed to this item on another ground. It was the duty of the Committee of Ways and Means to report a bill for the simple purpose of defraying the expenses of the Government; yet, under color of doing this, they had undertaken to create an office. The rule prescribing their duties enjoined it upon them to inquire "how they might add to the economy of the Departments and the accountability of the public officers;" but, in the present bill, that committee had inserted requisitions for new officers—not this clerkship of $1,400 only, but others to the tune of $80,000. Some gentleman denied that the amount was so great. Mr. C. had not particularly examined the bill; but whatever was the exact amount, the whole thing was objectionable on principle. The necessity of new offices was a matter to be inquired into by the committees on expenditures in the respective Departments, and it was their duty to report on that subject to the House. Mr. C. concluded by again declaring his purpose to vote for the amendment.

Mr. **POLK** said that he regretted the protraction of this debate, as well as the character of it; and he was certainly not anxious to contribute any thing to its prolongation. He implored the House to come back from the wide range which had been taken, to the item on which they were called to vote. If the appropriation were proper, to vote it, and if not, to reject it. The objections which had been urged against it might be classed under two heads. The first of these was the ground taken by the gentleman from Massachusetts, [Mr. Adams,] and recently repeated by the gentleman from Pennsylvania on his left, [Mr. Chambers,] viz: that an appropriation bill was not the place to provide for an additional clerkship, or to create offices of any kind; it should only contain provision for objects sanctioned by law. But the gentlemen seemed to forget that the appropriation bill was itself a law, as well as any other expression of the legislative will. Did they forget that the office of Commissioner of Pensions was first created by an appropriation bill, and that that officer and the clerks in his department at this moment held their office by the tenure of that law alone? It was as proper a place as any other to insert a clause erecting an office for the first time. But the present item did not create an office; it expressly provided for a temporary service. If it should turn out that the officer to be employed was permanently needed, his office could then be made permanent by law. The statute-book was full of such provisions. In the year before last, when the distinguished gentleman from South Carolina [Mr. McDuffie] had been at the head of the Committee of Ways and Means, similar provisions had been made, and large amounts provided for extra clerk hire; and, in 1833, when another distinguished gentleman, from the city of New York, [Mr. Verplanck,] had occupied the same station, he had reported an appropriation bill containing the following item: "For arrearages of clerk hire, $73,998." No objection had then been made to the principle involved; but now, they were called upon to establish a principle which went to contradict and overturn the whole practice of the Government. There was nothing in the argument. As to the other items in the bill, they were not now proper subjects of discussion; he should explain them in their due order, as the committee reached them. The House had been solemnly notified that they must not vote this amount of $1,400, because there were other items in the rear. Mr. P. had already stated that those other items, which were sought to be so much magnified, were for clerks in the Land office and in the Pension office, and were only for the same number of clerks as had been employed during the last year. But what was there in the present case? He had been saved the trouble of explanation by the excellent remarks of his friend from Virginia, [Mr. Archer,] who had in such a satisfactory manner vindicated the Secretary of State from the undeserved imputation of having thrown a reproach on the conduct of his predecessors in office. It had never so much as entered the mind of the Secretary to cast censure any where; he had forwarded his letter to the appropriate organ of the House. He said the appropriate organ, notwithstanding the committee had been lectured upon their duties by several of the new members of the House, who were no doubt much better acquainted with the order of business there than the old members who had had a seat upon the floor for years. They should all learn their duties soon. Mr. P. here quoted the Secretary's letter, and then went on to explain. If a citizen, having a claim on a foreign Government, called upon the State Department for the papers necessary to substantiate it, it frequently happened that they could not be found, and this had been the case for a great number of years. Nobody had attributed any fault to the honorable gentleman from Massachusetts, [Mr. Adams,] or to any of the other predecessors of the present Secretary. Mr. P. said that he, like the gentleman from Maine, [Mr. Jarvis,] had had an ocular inspection of the condition of the papers in question, and had seen them in a garret-room of the Department building. He had made particular inquiry how each clerk was occupied, and had been answered that they all had as much business as they could attend to. They attended at regular office hours, and were forbidden, by a rule of the Department, to leave their offices but by express permission from the head of the Department. Why was it that, on a little item like this, gentlemen would launch out into discussions on the price of grain, and give solemn intimations that this appropriation bill was to be contested until a clause should be admitted providing that all these drafts were to be made on the Bank of the United States. He had heard such rumors before; and was it indeed so, that the House was to be compelled to discuss and decide upon the bank question a second time? Must all the wheels of Government be stopped unless this particular fiscal agent was to be employed? And, in giving this intimation, did the gentleman from Massachusetts [Mr. Lincoln] speak his own sentiments only, or those of others? That was for the gentleman to say: all that Mr. P. should observe was, that, if that question should be forced upon them, he should be prepared to meet it at the proper time. He would only add, that the Secretary of State had, in this case, done what he conceived to be his duty. If the aid should be refused to him, he would only take more time to answer the calls that would be made upon him. He trusted that the House would not indulge any farther in a general discussion of this angry and exciting character.

Mr. BINNEY said that his motive for addressing any remarks to the House upon this item of the bill, was to prevent a misconception, to which the character of the discussion might expose his vote, unless he briefly explained its reasons. It was an item to which he had given more personal attention in committee than to some others, and upon which he had then formed the opinion, still unchanged, which he meant to express and to explain. He desired not to be misunderstood by either side of the House. On the propriety of economy in public expenditures at all times, and particularly at the present time, he entertained no doubt. He would be found in company with those who promoted it, wherever it could be practised with safety to the public service. He should also act in concert with such measures as should have for their object to bring the holders of office into sympathy with the people, whose present condition was one of great and increasing distress. All such measures would have the cordial support of his vote. He would not be separated from his friends on this floor upon any questions or measures of similar import. He also concurred in the principle by which the distinguished gentleman from Massachusetts [Mr. Adams] had limited the scope of appropriation bills. As a general rule of legislation, applied to such bills, it had his assent. Thus much he thought it necessary to say, to prevent misconception on one side. As it regarded the other, he would say, that he was a member of the Committee of Ways and Means, from which this and similar bills had proceeded, and he desired to have his course in regard to all measures recommended by that committee understood by the House. Upon some of the most interesting of those measures, he had found himself to belong to a very useless minority. In regard to all of them, he must be considered as wholly without pledge of any kind to support any of them on this floor, which had not his entire approbation at the moment when he should be called to act upon them. He would not say, though he might say it with more propriety than the gentleman from New York, [Mr. Cambreleng,] "you know how things are managed in committee," but he would say, that, with a strong inclination to do his duty there, and elsewhere, he was often compelled to act with but very faint lights to guide him; that when he gave his passing assent to any measure, it was sincerely given at the moment; and that, when he saw reason to change his course, he would do it without the slightest hesitation, whatever might have been his course in committee. He was under no pledge—he meant to come under none—except that of giving his vote and his reasons for it in this House, such as he entertained and thought right when he gave them. The opinion which he formed in committee upon imperfect information, he would instantly retract in the House, when either better information or better arguments should be addressed to him. He said thus much to prevent misunderstanding in any quarter. His remarks were not made to produce effect elsewhere, but here, and on this floor only.

The item in question, Mr. B. said, he regarded, not as the appointment of a new officer, but as provision for the performance of a service incidental to the nature of the duties committed to the Department of State, and indispensable to the country. There was a striking difference between the different Departments, as it regarded this particular service. The other Departments had the benefit of a sort of limitation of time, not a statute limitation, but one, in the nature of their business, which made a few years an effectual bar to inquiry, and to the necessity of inquiry, into ancient accounts and papers. In the Departments of War, and Navy, and Treasury, after the lapse of a few years, their accounts, and transactions in general, might be considered as having passed with the years beyond the flood. The memory of the officers in those Departments, with ordinary arrangements to facilitate it, might, in general, be deemed sufficient to recall all that it was necessary to recall. But the Department of State stood in a different position. There was no limitation or lapse of time that could place any of its transactions beyond the necessity of frequent recall. It contained the correspondence and records by which our foreign relations were affected, and which ought, at all times, and from every date, to be accessible, with certainty and without delay, to those who were at the head of the Department. The claims of American citizens upon foreign nations, for wrongs done to our peaceful commerce, were committed to that Department from the earliest day. As the power of this nation had advanced to a condition to address the sense of justice, or the sense of interest, in those nations, upon the subject of these wrongs, the claims had been collected from this office, and indemnity obtained for them. There was an obvious duty to the citizens of the United States, to place every thing of this description within the reach of all who were interested. Every paper in the office, of public and general concern, of whatever date, required to be so arranged with indexes as to present them for examination and consideration at any moment. No officer in the Department, by any other aid, could be at all times certain of knowing what the office contained. It was, therefore, no reflection whatever upon the distinguished predecessors of the present Secretary to suggest, as he had done in his letter to the committee, the expediency of attending to this service. It was not the fault of any one that the necessity for it had been permitted to occur. In the earlier days of the nation, the papers were few, and did not require the aid of indexes and of general arrangement to facilitate inquiry. They had accumulated gradually, perhaps imperceptibly, until the inconvenience had become pressing. If the officer who first held that Department had given his attention to the methodical arrangement of its papers for all future time, it would have argued a description of mind not perhaps so well calculated for matters of more concern.

This view of the item, Mr. B. said, had induced him, in committee, to assent to the appropriation, after some little observation at the Department, which satisfied him that an improved arrangement was desirable. He considered the service as temporary—he would not consent to the appropriation being made the means of introducing a new clerk, to be afterwards continued in the general character of a clerk. The service was a limited one. He thought it requisite, and that there was nothing in the state of the revenue, at this time, to make such an expenditure, for such an object, improper. Inasmuch, however, as the language of the item in the bill was not quite as explicit as he thought it ought to be, to discontinue the expense when the service was performed, he should move, in due time, to amend it, if an opportunity was given to him. The word preserving looked, perhaps, to the future as well as to time present. He wished to confine the expenditure to the service of arranging and making indexes to the archives; and he would accordingly, at a proper time, propose that amendment. This service, if performed, would, in his opinion, contribute to economy, both of money and time.

Mr. MANN, of New York, said that it was not his purpose, after the very satisfactory exposition which had just been presented to the House, to enter far into the debate. He thought the present was rather a small item on which to go into so large and wide a discussion. But, if gentlemen were disposed to enter upon the subject of the expenses of the Government, he, for one, had no objection; and when he found any portion of them to be improper and unwarranted—and he believed that such was the character of some of the existing expenditures—he should certainly be for correcting the evil. This item of $1,400 had been resisted by the gentleman from Massachusetts, [Mr. Lincoln,] on the ground that his constituents required of him to save them, so far as his vote was concerned, from so much of this burden as would fall upon them. The gentleman had told the House, and told them very truly, that his relations had been such as to make him fully aware of the necessity of a liberal provision for the public expenditure. Mr. M. had been sorry to hear the gentleman say that, in these distressed times, he must resist this appropriation of 1,400 dollars. The proportion of it which would fall upon the gentleman's constituents, collectively, would, he believed, (for he had not gone into a very nice calculation,) amount to about five dollars. The gentleman represented 47,700 as independent people, in their circumstances, as any in this country. Their joint quota of this 1,400 dollars, would be five dollars and eighty cents. How much this would require from each individual, was a calculation quite too small for him to go into. He should leave that for the gentleman.

Mr. M., however, recollected one or two other occasions on which the gentleman's constituents could not give their assent to some other appropriations, probably as important, and as patriotic, and almost as necessary, as that now demanded. At that day this country was bleeding at every pore, and every principle of patriotism, every consideration which ought to influence a lover of his country, required the aid which it was proposed to give, yet the gentleman's constituents could not yield their consent, through their representatives. He would not say that the gentleman himself could not. This was sufficient to show that the gentleman's constituents always required a strict and particular scrutiny into every dollar and fraction of a dollar their representatives voted for the use of Government. Mr. M. said he remembered also another period when they had not been over anxious to make the appropriations necessary to carry the powers of the Government into execution—when, they had been told by high authority, a portion of them were engaged, he would not say in plotting treason against the republic, but in acting on some views of their relations to this Government, over which, as yet, the historic muse had cast the shade of a thick veil, but which, if he rightly remembered, another gentleman on that floor, from Massachusetts, had intimated were yet to be revealed. Mr. M. was much surprised that the gentleman should see so important a question of principle in this little appropriation, and still more that he should deem it necessary to bring in the Bank of the United States, and those distresses of the country concerning which the gentleman had favored the House with one or two speeches, when he first came among them. And that surprise had been still further increased by an intimation that the appropriation bills were to be scrutinized with more than ordinary particularity and zeal. Why did the gentleman draw these things into discussion? Were they so very pertinent to the question before the House? Did they belong to the issue which had been taken on this item of 1,400 dollars? When the gentleman should, at the proper time, take up the subject of correcting the abuses of the Government; when he would show Mr. M. any honest disposition to go into such correction, Mr. M. was prepared to go with him. But, in a matter so very small as this, he was not prepared to go very far. Was it creating an office, when a man was hired to do a piece of service? When a man was engaged to work upon the Cumberland road, did he therefore hold an office under Government? Was every man who had been hired to perform any duty whatever, for the Government, the holder of an office? If so, it was time to look out. If it was true that every man employed to excavate earth, or lay stone, on the Chesapeake and Ohio canal, was an officer of Government, the thing ought to be understood. The position was about as true as the doctrine maintained by the gentleman from Pennsylvania, who contended that a corporation was a citizen, and therefore entitled to the franchise of a citizen—a proposition that would scarcely bear to be mentioned.

Mr. HARDIN rose to assign the reasons for the vote he should give. He was not yet satisfied that the clerks already employed in the Department of State could not perform the piece of extra duty desired by the Secretary, and that a new clerk was indispensable. Of one thing he was perfectly satisfied; that, if a new clerk was now voted, he would be very sure to be continued in office. Mr. H.'s duty had led him frequently to look into the offices in our Departments; and he verily believed that one-half the number of clerks there employed could do the whole business. Like the gentleman from Massachusetts, [Mr. Lincoln,] whose speech had provoked such violent and undeserved attacks, although there was nothing exceptionable about it, save that it had been more extended than was necessary, but was certainly a very clear and able speech, he believed that the arranging of these papers could be accomplished by a little extra labor of the clerks already employed. It seemed that these Department clerks had established an arbitrary rule respecting the portion of time that they were to labor.

Mr. H. knew very well that in the counting-houses in Philadelphia, in Baltimore, in Louisville, and Cincinnati, first-rate clerks were employed on salaries of five and six hundred dollars, who were daily employed for eight, ten, and twelve hours out of the twenty-four. But here were a parcel of clerks, some hundreds of them, who entered their offices about half-past nine, read the papers till ten, wrote a little, then smoked their cigars, and hung round till between two and three o'clock, and then all left their offices; or, if they remained one minute beyond that time, they must receive extra pay. Let gentlemen look at the clerks of the courts, and they would find deputy clerks regularly laboring for twelve hours out of every twenty-four, on salaries of four and five hundred dollars. Yet here were great, big, fat, sleek gentlemen, who, if they worked three or four hours over the time, must have an extra compensation.

Mr. H. here referred to the Blue Book, to show the number of clerks in the State Department. Here were thirteen of them, who could not spare an odd hour apiece to assort, label, and index these records. Why not take it by turns—one to-day, and another to-morrow? If they could not do as much as this, where was the necessity of continuing such men in office? New papers had, no doubt, accumulated, which required labelling as much as these did. It was their duty to label the whole of these papers. Yet these fat and sleek gentlemen, who could only work three or four hours a day, were some of your finest toast-makers at all public dinners; and he had no doubt that many of the finest of those letter-writers, whose productions so enlightened the public, were from among these same geniuses. If they could not work six hours a day, let them walk out of office—they were fat enough any how—and let others take their places. It seemed that all Governments had a natural tendency to increase their expenditures, and went on growing more and more extravagant till they finally broke down, and there was a revolution. It was this which, in part, had brought about the revolution in France. They continued, as they proceeded in their downward course, to divide and subdivide the public service, and all who were employed were striving to increase their pay and diminish their labor.

Mr. H. was opposed to creating a permanent clerkship by an appropriation bill. And why? Because it ought to be passed upon as a separate measure, on its own merits. The general appropriation bill was a kind of screw-driver upon the House; it forced many things to pass, for fear the bill should be lost. But he hoped the House would adhere to the doctrine they had held in Surgeon Beaumont's case. One of his colleagues [Mr. R. M. Johnson] had said that the members of this House did not labor enough. But he would ask, did they work only three hours a day, like some of these fat lazy clerks? Mr. H. was very sure, if he should say that that gentleman himself worked not three, but twelve and fourteen hours out of the twenty-four, he should be within the truth. The gentleman was often so intrenched in papers, that, though he sat not far off, he could scarce see him. Did the gentleman compare the members of that House with these three-hour clerks? Mr. H. insisted that the labor of a member of Congress in maintaining his correspondence, doing business at the public offices, and attending in his seat on that floor, was greater than that of any clerk in any department of the Government.

Another colleague of his [Mr. Hawes] had resented with much warmth the attack which had been made upon the Post Office Department. Any such attack was certainly out of place at this time. What was the state of that Department Mr. H. was unable to say; the House had two committees, within whose province that subject more particularly fell; they had not yet reported; whether they would or not, he could not tell; or whether they might not intend to proceed on the plan for not observing which Alexander the Great had reproached Aristotle, viz: if they had made any great discovery to keep it to themselves. Mr. H. regretted to see the gentleman from New York [Mr. Mann] attack the gentleman from Massachusetts in the manner he had done. That gentleman, before he threw out insinuations as to the conduct of Massachusetts in one war, should remember the conduct of New York in another, when the militia of Connecticut had to march into New York to keep the tories down. The gentleman should never make attacks of that kind, unless he was well guarded at home first; for one of the principles of the pugilistic art was "to strike well, but to guard better."

From what Mr. H. knew of the Secretary of State, he was inclined to believe that he was far from having intended any thing disrespectful to his predecessors in office; he would be as far as any man in America from a course so dishonorable.

Mr. BROWN now observed, that the amendment he had offered applied to the phraseology only of the clause of the bill, and not to its substance; and, as he was better satisfied with that which had been read by the gentleman from Pennsylvania, [Mr. Binney,] he would withdraw his own, in order that the gentleman might have an opportunity of offering his.

Mr. R. M. JOHNSON now expressed his regret that the remarks he had most unfortunately let fall as to the slow progress of business in the House, should have roused up all his friends with one consent, as if he had intended to cast an imputation on their fidelity or diligence. Whatever he said of the House as a body, he always meant to apply equally to himself. He should be the very last man to impute to any of his friends, for he considered all the members of that House as his friends, any violation of their own consciences, particularly the worthy gentleman from Virginia, [Mr. Mercer,] who seemed so very sensitive, and who appeared to consider himself in some manner implicated in the unfortunate remark alluded to. Mr. J. never arraigned the conduct of any man in that House without doing more violence to his own feelings than he could to those of another. He spoke of the House only with a regard for its honor and usefulness. However hard the lot of a member of Congress might be, yet he did not think his colleague [Mr. Hardin] had quite done him justice in that matter. He knew that members were compelled to be always in motion; but still their constituents did expect that they should do the public business and get away in a reasonable time. If they should not do this, their moral influence would be lost on the community. He was far from desiring to stop useful debate. He was very fond of hearing it; nobody more so. He had listened to it with great delight; but gentlemen must remember that they came there not only to talk, but to act. On this ground it was that he had been reluctantly compelled, against his feelings entirely, to vote in favor of the previous question. And he would ask the chairman, [Mr. Hubbard,] who was not an inattentive observer of what passed in that place, whether, if every gentleman who wished to speak on the subject must first be heard, they would have got the question in four months more? He said this in answer to the very worthy, but sensitive gentleman from Virginia. He had felt it his duty to cut off some of his best friends, by his vote on that occasion, under a sense of superior obligation. As to what his colleague [Mr. Hardin] had said about the clerks, he should not undertake to gainsay it; but thus much he felt himself bound, in truth and duty to declare, that, so far as he had come in contact with the clerks in the various offices at this place, a more able, more faithful, more industrious, more intelligent, or more obliging and accommodating set of subordinate public officers he did not believe existed under the face of heaven. Mr. J. had never been one of those who had wished to pull down salaries under the administration of the worthy and distinguished gentleman from Massachusetts, [Mr. Adams,] a gentleman who had presided over this nation with more honor to the country and to himself than some of his colleagues could at that time believe, (whatever might be their sentiments at this time.) Let them keep their salaries. He should not go for pulling them down. And as to the members' pay, he believed if the salary bill had not been repealed, and they had now received $1,500 a session instead of their $8 a day, it would have been far better for them: $8 a day, to be sure, sounded largely; but he believed there were few who, after all expenses were paid, carried home in their pockets any very heavy surplus. He well knew that he did not. He was satisfied the worthy gentleman from Ohio [Mr. Vance] was himself well worth $8 a day to the country and to his constituents; but if the worthy member, out of feelings of patriotism, was disposed to take $6, why it was all very well.

As to what he had said about adjournment, he would state, that he had had in his drawer, for two months past, a number of resolutions of importance, and had watched daily for an opportunity of getting them before the House, but in vain, and they were in his drawer still. He did think they ought to close the session at the end of six months. Was this unreasonable? Did this give so much offence? His worthy friend from Indiana, [Mr. Ewing,]—he called him his friend, he hoped he might do so, though he had not had the pleasure of knowing him till he met him here—thought that it would never do to to adjourn; nothing had been done for Indiana; and there were many Western measures still unacted on. Mr. J. knew this. But fixing a period of adjournment had always been found one of the best means to hurry business. Gentlemen loved to talk—he loved himself to talk as well as any body. He knew he talked too much. And as long as they had an indefinite time before them, they would continue to talk. But let the day of adjournment be fixed, and then the word would be "Go ahead," as his friend from Tennessee [Mr. Crockett] said. If every member would only speak to the purpose —(he felt he was not following his own rule, for he had spoken very little to the purpose)—he would have all the House listening to him, and the galleries listening, and the House would be crowded; no empty chairs, but every body interested, and all waiting anxiously for the question. But how was it now? Why, the greatest orator in the House might give notice, that on such a day he should call up a certain important bill, and though the members wished to hear him, some would have business at the offices, and some would not feel very well; and, from one cause or other, such was the disorder of the House—(now he hoped his friends would not be for jumping on him again)—that the orator could get few to listen to him. For his own part, he had been a member of one or other House of Congress for these twenty-seven years, without the omission of a single day, except Mondays and Fridays. He had repeatedly tried to get his constituents to let him off, but, somehow or other, for what reason he really could not tell, they were so fond of him, that they would still keep sending him back; and he could truly say, that he had never attended a Congress to which he was more sincerely attached than to the present House; he had never had the pleasure of being the member of a more honorable or able House of Representatives. He never had said any thing —he knew he was often a blunderer—but he could assure gentlemen he never had said any thing that had a personal or offensive meaning towards any of his friends, especially towards the honorable and worthy gentleman from Virginia, whose sensibility he was well aware of. He would not longer trespass on their kindness.

Mr. FOOT said that he wished to offer but a single remark. His objection to this item of appropriation was insuperable. He had now, for three sessions in succession, offered a resolution, in one or other House of Congress, calling on the Secretary of the Treasury for a plan for the better organization of the business of his Department; and no reply had been given. While this continued to be the case, he should vote for no new clerks, in that or any other of the Departments.

Mr. McINTIRE said, that, since the discussion had taken so wide a range, he could not consent to give the vote he purposed to give on this part of the bill, without a word of explanation. He should vote to strike out the clause. He believed there were clerks enough, if they were only required to do their duty. From his acquaintance with the condition of the Department, (and he had had frequent occasion to visit it,) it had long been his opinion that the clerks there had not more than half the labor to perform which was exacted from clerks in some of the other offices. He had for six years past occasionally gone to the State Department for documents needed by his constituents, especially papers in reference to claims on the French Government, and he found that many of them were stowed away in some place where they could not be got at, and he had failed in obtaining them. It was true the Secretary had recommended this appropriation: but so he had to raise the salary of the chief clerk in that Department. Mr. M. believed both measures to be equally unnecessary.

Mr. CROCKETT wanted to know how it happened that this difficulty about the papers had never been found out before—in the old times—in the Prodigal's times? There had been a great talk about the economy of this administration, and yet, at the very first stroke, they had created a hundred new clerks; they had reformed out all the old faithful servants of the Government, some with gray heads, to make room for partisans, and what they wanted in quality, they must make up in quantity: and this they called Jackson reform. In the Prodigal's times the expenses of the Government had been thirteen millions; now they were twenty-two millions. He could not stand such economy. There was no sense in it. In his part of the country it would not even be called good nonsense. He believed they had clerks enough; he was for making no new ones. The gentleman from Kentucky [Mr. Hardin] had said a good deal about their being so fat and sleek, but to him they looked more like famine. But this was the consequence of letting one man wield the destinies of the Government. That was not what our fathers shed their blood for.

Mr. BINNEY now moved the amendment of which he previously gave notice, to strike out of line 15, the word "preserving," and inserting the words "making indexes to." He said, that while up, he would make a remark, which his desire to save the time of the House had prevented his making when he was up before. Upon the general subject of the compensation to clerks in the different Departments, or their numbers, he had nothing to say, except that the general rate of compensation had struck him to be large in comparison with that to which he had been accustomed in his own city; but, with a state of mind which he might term a suspension of judgment on this subject, he still thought this expenditure proper, because he did not believe that the application of an hour or two per day by any clerk, or by more than one, would answer. It was a peculiar service, and required uninterrupted devotion of time and attention, as well as peculiar faculties. Nothing could be worse than a bad index, except a bad book. The bad index was, indeed, the worst of the two. The book would soon be thrown aside, but the index, if bad, would cause a daily waste of time, by leading the inquirer from title to title for what he could not find any where. The service ought to be thoroughly performed, or not attempted.

Mr. POLK said that the amendment offered by the honorable gentleman from Pennsylvania met the views of the Committee of Ways and Means, and should have his vote.

Mr. HARPER, of Pennsylvania, said that, as he had received a peculiar reprehension from the chairman of the Committee of Ways and Means, he felt himself called upon to make a brief reply. His object, when he had formerly taken the floor, had been to call the attention of gentlemen to the important duties imposed upon the Committees on Expenditures in the several Departments; he desired especially to awaken the regard of the chairmen of those committees to the propriety of action on that subject. He had complained, it was true, that the Committee of Ways and Means seemed disposed to absorb every question which they could possibly bring within their reach. Yet he believed it would be found, in the present instance, as it often happened, that remissness in our own case formed but a bad ground for the reprehension of others. The chairman of the Committee of Ways and Means, when he had received the letter of the Secretary of State, ought to have handed it over to the chairman of the Committee on the State Department. But omitting to do this, he had inserted an additional item in the bill, without any examination or report from that committee. When an attempt was thus made by a single committee to engross all the business of the House, he thought the House was called upon to see that every other committee performed its own appropriate duty, and that all should not be left to the Committee of Ways and Means. The complaint against that committee was not that they neglected their duty, but that they did too much, and, like another branch of the Government, appeared to think that all its functions and all its duties belonged to themselves. Mr. H. said he should vote against this appropriation, because he did not know that it was necessary. His colleague [Mr. Binney] had satisfied himself, but he had not satisfied him. It might turn out that the number of clerks was abundant, if they would consent to do their duty. Of one thing he was well satisfied, that all which could be saved ought to be saved. Mr. H. here quoted the rules of the House which prescribe the duties of the Committees on Expenditures in the different Departments, and concluded by observing that when the chairman of the Committee of Ways and Means should prove him to be remiss in the discharge of his duty, he should then submit to that gentleman's rebuke.

Mr. POLK said that the gentleman was under a mistake. The subject did not belong at all to the committee to which he referred. These cases had always been submitted to the action of the Committee of Ways and Means.

Mr. HARPER again expressed his conviction that, under the rules, as he had read them, this matter pertained first to the Committee on the Departments. What he complained of was, that those committees had not attended to their duty. He was himself a member of one of them, and he had never yet been called upon to attend a meeting of the committee.

Mr. CAMBRELENG hoped that the amendment proposed by the gentleman from Pennsylvania [Mr. Binney] would be adopted. The object in view was not to make a permanent, but a temporary appointment. He wished here to offer a word of explanation. If the gentleman from Pennsylvania had understood him, in the remark to which he alluded, as intending to convey the slightest censure on the Committee of Ways and Means, he had certainly misunderstood him entirely. All he had meant to convey was, that it was not in the power of any committee to give to an appropriation of this kind so thorough an examination as it would receive in a Committee of the Whole House. There was no difference at all in his views in relation to this matter and those which had been so well expressed by that gentleman.

Mr. ADAMS, of Massachusetts, inquired whether it was the intention of the gentleman from Pennsylvania [Mr. Binney] in his amendment to leave the first words of the clause standing.

Mr. BINNEY replied that it was.

The question was then taken on the amendment offered by Mr. Binney, and it was agreed to.

Mr. CHILTON now offered an amendment in the form of a proviso, that this item should not be allowed, unless, in the opinion of the Secretary of State, the duty could not be performed by the clerks already employed, supposing them to work six hours a day. Mr. C. said a word or two in support of his amendment, when

Mr. VINTON moved that the committee rise.

The motion was negatived: ayes 72, noes 88.

Mr. BARRINGER was opposed to the amendment last offered. He should be very unwilling to set the Secretary of State as a watch over this little clerk, to ascertain whether his six hours were fully employed, that he might know whether to pay him or not. He was opposed to legislating in this small way. He did not doubt that many of the clerks were very neglectful of their duty. He often observed some of them in that Hall during office hours, and often met them on the Avenue; indeed, every where but in their offices. Yet if any thing was done, let it be in the shape of a permanent law, and not set your Secretary to watch clerks.

Mr. **CHILTON** explained, and denied any intention of making a sentinel of the Secretary. The clerks, he understood, now attended but five hours. He thought it but reasonable that they should attend six.

The question being now put on Mr. Chilton's amendment, it was negatived.

Mr. **WILLIAMS** observed, that as the amendment which had been adopted did not vary the amount appropriated, and as his objections had been to the measure itself, and not to the form, they remained as strong as ever; and he should therefore vote for the amendment proposed by the gentleman from Massachusetts, [Mr. Adams,] which went to strike out the whole clause.

Mr. **ADAMS** said that his objection to this clause in the bill, and which had induced him to move to strike it out, was first to the form, and, secondly, to the substance of the appropriation. He had little idea, on offering the amendment, that it would lead to so very excursive a debate. It was not his purpose to reply to all the very extraordinary arguments which had been urged against its adoption. However extraordinary, they were not unexampled, either here or elsewhere; either in the present or in former times. It was recorded in history that, in the Senate of Rome, at one of the most important periods in the history of the republic, and when that august body was composed of some of the greatest men whose names adorned her annals, upon every subject of debate which arose, however important, or however trivial, there was one of her most illustrious men, Cato the Censor, whose opinions always closed with one and the same averment, that "Carthage must be destroyed!" It was not extraordinary that, at a period like the present, every debate in that House should become discursive, and extend beyond its proper limits. He should confine himself, in what he had to say, as far as he could, to the objections which had been urged against the amendment. He regretted exceedingly that the gentleman from Pennsylvania, [Mr. Binney,] for whom he cherished a very high degree of respect while declaring his approbation of the principle Mr. A. had assumed, should still consent to its being violated in this law. If, indeed, the gentleman had adopted so much of the amendment previously proposed by the gentleman from New York, [Mr. Brown,] as went to erase the words providing for a temporary clerk for one year, it would have changed the nature of the question, and left the clause rather less objectionable. As it was, the gentleman's amendment had changed the question as first presented, and had required a service different from that originally provided for in the bill. Still, however, he had not touched the essence of Mr. A.'s objection to it, viz: that it was, in its nature, the creation of a new office, a provision extraneous to an appropriation bill for the support of Government. Mr. A. had gone expressly on the principle that, for the future, every thing of that nature should be excluded from these bills, and that an appropriation bill should be for the sole and exclusive purpose of providing money to pay for expenses elsewhere sanctioned by law. That had been the principle on which this Government had at first been organized. It was the rule invariably pursued during a long period of our early legislation; and it was a principle expressly sanctioned by the passage of three different laws which prescribed and limited the number of clerks to be employed in each of the Departments. The law of 1818 distinctly recognised this principle of the constitution, and declared that a certain definite number of clerks should be employed; it fixed their salaries, and decided that no more than that number should be appointed. That act had been occasioned by a then incipient practice, which had since grown up and extended itself, and on which practice the chairman of the Committee of Ways and Means founded his argument in favor of the present clause of the bill. There had crept in an abusive practice of making, by the general appropriation bills, extra allowances to the clerks in the general Departments, additional to their stated salaries; and, to prevent the occasion of their recurrence, the heads of the several Departments, by the request of the Committee of Ways and Means, at the head of which stood, at that time, a man whose name could never be mentioned in this House but with veneration, (Mr. William Lowndes,) had met together, had agreed what number of clerks was necessary for the public service, had assigned them their several duties, and had fixed to each office a proportional rate of salary. If gentlemen would examine that law, they would find that every Department of the Government had been gone through; that so many clerks had been appointed to each; and that salaries of $1,600, $1,400, $1,200, $1,000, and $800, had been assigned to the different clerkships, according to the labor or the importance of the duties to be performed. It had happened that Mr. A. was then in the Department of State, and had been one of those who met on that occasion. And it had not been found necessary, at that period, to appoint more than nine clerks in the Department of State, in addition to the chief clerk. And here he would take occasion to reply to what had been said by the gentleman from Kentucky, [Mr. Hawes,] and to what that gentleman had read from the appropriation bill of 1819. He had told the House that that law contained an item of $1,500 for extra clerk hire in the Department of State. Very true. But what had it been for? Under a resolution of the 27th March, 1818, the journals of the convention, then deposited in the Department of State, together with the secret journals of the old Congress, were to be published, under the direction of the President of the United States. The result of that resolution, and of one other, was a printed volume, containing the journals of the federal convention, four volumes of the secret journals of the old Congress, and twelve other volumes were filled with the diplomatic correspondence of this Government during the Revolution. As the original documents could not be trusted in a printer's office, it became necessary to have copies taken of the whole of them. And that was the occasion of the extra clerk hire authorized by the appropriation bill of 1818.

In 1824 another law was passed, increasing the number of clerks in all the Departments, with the exception of the Department of State alone; because there no additional clerks were needed; nor were any more authorized until 1827, when a further law was passed appointing three new clerkships, making twelve in all in that Department. If this course of legislation was not successful in preventing the introduction of new clerks by appropriation bills, it was not the fault of those who then legislated. The other practice had been introduced since the era of retrenchment and reform. In the general appropriation act of 1828, and again in that of 1829, what did they find? Mr. Adams read from the act of February, 1829: "For compensation to the clerks in the Department of State, per act of 20th of April, 1818, $15,900." "For compensation of clerks in the Department of State, per act of 2d March, 1827, $4,400." "Per act," referring expressly to the authority of another law. And so it went on, through every Department, and in every appropriation bill, till we came to the reign of retrenchment and reform. Then all reference to any authority of law ceased; and then came the creation of a new office, the Commissioner of Pensions, in an appropriation bill. This was the precedent adduced by the chairman of the Committee of Ways and Means. So it was, and so it ought not to have been. It was precisely the practice which ought to be discarded. And Mr. A. must repeat, that he regretted to see the gentleman from Pennsylvania, while he so explicitly approved of the principle for which Mr. A. was contending, should yet give his support to this clause in the present bill, and introduce an amendment directly in the teeth of the principle which he approved. If this should be sanctioned, no objection could be sustained to the other items of a similar kind in the subsequent part of the bill. There were appropriations to the amount of $80,000, all on the same principle; yet the gentleman now had offered an amendment going to allow an item in an appropriation bill for what had no other sanction of law. To save the money had not been Mr. A.'s object in moving to strike out this part of the bill; he wished to have the principle settled upon this small item, which should embrace the whole.

Let him now add one word. If a majority of the House should obstinately and inflexibly resist, on this little item of $1,400, the principle he had been urging upon them, viz: that an appropriation bill should contain nothing which had not previously received the sanction of law, let them not be surprised if other things, of which they now little dreamed, some of which, indeed, had been glanced at by his colleague, [Mr. Lincoln,] should also be introduced into the appropriation bills of that House. If they should once affirm the principle, that other matter was admissible, there was nothing which might not be brought into such bills, nor could any objection, on principle and with consistency, be urged against it. Mr. A. insisted that his amendment to this bill was a constitutional amendment. It was founded in the principles of the constitution. It was immediately connected with the liberties of the people under the constitution; and yet it was to the principle of the amendment especially that gentlemen were opposed. Of the danger of introducing into an appropriation bill legislation not properly belonging to it, Mr. A. was not without some experience. In the year 1817, a predecessor of the present Chief Magistrate had declared, in the annual message to Congress, that, if they presented to him a certain bill for works of internal improvement, he would negative it. Yet, when those self-same objects were introduced in the appropriation bill, he sanctioned them, although he would, as Mr. A. believed, have refused his assent to them if they had been found elsewhere. That instance was but a forethought of what might be done yet. Let it once come to be admitted that other objects than those provided by law may be introduced into an appropriation bill, and whenever the Chief Magistrate should happen to entertain constitutional objections to any measure for which a majority could be obtained in Congress, and immediately it would happen that those objects would be introduced into the appropriation bills, and he would thus be reduced to the dilemma of either sanctioning that to which he had constitutional objections, or of stopping the entire machine of Government. Mr. A. desired gentlemen who thought his objection so small a matter, to reflect a little further on the consequences involved. Let them sleep upon it. And if they did not come to the conclusion that it was more important than on a merely transient glance it might appear to be, he could assure them that, before many years, perhaps before many weeks, they would receive evidence of the fact more convincing to their minds than any thing he could say.

But Mr. A.'s objections respected not solely the form—they had regard, also, to the substance of this appropriation. He wanted further conviction of its necessity. He made no pretensions to any extraordinary zeal on the subject of retrenchment and economy; but it had been his invariable principle of action, never to yield his assent to any amount of taxation upon the people, small or large, but where he was satisfied of its necessity. This had been his principle thus far in life: he hoped it would continue to be his principle throughout life; and, to the latest moment of his existence, never, in any case, to sanction the exaction of one cent of the money of the people, unless it was absolutely necessary for their safety, or directly promotive of their interest. In the present case, he was not satisfied the appropriation was needed. The House had had exhibited to it a letter from the Secretary of State to the chairman of the Committee of Ways and Means. And what did that letter ask? For the temporary appointment of an individual to do a particular work? No. It asked for a permanent clerk with an anual salary of $1,400. Yet, on the ground of this letter, the bill provided for a clerk for one year. This reminded him of an anecdote, which, as it was in point, and might enliven a dry discussion, he would take leave to relate. In 1804, this country had had some quarrel with one of the Barbary powers. It was early in the period of Mr. Jefferson's era of retrenchment; and, to provide for the contingency of a naval expedition, it was necessary to lay an additional tax upon the people, which passed under the name of "the Mediterranean fund." It was provided expressly with a view to that purpose and no other; and, as it was expected that the difficulty could not, at the utmost, continue over a year or eighteen months, the bill provided that the tax should continue for three months after a treaty of peace with Tripoli should be ratified, and no longer. Well, in June, 1805, peace was made and the treaty signed. At the next session of Congress, just before the law was about to expire by its own limitation, in comes a bill, which stands in your statute books, approved the 21st of April, 1806, continuing the tax till the end of the next session of Congress, and no longer. The peace with Tripoli was supposed to be somewhat precarious, and the money was still wanted. The bill was passed, and, on the 3d of March, 1807, the very day when it was to expire, the same sort of bill was again introduced to continue until the 1st of January, 1808, and no longer. Mr. A. had been, during all that time, a member of the Senate. In January, 1808, the duty having actually expired, a bill was introduced to revive and continue it again until the 1st of January, 1809, and no longer; and, this bill being on its passage, the venerable George Clinton, who was then presiding in that body, beckoned to him from the chair. Mr. A. rose and went to him, when the Vice President said to him in a whisper, "I wish you would move to strike out the words, "and no longer." Mr. A. said immediately that he would with pleasure make the motion, but added, "what reason shall I assign for it? The Vice President replied, "give what reasons you please—but I am ashamed to sign my name so often to a lie." Mr. A. had thereupon made the motion as requested, assigning some reason suitable for the Senate to receive, and the words were stricken out, as any member so disposed may verify, by comparing the different acts; and this tax, which had been again and again declared to be a tax for one or two years, "and no longer," had been actually continued till after the commencement of the war with Great Britain, and then merged in the sweeping bill which doubled all the existing impost duties, including this famous Mediterranean fund, during the continuance of the war. The present item did not, to be sure, conclude with the words "and no longer," but it declared that this appropriation was to continue "for one year;" and, if the words "and no longer" had been subjoined, the sense would have been in nowise altered.

It had been said by the chairman of the Committee of Ways and Means, that the appropriation was not asked for more than one year's service of this clerk. Mr. A. begged to call the attention of the House to what the Secretary did ask. [He here quoted the letter of the

Secretary to the chairman of the Committee of Ways and Means, which concludes with the following sentence: "To do this [service] an additional clerk, at an annual salary of $1,400, would for the present be indispensable, the force already employed being inadequate to the proper discharge of the ordinary duties of the office, and would, at all times, be highly advantageous, and, indeed, necessary, for the efficiency of the service."]

The Secretary said nothing about arranging any papers: he wanted to have indexes made to them. And he asked not for a clerk "for one year," but for the permanent addition of one more clerk in his Department, with a yearly salary of $1,400. Mr. A. would have liked the claim better, if it had come out boldly at once, as the Secretary's letter did, and avowed that its object was to create a new clerkship, which had never received the sanction of law. There was something disingenuous, it would not be in order to say of any thing in a bill reported by a committee of this House, that it had a fraudulent appearance, nor did he intend so to intimate; but there seemed to be an air of indirectness in presenting an expenditure for one year, on the faith of a document from the head of a Department, which proposed and solicited a permanent provision.

Mr. A. had another objection to the substance of this clause of the bill. In wanted another ingredient, which was essential with him before he would assent to any appropriation whatever; and that was, satisfactory testimony that the expense asked for was proper and necessary. This testimony should have been presented to the House from the Committee on Expenditures in the Department of State, and not from the Committee of Ways and Means. He did not object to the appropriation's being reported by the Committee of Ways and Means. He knew it was their duty to report it. But the evidence in support of it should have come from the committee whose peculiar province it was to look into the expense of that Department. They had been appointed for that very purpose. He would not read the rule of the House which prescribed the duties assigned to that committee, because it had been read by another member; but, unquestionably, if an additional clerk, whether permanent or temporary, was necessary, that was the committee by whom it should have come recommended to the House. Had that committee made the proper inquiry at the Department, and ascertained that the duty to be performed by this additional clerk was necessary, and that it could not be performed by the clerks already employed, and had reported this to the House, then Mr. A. would have had no objections to allow the appropriation. But the House had not the proper evidence before them. They had nothing but the Secretary's letter: and, if they governed themselves by that, they ought to go farther than the bill proposed to do. He did not know the present number of clerks in the State Department but from the Blue Book. At the time he had been in the Department it had been a standing rule, that though the respective clerks had certain general portions of the labor assigned to them, yet every clerk in the Department was liable to be called upon to perform any duty, of any kind, which belonged to the Department. The higher duties were of course confided to the abler clerks; but none could refuse any clerical duty they might be required to perform. Whether that was the rule at this time, he did not know. He understood the Department had been divided into bureaux. There was the consular bureau, the home bureau, and the bureau of "archives, laws, and commissions," to which were assigned two clerks. What had they to do with the laws, but to keep them in a portfolio? There was, indeed, an obsolete law, requiring that all the statutes should be recorded at the Department of State; but he believed it never had been done. The copies were not made there. What could these clerks have to do? He did not know, he waited for a committee's report: when that should be brought in, then he should know.

As to the archives, it would, he should suppose, be the duty of the clerks to assort, arrange, and certainly to "preserve" them; and, if they had the time, to prepare indexes of them also. The period at which Mr. A. had been in the Department had been as busy a one as had ever occurred since the foundation of the Government. Yet the only extra expenditure, in the way of clerk-hire, had been for extra copying. And gentlemen, on examination, would find that that appropriation of $1,500, which the gentleman from Kentucky had noticed, was as economical an application of the public money as ever had taken place. He had obtained for that $1,500 as much labor as, at the ordinary rate of proceeding in our public offices, would have occupied the time of four clerks, each at a salary of $800 a year. A gentleman had told the House that the labor now performed could be done for much less money. That was undoubtedly true—for less by one-third, or one-half; and there were, in this city, always many persons ready, willing, and glad to do it at that rate.

In reference to some of the observations of his respected colleague, [Mr. Lincoln,] Mr. A. was desirous to relieve him from the supposition that it had been the intention of the present Secretary of State to cast any injurious imputation on the conduct or character of his predecessors in office. It had been natural for the gentleman to think so, from the unexplained statement of the facts relating to the condition of the papers in the Department. But Mr. A. (who personally knew that condition, and the cause of it) had not the least idea that any such reflection had been intended—the Secretary was incapable of it.

Mr. A. had long known that these papers were packed in barrels, and he would tell the House how they came to be so. In the year 1814 a visit had been paid to this city, as possibly gentlemen might recollect, by certain foreigners of distinction; and, for prudential reasons, it had been deemed expedient to remove all the archives of the Government; and, as there was some little pressure for time, they had been thrown into flour-barrels, and thus sent away into Virginia, and saved from the grasp or destruction of "a savage foe." With reference to the act to which he had referred—the invasion of this city during the war, and the wanton destruction of property which took place on that occasion—it was expressing no more than one of the British ministers had said to him, when speaking of the same acts, of which he had said that he was ashamed, as being disgraceful to his country. He mentioned this in order to account to his colleague for the manner in which these records had gotten into a state of confusion. He was indebted to that gentleman for the kind feeling he had expressed toward himself in the remarks he had made upon the subject. When he had been in the Department, a great number of those papers had been taken out of the barrels, and carefully arranged. It was, at that time, considered as a part of the duty of the clerks; and one by the name of Moses Young, as honest, industrious, and efficient an officer as Mr. A. had ever known, had performed that labor. He had been engaged in it from year to year, at intervals of his other occupations, until his death. Mr. A. had some doubts whether any papers of much importance now remained in these barrels. At all events, their being there had arisen from no dereliction in duty on the part of any one.

Mr. A. regretted having detained the House so long. His objections had been, as he mentioned, both to the form and the substance of this appropriation; and the amendment proposed by the gentleman from Pennsylvania had removed neither the one nor the other.

Mr. **BINNEY** said that he would ask permission of the

House, notwithstanding the late hour, to remove a misapprehension of the honorable gentleman from Massachusetts. Upon the necessity of the service he would say no more. It did not occur to him, that striking out those lines which provided for a "temporary clerk" to perform the service, ought to obviate the objection that had been made to the item, as an improper item in an appropriation bill. The service was to be performed by a clerk, certainly; and it mattered not, as it regarded that objection, if the appropriation was to be made for a service which a clerk must perform, whether the clause expressly providing for the clerk remained or was struck out. Either way, the appropriation objection was the same. As to that objection, he did agree to the general principle stated by the gentleman from Massachusetts, as he did generally to all that fell from that gentleman. He did not regard it as a constitutional principle, except so far as that the constitution was safer under due and regular legislation than with any other; but it was a principle of cautious and wary legislation. In the main it was true, that an appropriation bill should provide only for expenses previously authorized by law. There were, however, exceptions to the rule, and very safe exceptions. He would not agree to the creation of an office in such a bill, as was the case with the office of Commissioner of Pensions, nor to a head of expense of a description entirely new, nor to a constantly recurring annual expense for extra clerk-hire. All these ought to be authorized by law, after all necessary investigation. But he thought it not only safe, but expedient, to provide in such bills for items of expense that were clearly occasional, definite, and limited, of the same specific description which committees had previously investigated and the law had sanctioned, and which could as well be examined and understood in Committee of the Whole as elsewhere. This was the case with the present item. The propriety and necessity of such an arrangement and indexes as were proposed had been admitted by most gentlemen, including, he thought, the gentleman from Massachusetts; and the amendment now adopted would limit the expenditure to the very service. If, indeed, there was to be no exception of any kind to the universality of the objection, then there were other items, and not a few, in this bill, which could not pass. He might mention the appropriation for fire-bags, to carry off the papers in case of fire; and for a wooden fence around one of the executive buildings. No committee had, to his knowledge, reported a bill; certainly, no law had passed to sanction them. Similar abuses might be found in former appropriation bills. If any exception could be admitted, he thought the present could be; and, in his opinion, it was both a safe and a proper exception, by which the general rule was not overthrown, but proved.

Mr. **WILLIAMS** now moved that the committee rise; but the motion was negatived—ayes 68, noes 90.

The question was then put on the amendment proposed by Mr. Adams, and decided in the affirmative—ayes 89, noes 70; when the committee rose, reported progress, and the House adjourned.

Thursday, April 10.

The House having again gone into Committee of the Whole on the state of the Union, Mr. Clay in the chair, the consideration of the general appropriation bill was resumed.

Mr. **VANCE** offered the following amendment, to come in after the third line in the first section of the bill:

"*Be it further enacted,* That from and after the passage of this act, instead of the compensation now allowed by law, there shall be paid to the within-named officers the following sums per annum:

"To each of the Secretaries, of State, Treasury, War, and Navy, four thousand dollars. To the Postmaster General, three thousand five hundred dollars. To each Assistant Postmaster General, eighteen hundred dollars. To each of the Comptrollers of the Treasury, two thousand dollars. To each of the Auditors of the Treasury, two thousand dollars. To the Solicitor of the Treasury, two thousand dollars. To the Register of the Treasury, two thousand dollars. To the Treasurer, two thousand dollars. To the Commissioner of Indian Affairs, two thousand dollars. To the Commissioner of the General Land Office, two thousand dollars.

"And that there be deducted from the compensation now allowed by law to the clerks in the Departments of State, Treasury, War, and Navy, including those in the General Land Office, at the rate of thirty-three and one-third per centum per annum.

"That from all officers of the customs, by whatever name designated, or in whatever manner employed, there shall be deducted from the compensation now allowed to them by law, at the rate of thirty-three and one-third per centum per annum.

"That from all officers connected with the system of the public lands, either as surveyors general, registers, receivers, or clerks, there shall be deducted from the compensation now allowed them by law, at the rate of thirty-three and one-third per centum per annum.

"That from all the clerks in the General Post Office, deputy postmasters, their assistants and clerks, there shall be deducted from the compensation now allowed to them by law, at the rate of thirty-three and one-third per centum per annum.

"That from all persons connected with the Indian department, as superintendents, agents, sub-agents, interpreters, agents for removals, commissioners, or in whatever other manner employed, there shall be deducted from the compensation now allowed them by law or regulation, at the rate of thirty-three and one-third per centum per annum.

"That to the members of the Senate and House of Representatives, instead of the compensation now allowed by law, they shall receive six dollars per day, and six dollars for every twenty miles travel to and from the seat of Government. And that, from and after the expiration of the present presidential term, the salary of the President of the United States shall be fifteen thousand dollars per annum."

Mr. **POLK** resisted the motion, on the ground that the committee had passed the first section, and had advanced as far as the fourth section of the bill.

Mr. **VANCE** insisted that the bill should first have been read by sections, which had been omitted. After a long altercation on this point of order, Mr. V., at the suggestion of Mr. Mercer, moved his amendment, to come in at the point where the committee had left off the discussion yesterday.

Mr. V. said that, as he was not in the habit of making speeches, he should not detain the House on this occasion longer than was necessary to present to their consideration, in a plain statement of facts, the importance of some legislation upon the subject he had submitted to them. The measure he now proposed was not offered on a sudden, upon the spur of the moment, but after long reflection. It was strictly his own. He had held consultation with no human being on the subject. He offered it because that, owing to the present deranged state of the currency and consequent increase in the value of money, the salaries now received were worth far more than they were six months ago. And if gentlemen who managed the present experiment should succeed in bringing the currency of this country to gold and silver, it would require no great skill in arithmetic to prove that the salaries enjoyed by office-holders, if continued at the existing rates, would enable those holders, within ten years, to possess themselves of the whole property of this country. This he was prepared to demonstrate. And he had conceived it his duty to present this measure before the country, that the office-holders might be brought to sympathize with the great body of the agricultural and manufacturing interests of the community. By the present grand experiment of "the Government," they had reduced the value of the products of the country 25, and, in some instances, 50 per cent. They had thrown the labor of the country out of employ, and it was no more than just and right that salaries should be brought down in proportion. What was the actual situation of the country? Could not any man see at a glance that the President of the United States, with his annual salary of $25,000, (he was sorry the House could not touch it until the present term had expired,) would he able to purchase the property of his confiding constituents, which, six months ago, would have been worth sixty thousand dollars? Was not the same thing true of his Secretaries? And proportionably with every office-holder, from the President himself down to the pettiest postmaster in the country? Mr. V. said, that no estimate could reach the reduction on real estate; for, in this section of the country, if things are to remain as they now are, it will not be long that you will be able to sell it at any price. In all agricultural countries, the reduction in the price of the soil would be found to correspond very nearly in the same proportion with that on its productions. This, in his section of the country, was, at this moment, taken on the average, at least 33 per cent.

This was the state of things which Mr. V. felt it to be a solemn duty to present to the grave consideration of the House. He was not one of the reform party, in the common acceptation of that term. He never had been. But he now felt that the time had come when it had become necessary for the representatives of the people to lay their hand upon the office-holders.

He did not mean by this to do that class of our citizens any injustice; no such thing. His aim was of a higher character; it was to protect the farmer, the merchant, the mechanic, and common laborer, from the effects of this vacillating policy that is withering the energy and industry of the whole country.

He believed, most conscientiously, that, unless they should do this, and thus teach those men not to tamper at their pleasure with the rights and property of the people of this country, they would, in a few years, through their official influence, which was confined to one class of our politicians, and the emoluments arising therefrom, claimed by many of their leaders as the exclusive spoils of victory, possess themselves of the property as well as power of the country. By this doctrine, giving such a control of the money of this country to the Executive, and his army of office-holders, if not arrested, and that speedily, the people would be made the manacled suppliants and slaves of those whom the constitution and laws intended to be their agents and servants. There were some of the items of this reduction which Mr. V. had inserted, not as a part of his original plan, but at the solicitation of friends. One of these was the reduction of the daily pay of the members of Congress.

He had long believed, and he still believed, that they were the worse paid class of public men in this Government; and, on that ground, he had not wished to see their pay any less than it now was. But there were other considerations which still further increased his reluctance. He believed the compensation of the members of both Houses should be such as to place them above the reach of Executive influence—an influence which, from its progressive strides, bids fair to swallow up all the countervailing influences in the other departments of the Government. The members of Congress (Mr. V. said) come directly from the people themselves, and the people have a direct interest in keeping them above all sinister influences, come they from what quarter or from what cabinet they may. But, in addition to this, he had not himself found it a profitable employment; and, as he was about to retire from public life, he had no wish to curtail the receipts of his successor. But it had been urged upon him by his friends, that, if he wished to make an effort to bring down the salaries of office-holders, he must begin with the compensation of the members of the House. And such was his belief of the necessity of reaching at least one class of these office-holders, and some of the larger salaries in others, that he had consented, with reluctance, he was free to confess, to put them in his general plan.

Mr. V. said that the people he represented were not in the habit of complaining. They were a people almost exclusively agricultural. None of them came here to solicit office to give them bread.

They were willing and able to support themselves by the labor of their own hands, if the Government would permit them to do so, without experimenting on their property and industry. But how was it now? What were they now suffering by this ill-timed policy? They were the growers of wheat, which had fallen in price from 33 to 50 per cent.; had they then no cause to complain of this untimely interference by the Executive, in the currency of the country, which was wresting from them one-half of the productions of their labor, and putting into the pockets of the office-holders precisely in the same ratio, by the increase of the value of money? Sir, they can stand much without complaint; but they will not look upon this operation with cold indifference. They have a right to complain and a right to be heard, and if they are not now heard, the time will soon come when they will be heard most effectually through the instrumentality of the ballot-box.

Mr. V. said that the people of Ohio were enthusiastically attached to the institutions of their country. Their attachments were not mercenary. They did not uphold the Government for the purpose of sharing its offices, or rioting upon its substance. They want a Government to protect them in their rights. They want an Executive that will see that the constitution and laws are not trampled upon and violated. The spoils of political victory have no charms for the good honest yeomanry of Ohio; they wish to fight no such battles, nor to revel in any such spoils. Give them an economical administration that will place the constitution and laws above party, and see that the interests and institutions of the country are protected and defended; give them an administration whose policy shall be steadfast and secure; and they care not who fill your offices, if the duties are performed with fidelity and in good faith.

Mr. V. concluded by again declaring that the proposition was strictly and literally his own. If the House deemed it worthy of any respect, be it so. But if it should be considered worthy only of censure, he alone was to blame.

Mr. **POLK** hoped that the House would at once vote on this amendment, without debate. If the gentleman was really serious in bringing forward such a plan, he could not but perceive that the principle on which it rested, applied equally to the army and navy, and to the public printers of both Houses.

Mr. **VANCE** said the House had a separate bill for those objects.

Mr. **WARDWELL** moved to amend the amendment by inserting, before the item for the President's salary, a clause reducing the allowance to the printers of each House 33⅓ per cent.

Mr. **POLK** expressed a confident hope that the gentleman from Ohio would withdraw his amendment, and not thereby embarrass the bill.

Mr. **VANCE** said that he should not withdraw it, nor could he accept the proposal of the gentleman from New York [Mr. **WARDWELL**] as a modification. The pay of the printers could only be reduced prospectively, as they held the printing under contract. If gentlemen choose to violate their own contract, it was a matter for them to determine; he should not take any part in it by accepting the amendment.

Mr. **WARDWELL** said that the printers themselves had been the first to recommend the measure now brought forward, and it would be no more than fair that it should first be aplied to them. However, he would withdraw his amendment.

Mr. **CHILTON** demanded that the question be divided, so as to have a separate decision on each proposed item of reduction.

Mr. **PARKER** said that, as the reduction of members' salaries seemed to be a favorite item with the mover, he would propose that the question should first be put on that.

Mr. **BURGES** insisted that the present distressed condition of the country had been occasioned by the acts of the Executive and his officers, who, by reducing the value of property of all kinds, had proportionally augmented their own income. The President had advanced his own salary not 25 per cent. merely, but nearer 50. He, however, could not be reached. He knew himself safe behind a barrier of the constitution. Let him enjoy the full benefit of those evils he had inflicted upon others. But the House could reach those who had been loud, vociferous, and incessant, in praying for the infliction. Should they, as representatives of the people, sit quietly by and see the property of the people reduced to half its value, while the income of their oppressors was doubled, and yet refuse to exert themselves in the only way now left to them to equalize the condition of the country? This measure was still left them: they could, at least, take from the dependants on Executive favor, that hope of lucre which now influenced them in their attacks on the interest of property and labor. Gentlemen threatened them with the printers. But the printers were surrounded on every side, and could no more be reached than the President. The one was defended by an express constitutional provision; the other by the sacredness of a contract. The House, to be sure, could vote that they would not pay the money, but they could not take their promise out of the bond. Mr. B. was opposed to reducing the per diem allowance of the members. A member of Congress now received less than many clerks, and was exposed to more expenses. There was another strong reason against it: while the pay remained at its present rate, men from the middle walks of life—men of moderate property, and without independent fortunes, could afford to serve their fellow-citizens in Congress; but if the pay should be reduced, such men would be excluded, and the Government of the country would be confided exclusively to the hands of the rich. Yet there were exigencies of the country which formed an exception to all rules; and, until the former prosperity of the country should return, Mr. B. would rather consent to include this item than risk the loss of all the others. It was often said that that was a long lane which never had a turning; but on such a path the country seemed now to have entered. And he did not know that the people could ever promise themselves the re-possession of their free institutions. The era of liberty seemed to have passed away, and we had entered upon the iron age of oppression. He thought a little "pressure" might not be amiss, on those who laughed at that word, and denied and derided the public distress. When the people came with their complaints to Government, how were they treated by the office-holders?—men who lived on offices they held for the people, and by the people? They were openly insulted. Letters were sent from headquarters getting up secret meetings of these men, to thwart and defeat the expression of public opinion. And when the people, as their last hope, came to the House of their own Representatives, a set of cant phrases, imbodying the scorn of those who lived upon their bread, were invented and thrown into their faces. Those assemblies which were expressly guarantied by the constitution, were now sneeringly denominated "distress meetings;" and the expressions of the people's grievances were contemptuously denominated "panic resolutions." Would that House long deliberate on diminishing the salaries which such men drew from the pockets of those whom they insulted? It had been said, not by Tiberius, but by a far different man; it had been said by Cato, that he should have blushed to have it said that Cato stood untouched when the Roman state was in ruins. If the country must sink, let those whose votes could change signatures and abolish contracts sink with it.

The question being divided on Mr. **VANCE's** amendment, it was put on the first item, which proposed to fix the salary of the Vice President at $4,000, and decided in the negative; Ayes 60, noes 88—(the members passing between tellers.)

It was next put on the second item, fixing the salary of the four heads of the Departments at $4,000, and decided in the negative: Ayes 54, noes 90.

The item reducing the salary of the Attorney General to $3,000 was also rejected: Ayes 56, noes 79.

The next item reduced the salary of the Postmaster General to $3,500.

Mr. **VANCE** stated that this had been the salary of that officer till within a few years, when it had been augmented for the man, and not for the office.

Mr. **CONNOR** moved to amend this item by fixing the salary at $4,000: but, after some conversation, consented to withdraw his amendment. It was immediately renewed by Mr. **HIESTER**.

Mr. **MERCER** expressed his hope that the amendment as first proposed would prevail. The raising of the salary of the Postmaster General, and the introducing him as a member of the cabinet, had been productive of more injury to this country than any measure which had been adopted for the last ten or fifteen years. It had converted the entire Post Office establishment, with all its extended ramifications, into one great political machine.

Mr. **VANCE** accepted the modification; when, the question being put, the item, as modified, was negatived: Ayes 68, noes 89.

The question was next put on reducing the salary of the Assistant Postmasters General to $1,800, which was rejected without a count. The item placing the Comptroller's salary at $2,000, shared the same fate: Ayes 58, noes 77.

The item reducing the salary of each of the Auditors to $2,000 was negatived without a count.

That reducing the salary of the Solicitor of the Treasury to $2,000 was rejected: Ayes 67, noes 78.

The item reducing the salary of the Register of the Treasury to $2,000 was negatived: Ayes 53, noes 76.

The clause reducing the salary of the Treasurer of the United States to $2,000 was rejected without a count.

The next item was for the salary of the Commissioner of Indian Affairs, $2,000.

Mr. **WILLIAMS** inquired what was the present salary of this officer.

Mr. **VANCE** replied $3,000.

The debate on the general points of the bill now commenced, and continued through the rest of the day.

Mr. **WILLIAMS** inquired as to the duties of this officer.

Mr. **VANCE** explained: that from being first clerk of the Trearury Department he had been erected into the head of a separate bureau. That this change had been made two years since, and that the present Commissioner had succeeded Mr. McKenney, whose salary had been $1,600.

Mr. MASON further explained the change of arrangement which had taken place; expressed an opinion that the present salary was unnecessarily large, and intimated his intention to vote for its reduction.

Mr. WILLIAMS wanted to know whether the duties of this office had been increased as well as the compensation.

Mr. MASON could not speak with certainty, but rather believed they had not.

Mr. POLK said he should not have risen but for the remarks of his excellent friend from Virginia. It was now manifest that the passage of the appropriation bill was to be embarrassed by a long series of propositions for the reduction of salaries which had never been submitted to any committee of the House. This measure, according to the doctrines advanced yesterday by those who now supported it, ought to be included in a separate bill, but he presumed that those who voted for the measure to-day had forgotten the argument they had advanced yesterday. He hoped the House would dispose of these items without delay, and proceed with the bill.

Mr. FOOT said that the gentleman's remarks could not apply to him; for, if he would examine, he would find that his vote had never been changed. He had been one of those who had been denominated the Radical Committee. He had always thought, and still thought, that the salaries under this Government were too high, and he had twice introduced, in another branch, a call upon the Secretary of the Treasury to report an improved plan for the organization of the business of his Department, reducing as well the number of clerks as the amount of their salaries.

Mr. DENNY said that the gentleman now reproached the friends of this reduction with forgetting to-day the doctrine they had advanced yesterday; but how had the gentleman himself voted yesterday? It had been for the very doctrine which he now argued against. He hoped the gentleman would set himself right before he attempted to reprove others.

Mr. C. ALLAN said that, as they had been reproved by the honorable gentleman for their want of consistency, he would beg leave to recall the gentleman to his own doctrine. He now told the House that an appropriation bill was the wrong place in which to introduce a reduction of salaries. But what had the gentleman himself done? He had introduced into this very bill a proposal to augment the expense of salaries, and to create a new office. It was a bad rule which would not work both ways.

Mr. VANCE admitted that it was not quite regular to consider these propositions before they had been submitted to some of the committees of the House. But this was the only way by which a certain portion of that House would get at such a measure. That portion of the House was proscribed, not only from the receipt of all benefits, but from their just rights in having their plans and measures duly considered. The committees of the House had been so carefully constructed, that, in practice, a portion of its members were effectually excluded from having any thing to do with the legislation of the House. He should never have brought forward his plan in its present shape if he could have had what they in the West called a "fair shake" upon it, by any other means. But this was the only form through which he could ask the Representatives of the people to pass upon it by their votes. An appropriation bill was a fit and proper place for such a proposition; but the moment a measure like this was proposed, the organ of the administration sprang to his feet, and told the House that the consideration of it would interrupt business, embarrass the action of the House, and produce confusion. He insisted that they had a right to be heard in that committee. They had a right to demand the action of the Representatives of the people on such a subject. He understood perfectly how it was to be cut off. He saw how the solid column of the gentleman's forces were to march. The plan was to prevent a single one of these items from being adopted in committee, and then, when the bill came into the House, as all the amendments agreed to in committee would first be acted upon, these would be thrown in the rear, and they were to be cut off by the previous question. He had not been thirteen years an observer of the course of things in that House for nothing, and he now gave the gentleman a fair and open challenge. He would agree that the residue of these items should be passed over *sub silentio*, if the gentleman would agree to allow the yeas and nays to be taken upon them in the House. If the gentleman would now rise in his place and say that he agreed to such a pledge, Mr. V. would not add another word.

Mr. Polk retained his seat.

Mr. V. continued. He said he very well understood what was to go abroad to the people. They were to be told that this was a very proper retrenchment. It would be acknowledged that the salaries were too high, especially since the increased value of money from the diminished value of property. But such a measure must not come into the appropriation bill. Oh! no! that was not the place for it. Let it go to a committee. There let it go to sleep. Do not harass gentlemen. Do not embarrass business. Keep out this light from disturbing the Committee of the Whole. If you once let any in, it will be reported to the House, and there you must vote by yeas and nays, and that will never do. Such was the doctrine. Mr. V. said he had passed through the days of retrenchment and reform. He had heard all the loud talk in that House, about the extravagance and profligacy of a former administration. They had a whole volume of documents on that subject. Well, and how did that administration compare with the present? He recollected that a gentleman of Tennessee, then the chairman of a Committee on Executive Expenditures, had made to the House a long and labored report, showing how very extravagant those expenditures had been. Well, and had not the expenditures under this administration at least kept pace with them, profligate as they were? In the last four years of the profligate administration, they had amounted to $339,934. And what had been their amount during the first four years of the present reformed and retrenched administration? They had been $429,587.

The nation was to have had a great reform. Two-thirds of the clerks were to have been turned off. We were to dispense with two of the Auditors. Well, how had it turned out? Had the number of clerks been reduced? Had not three new entire departments been erected? Had we not a Solicitor of the Treasury, a Commissioner of Indian Affairs, a Commissioner of Pensions? the full number of the old clerks retained, and forty or fifty new ones added?

He would now look at another item of this comparison. The expense of the custom-house officers, during the last three years of the former wasteful administration, had amounted to $2,708,911. The same expenses during the first three years of the present economical administration, seemed to tread pretty close upon the heels of the profligate. They were $3,284,792. Here there seemed to be a balance in favor of the profligate administration, of $575,000.

He would trouble the gentleman with but one more. The whole expense of the Government during the last four years of the former administration, deducting what had been paid of the public debt, had been $95,505,446; and during the first four years of the present administration, with the same deduction of the public debt, had been

$114,787,000. The result was, that whilst one of these administrations was condemned and put down as wasteful and profligate, and the other set up as an administration of economy, retrenchment, and reform, it had nevertheless so happened that, for every year which the latter had continued, it had expended about $2,000,000 more than the former. In the city of New York alone there had been appointed more than a hundred new customhouse officers.

[Here Mr. Cambreleng rose to explain, but Mr. Vance retained the floor.]

He knew, he said, that the gentleman from New York was peculiarly sensitive on this subject. He had been a member of the committee of retrenchment, and, as Mr. V. remembered, had labored some two weeks to prove that an old man ought to be turned out of office, because he had gone into Virginia to see his sick daughter.

[Mr. Cambreleng here again endeavored to get the floor.]

Mr. VANCE insisted that what he had stated was the fact, if the Blue book spoke true. He spoke from the record. He might not give these officers their technical names; he did not pretend to class them as inspectors, weighers, gaugers, &c. He spoke of them collectively, as being all salary officers under this Government, and all paid out of the public crib by this administration.

Mr. V. said he had gone further than he had intended on rising. He had not wished to enter on this matter of reform; he had studiously avoided it; nor should he have touched it now, had he not seen that the gentleman from Tennessee [Mr. Polk] was rallying his forces to keep the least item of this amendment from being agreed to in committee, lest he should lose the opportunity of cutting off the whole by the previous question. But he again told that gentleman, that, if he would let him have the yeas and nays on this amendment, he wanted no more. As to the gentleman's ground of objection, the gentleman could not but know that some of the most salutary measures of retrenchment ever adopted under this Government, had been carried by their introduction into the appropriation bill. Mr. V. had been here at the time, and he had witnessed the insertion of that famous clause which prevented debtors to the United States from continuing to draw their salaries until their accounts were squared: a rule which had saved to the United States very many thousands of dollars. That was a clause in an appropriation bill, and several members of the House had opposed it by precisely such an argument as the gentleman from Tennessee had now employed.

Mr. V. said that there was great difficulty with certain gentlemen to find the proper bill into which it was regular to insert a provision to cut down salaries. Gentlemen were all in favor of economy, if they could find the proper time and place to effect their object.

This bill appeared to be fortified beyond all former example; for you could neither get any thing into it, nor strike any think out of it. If you moved to strike out, the member from Tennessee was ready, with his precedents, to show that such had been the practice under former Congresses. If you moved to put any thing in, the member from Massachusetts [Mr. Adams] was there, with his principle of action, that nothing was legitimate unless it had been provided for by some previous law of Congress. So that the precedents of the one gentleman, and the principles laid down by the other, had so intrenched this bill, that it was perfectly impregnable, and the House would have to surrender at discretion. Sir, said Mr. V., I neither agree to the precedents of the one, nor believe in the infallibility of the principles of the other; and here permit me to say to my friend from Massachusetts, that in this very bill there are hundreds of thousands of dollars appropriated that are not authorized by any previous law of Congress.

Mr. BEARDSLEY said that he did not doubt the patriotism which had given rise to the proposal of the gentleman from Ohio [Mr. Vance.] No doubt his motives had been the most patriotic in all that he had done and said. He must regret, however, that the gentleman had thrust his proposition into an appropriation bill—which was certainly a very improper place for it. Though the propositions he had brought forward were no doubt perfectly satisfactory to the mover, yet Mr. B. could not but think them wanting in discrimination. And he believed that, though gentlemen of the House had rushed upon their feet to vote for them, *en grosse*, they would, on more mature reflection, scarcely be satisfied with many of the items. Many of them met with his hearty concurrence, and if imbodied in a proper bill, should have his vote; but he should vote for none of them in their present shape. Some of them were scarcely charitable or just, either to the House or its presiding officer. One of the propositions Mr. B. intended to vote for, which it seemed was scarcely palatable to the mover himself. The gentleman had had great doubts about introducing it at all, and had only done so in deference to the opinion of his friends. Now Mr. B. was more in favor of this one than of either of the others. This put him in mind of an anecdote which, with the leave of the House, he would relate. There had been a proposition made in the Legislature of New York to reduce the pay of the members to $3 per day. The gentleman who introduced it was a great reformist at the time, though previously he had been strongly opposed to all retrenchment. The proposition was negatived; and this member gave notice, through the papers, that, if his constituents would reelect him, he would deduct one-half or one-third part of his per diem allowance, and deposite it in the county treasury for the use of the people. And what had been the result of a proposal which he seemed to believe must secure him his seat for another session? The people had rejected him by a vote of three to one. This he knew had not been the fate of all reformers; but it was what not unusually happened to persons who, after being the open opposers of all reform, suddenly turned about and became ultra reformists. Mr. B. concluded by expressing his hope that the House, without being the least excited by the speech of the honorable gentleman, (which certainly contained matter well calculated to produce excitement,) would go on to vote on his propositions without debate.

Mr. MASON now said that he had perhaps spoken somewhat inconsiderately when last up. His recollection then was, that the organization of the Indian department, and the appointment of the Commissioner, had been introduced into an appropriation bill; the law had since been shown to him, and he found that he had been mistaken. The office had been created by a separate act, which assigned the duties to be performed by the Commissioner, and fixed his compensation at $3,000. The appropriation in the present bill was, therefore, a mere carrying out of the provisions of another law. The principle that this should be the character of every appropriation bill was, he thought, perfectly correct. Such a bill was not the proper place either to create offices or to repeal laws. On that principle the proposed reduction would not be correct.

Mr. WATMOUGH rose and said:

I find, Mr. Chairman, I have been in some measure anticipated in what I proposed to say to the committee, by the remarks of the honorable gentleman from Virginia [Mr. Mason] who has just taken his seat. He has explained to the committee the misconception, under which he appears to have labored, of the duties of the officer whose salary is now under consideration. I hold the law in my hand. By a reference to it I perceive that, on the 9th of July, 1832, at the close of a most momentous session, and amidst all the hurry incident thereto, a clerkship of the War Department, whose duties had been previously and ably performed for a compensation of one thousand six hundred dollars, is converted, by the law passed that day, into a separate and distinct bureau, and the clerk becomes a Commissioner of Indian Affairs, at an increased salary of three thousand dollars.

It may be, sir, that all this was perfectly right; it may be that the circumstances of the case made this increased expenditure not only expedient, but absolutely necessary. The duty had been always very satisfactorily performed, antecedent to the election of the present Chief Magistrate, by a single officer, as I suppose, at the reasonable compensation of sixteen hundred a year. If I am incorrect in this, I trust I shall be set right. The change, therefore, strikes me as being somewhat rapid from a subordinate clerkship, at a very moderate rate of compensation, to a distinct and independent bureau, at three thousand dollars per annum. This statement, however, does not cover the whole case; for I find, by looking a little further into this law, that this Commissioner of Indian Affairs has allowed him four additional clerks, at an annual cost to the people of five thousand dollars.

All this, sir, no doubt, was demanded by the exigencies of the public service; and being so, I should be the last to find fault with it. I cannot but recollect, however, Mr. Chairman, the cry of retrenchment and economy upon which the present administration came into power. The land rung with it, far and wide; our cities were thrown into the most violent agitation; and the honest and independent yeomen of our valleys, under the influence of one common feeling, rushed to the polls, as the only means left to them by which to restore the bright and halcyon days of economy and reform; hopes, sir, of the most alluring character, were blazoned forth; prospects, such as had never before been realized, were portrayed; prices were to be enhanced; and labor, sir, honest labor, "prepared his simple fare" under the fond, perhaps, in too many cases, baneful delusion, that luxurious abundance was soon to take the place of that steady temperance which had hitherto "ruled his board."

How all this has been realized, a few short, melancholy years but too plainly tell. I do not mean to take up your time, Mr. Chairman, unnecessarily, by recapitulating the facts, the statistical facts, which my honorable friends from Kentucky and Ohio [Mr. Chilton and Mr. Vance] have so sensibly, clearly, and concisely laid before you; they speak volumes; and I trust, sir, they will meet the eye of every freeman in the land.

In that great contest of 1828 to which I have alluded, no one took a more active and decided part than the honorable gentleman from Kentucky on my left, [Mr. Chilton.] Ardent and patriotic then, as he is now, he believed fully all the wondrous tales of extravagance and corruption upon which eloquence exhausted, I had almost said debased, her highest powers; he took the lead, and persevered in the cause until he found himself, as he tells us, an isolated being; the friends with whom he had cooperated, and by whose arguments he had been led astray, had fallen far in his rear, or were seated comfortably in the high places of emolument and power. I need say nothing further in reference to this matter, after his own eloquent, truly eloquent remarks (historical reminiscences, I might rather call them) of yesterday; he explained his own motives, and they will be duly appreciated; he told us of his disappointments, and they may readily be conceived. Much as I feel for my honorable friend, I thank Heaven, sir, I never belonged to the party which then succeeded in gaining power. I never approved of the candidate who was then put forward; I approved less of the means that were adopted to ensure his success. From both much misfortune has resulted, and is likely to result, to my country. Would to Heaven I possessed the means to avert the fatal consequences which I then anticipated, and which I now but too plainly perceive are about to be realized.

Sir, I have never been a radical, and I never mean to be, in the ordinary acceptation of that term; the idea is altogether uncongenial to my mind, and to my mode and habit of thinking. On the contrary, since I have had the honor of a seat on this floor, I have labored industriously to raise the compensation of a noble and valuable class of public officers. The documents laid on your tables, at various times, have given ample proof of this. I have at all times desired, and do still desire, to add to the comfort and convenience of the civil as well as military officers of the Government. But, sir, the circumstances of the case are strangely altered of late; the posture of public affairs is, indeed, altogether portentous; and I almost fear that, unless that degree of relief which Congress has it in her power to give, be afforded to the free citizens of this republic, whose fortunes are now sinking, and whose energies are depressed by the maladministration of their public affairs, I say I almost fear I shall feel myself constrained to waive all future effort; to abandon, at least for the present, all idea of consummating what I have always fondly hoped to effect—the plan for ameliorating the condition of the officers attached to another branch of the public service. Mr. Chairman, this House has lately, by a vote which has cast dismay into many a once happy circle, refused that relief. The husbandman, the merchant, the manufacturer, the mechanic, and he whose daily pleasure is his daily honest toil, must no longer look to this quarter for relief. The plough may rust in the furrow, the ship lie dismantled at the wharf, the loom be broken down, and the price of labor entirely depreciated; the currency, upon whose healthy action all depends, debased; but not one jot or tittle of the "great experiment" be bated, or one single point of it be conceded or abandoned. No, sir; it is to themselves alone the people must look; they hold the remedy in their own hands, and that they will in due time apply that remedy I can have no sort of doubt. When that takes place, sir, then will come a day of reckoning indeed; and if there be justice in the order of Providence, which no one can deny, a deep and solemn day of retribution will it be. It is true, the progress to it lies through a wilderness of despair; the groans of the heart-broken father, whose meridian hopes have been utterly subverted, will be heard on all sides; the deep suppressed agony of many a devoted mother will ascend to heaven, and the sighs of youth and innocence, at hopes blighted and prospects annihilated on the very threshold of existence, will fill the surrounding air, until the whole be banished by one general shout of execration, long and loud, sent forth against the base contrivers of so much ruin and dismay. Would to God, Mr. Chairman, I again repeat, I held the means to arrest the downward tendency of affairs. Would to God that, by a personal sacrifice, I could turn aside from my beloved country the consequences which hard-hearted ignorance and reckless political design are about to bring upon her and her hitherto unclouded prospects. Sir, I have employed the only means in my power, common to every freeman of the land; I have recorded my vote, in every stage of its progress, against the unjust, unconstitutional, and illegal act of the President of the United States.

On these general principles, Mr. Chairman, I shall feel it to be my solemn duty, at whatever cost of personal feeling, to sustain the amendment of my honorable friend from Ohio, [Mr. Vance.] My distinguished friend and colleague near me [Mr. Binney] placed this matter on its true basis yesterday. With that beauty and eloquence of expression which grace all he utters, he spoke of the necessity of establishing a living sympathy between that vast and organized body of office-holders, the forty thousand legionaries of the party, and the people. Sir, I have already disclaimed the title of radical, nor am I particularly ambitious of that of reformer; but, sir, I am anxious to make one more effort in a good cause. I think the amendment proposed will effect a great good, and shall sustain it throughout.

I have been, however, sir, not a little surprised at the air and manner with which this proposition is met by the gentlemen who sustain the administration on this floor. They affect to treat it as a measure not seriously intended. In this, they will find themselves grievously mistaken. But, sir, we are gravely told that an appropriation bill is not a proper place upon which to ingraft an amendment intended to diminish the expenses of the Government. It was, however, deemed quite proper to introduce into it a clause which went not only to increase expenditure, but actually to create a new appointment. I leave the honorable members to arrange this inconsistency among themselves. I must take leave, however, to remind them that a large minority of this House, and a distinguished majority of the other branch of the Legislature, believe the late act of the administration to be a high-handed usurpation of power, above all law, and against the spirit and the letter of the constitution, derogatory to the rights of the people, and dangerous to the public interests, whose guardians we are duly constituted. Sir, we cannot fail to recall to our minds the fine old maxim of English liberty, that when there are grievances of a deep and serious cast—grievances that have been induced by acts of mal-administration on the part of our rulers—grievances that have invaded the hearths of all classes of the community, and destroyed the peace and happiness of masses and of families—a redress of these grievances ought to accompany every bill of supplies. An appropriation bill not a fit place to introduce an amendment having this great principle in view! Sir, I contend that, of all occasions, it is the very fittest and most proper. Sir, when no other ground is left, this at least remains, upon which to make a last great effort to secure to the people that mite of liberty they may still have left, and restore a violated constitution to its pristine health and vigor. Sir, our minds and our efforts are refreshed by the recollections that on this great principle of supplies and grievances all the great contests for civil liberty have been waged—all the most brilliant triumphs in favor of the rights of man been gained. Here it was, sir, that Hampden made his stand during the unhallowed reign of the first Charles. He cast not a thought upon the miserable twenty shillings of which they sought to rob him. No, sir, he struck for the laws and the liberties of his country; he determined to resist an unconstitutional act of authority that tended to sap the foundations of her liberties, and totally subvert the rights of the subject. It is true, sir, this term does not apply to us. We are no man's subjects—free born-citizens, and subject only to the laws, we propose to live, and such I trust we shall die. Like Hampden, sir, if we lose what we are contending for, still we hope to be able to arouse the minds of the people to a consideration of the acts of the administration, and the principles involved therein. Believing, as we do, that those acts are unconstitutional and unjust, ruinous to the welfare of the people, and as destructive to their civil rights as to their individual interests, we should be unmindful of our solemn duties to them, and of the oath we have taken to support the constitution and the laws, were we to permit an opportunity like the present to pass unheeded—were we to fold our arms in criminal silence, and make no effort to arrest the progress of usurpation, and redeem the spirit of the law. I, at least, sir, will make the effort; I shall vote for the proposed amendment throughout. I shall contest every questionable item of this bill. I shall aid in exposing whatever of enormity it contains. Indeed, sir, I might feel myself warranted in going much further; I might refuse my vote to the appropriation of a single dollar until the money of the people was restored to its legally appointed place of deposite—at least until it was again brought within the pale of its constitutional guardians—until the acts of the President were repealed, and the powers of the constitution restored. Even to this extent have I received the instructions of a large mass of my constituents. But, sir, I do not desire to go as far as the highly indignant state of their feelings, sanctioned as those feelings are by the generally depressed condition of their affairs, would authorize me to go. My position here enables me, perhaps, to judge more calmly of the high responsibility and general effect of such a measure. It might be attended with results of the most injurious character to the good faith of the nation; it ought not at least to be adopted but as a measure of the last resort, and after the most serious advisement. Out of the present measure, however, none but the most beneficial consequences can flow.

The struggle to be made here must not, and shall not, so far as I am concerned, be viewed in the light of mere opposition to the passage of a bill on party grounds; on such grounds I never have, and, if I know myself, I never shall oppose an appropriation for the benefit of the people at large. This, sir, is a widely different matter. I consider it as a great struggle for liberty, and, as such, I shall persevere in it; and sooner or later am I convinced that the people themselves will fly to the aid of the minority, and compel the majority to do that which they have, thus far, obstinately refused to do—respect their voice, and be mindful that theirs is even a higher duty than subserviency to the dictates of party. One word more, sir, and I am done.

We have been told to-day, and, indeed, all well remember the principles and pledges which enabled General Jackson to gain the seat he now occupies; they were such as enabled him to sweep all before him; all hearts were fascinated by the dangerous illusion of military glory, and the party thus formed was cemented together by the most flattering promises of universal reform. A political whirlwind swept over the whole land; no one could resist its influence; the wisest, and best, and most unbending republicans were hurled from their seats; all who attempted to withstand its influence were overwhelmed; charges of the foulest corruption were brought against the purest and best patriots of the republic; the expenses of the Government were reported to have been carried beyond all bounds, and the money of the people misapplied and squandered. The result was inevitable. The administration came into power, and certainly never, in any country, did any administration assume the helm of state with greater means to immortalize itself, by dispensing the blessings of good government in every quarter, or with a surer prospect of being most unanimously sustained. But, sir, what has become of all the hopes and promises that were held out? Are the free and independent yeomanry of Pennsylvania, and of the South and West, now to be told, all this was mere humbug, a phrase become fashionable of late in this House, but which I ought to apologize for employing; we wanted your votes, and we promised largely; we have gained our ends, and you must remain satisfied until we want you again? Will they be satisfied thus to be led by the nose, driven in masses to the polls, on delusive grounds, to drop their votes into the ballot-boxes only to serve the purposes of selfish, heartless, political leaders? Sir, I do not believe it. We, who were not for reform, when no necessity for reform existed, now come forward, and at a period of the deepest and most universal distress. We ask these quondam reformers to meet their pledges. We ask them now to prove to the people, that when they called upon them to pull down and destroy all that was distinguished and virtuous in the country, they did not mean to deceive them. Sir, if that be the case, I for one am determined the people shall know it; I will not suffer them to be deceived. I call, therefore, upon the friends of the administration, whose motto was reform, now to come up to the ground they once so warmly affected: the general distress prevading all classes of society, the memorials with which your tables are burdened, all call upon them to redeem their pledges; to prove that, in exciting the enthusiasm of the people, they had nobler objects in view than merely to gratify their own selfish ends; that, in driving out the wise and the good from all participation in public affairs, they did not alone purpose to make their own advances to unrestrained power more sure and speedy. I call upon them now to prove that the standard under which they fought was not emblazoned with fraud and deceit.

Sir, we believe that, in the course now adopted, great and vital principles of civil liberty are involved; and for myself, sir, sooner would I seek banishment to some desert island or lonely rock, than set up a pretence which my conscience did not sanction, or follow any standard intended only to deceive.

I trust, therefore, Mr. Chairman, that this doctrine, that an appropriation bill is not a fit subject of reform, will be abandoned; that the friends of the administration will at length redeem the pledges with which they have so long amused the country; and that, in discussing this question, they will deign to meet the great principles of civil liberty which it involves. Sir, I have done.

Mr. LANE said he should detain the House but a few moments. He thought, however, that the honorable gentleman from Ohio deserved some kind attention for the remarks he had been pleased to make on the subject of a certain portion of the House having the enjoyment of no privileges in the conducting of its business. It was certainly a grievous fault that a minority of that House was not permitted to control the majority. That had been the cry at all periods—that the aristocracy of the country could not control the democracy; but it had so happened, because the aristocracy were the few while the democracy were the many. Another complaint of the honorable gentleman was, that a certain portion of the people had obtained any share in the offices existing under the Government. The House had heard yesterday of a certain army of 40,000 men who were all sycophants at the foot of power. Was this the fact? If gentlemen would inquire, they would find that, of the persons in office in this District of Columbia, two-thirds were personally and politically opposed to the present administration. Those who were competent and faithful had not been proscribed for political opinion. None spoke their sentiments more freely. The Departments were full of them. It had gone abroad that all enemies of the administration were proscribed; but the fact was, that a majority, a large majority of them remained in office. The gentleman had undertaken to draw a contrast in the expenditures under the former and present administrations. He should have liked the gentleman to have told the whole truth on that subject. If the gentleman had been actuated by the purest motives, in the statement he had made, (and this Mr. L. should not presume to deny,) it would have been natural for the gentleman to remember, that it was a thing of course, with every people, that, as their population and resources extended, the expenses of the Government must in like manner increase.

In regard to the individual who had been at the head of the last administration, Mr. L. admitted freely that a better patriot, a man of more enlightened mind, had never filled the chair of state. But the gentleman seemed to forget, in drawing his comparison, the numerous treaties which had been concluded; the indemnifications which had been obtained for the spoliations of foreign powers; the numerous and important Indian treaties that had been successfully negotiated; the annuities which had been paid; the arrangement of all our difficulties with foreign Powers. Had the gentleman recollected some of these things, and told the House what expense had unavoidably attended them, and had then laid the true result before the American people, he would have acted with more candor and fairness. Had the gentleman told the House that $40,000 had been expended in removing Indians from his own neighborhood? Had he stated how many had been removed under the former administration? When a gentleman undertook to speak to the public, items like these should not be passed over.

But the gentleman thought it would be a proper measure to reduce the salaries of officers of Government. Mr. L. agreed that the sins of the present administration were grievous indeed—they were of a crimson dye; but had it not been for what fell from the gentleman from Pennsylvania, [Mr. Watmough,] he should not have known the cause for which their salaries were all to be reduced. He admitted that it had been an inadvertency on the part of the gentleman to disclose it; but it had come out that the gentleman would vote for no appropriation of money until, in the gentleman's own language, "the constitution and the laws should have been restored;" till the Government should undo what it had done.

Mr. WATMOUGH explained. He had not said that he should not vote for any appropriation until the constitution and the laws were restored; but that the resolutions passed by his constituents would warrant him to take such a stand; but that he did not, at present, feel himself imperatively bound to bring matters to that extremity.

Mr. LANE resumed. He had not blamed the gentleman for what he had said. No doubt the gentleman would act as he supposed right. Mr. L. said he had omitted to refer to one important item of the expenditures under this administration. Thousands and millions of dollars had been paid to the war-worn soldier; five millions of this by the vote of the gentleman from Ohio himself. If the gentleman would take this item into his account, he would find that this administration had been quite as prudent and economical as the former. Mr. L. however, meant not to cast the slightest possible reflection on the former administration. But it seemed that this measure of reducing salaries was introduced by way of punishment on the friends of the present Executive for not permitting the minority in that House to govern the majority: it was a just punishment upon that majority, because they had had the firmness to resist all the temptations of the Bank of the United States; because they would not prostrate themselves before the foot of the golden monster.

The gentleman from Ohio, after having fattened and grown sleek on his eight dollars a day for the last thirteen years, now came forward with a proposal to punish the new members for being refractory, by docking their allowance two dollars per day. This put him in mind of the conduct of certain gentlemen who, after having voted books to themselves, were for denying the same advantage to the new members. It seemed to him that such a proposition came with but an ill grace from a gentleman who had been enjoying his full pay for these thirteen years past. The new members, for resisting the recharter of the bank, and withstanding all its temptations, were to be reduced by deducting one-fourth of their pay! He entered his protest against any such proceeding. After they had all been there as long as the gentleman had, there would be more fairness in it.

If the gentleman would add, as a qualification, that the reduction should take effect when all were on an equal footing; or when they should be placed on the footing of that glorious free and republican Government, the Government of England, where the pay was so low that, from the necessity of the case, no one would be able to resist the devices of Old Nick, Mr. L. might think better of it.

But he should like the gentleman to go a little further, and so reduce the pay of the officers of Government and the members of Congress, that no poor man, no man in common circumstances, could afford to leave his plough to serve his country, and none but the aristocracy, none but the rich, none but those who were willing to quarter on the Bank of the United States, could come to Congress, his plan would then be still more perfect. Not that he meant to insinuate that any member of Congress had received a cent of the money of the bank; but that was the tendency of the plan proposed.

It did appear to him that the officers of Government in this District did not receive too high salaries. Could the gentleman, who was for reducing their pay, reduce the expenses of living here? He fancied not. It had been said, that for $300 or $400, as much labor could be obtained as was now performed by a clerk, with a salary of $1,500. But could any body, fit to do the work, live for that sum? Could he get bread to eat for it? He could not. Every body knew it was out of the question.

Mr. L. trusted that, when gentlemen got up amendments to a bill, they would confine their remarks to the question before the House. The best and most acceptable economy would be, to abstain from wasting the money of the people in useless debate. He trusted they were, at some time or other, to return to their families; and not, upon every question of every sort, on every bill, on every subject, introduce a long discussion on the bank and the deposites, and set all the topics of attack on the administration in fearful array.

He could assure the gentleman from Ohio, that the moment he could be satisfied any officer received one dollar too much of salary, that moment he would give his vote to reduce it. But how were they to ascertain this? Were they to appoint a committee with power to send for persons and papers? Here was a measure going to affect every officer of the Government, through all the remotest borders of the country, thrown into the House without an iota of information to support it. All the postmasters were to have their salaries cut down; though many of them, whose offices were a great convenience to their neighborhoods, did not actually receive more than twenty-five cents in the course of a year; but these poor fellows were all to be docked a fippenny-bit. He trusted not one item of the amendment would be adopted. He pledged himself, and those who acted with him, that every evil which existed in the way of excessive compensation for public services, should be corrected, as soon as brought to light and clearly proved. None would lend their aid to such a task more freely than the friends of the distinguished individual who now filled the Executive chair.

Mr. L. begged to be understood. He had said nothing in any unkindness towards the late administration. He entertained the most exalted opinion of the individual who had presided over it. He had personally voted for him, and he had never abandoned him until he found he had got into very bad company.

The gentleman from Ohio had asked, with a very triumphant air, "How had this administration come into power?" He would answer the gentleman, by the unanimous voice of the American people, the voice of the democracy of this country, and not by a vote of this House. He said this in reply to the gentleman's triumphant inquiry, and not with the slightest intention of casting reproach on any who had received and held their office in strict conformity with the provisions of the constitution.

Mr. POLK said he rose merely to make some explanations. He should not answer the speech of the gentleman from Ohio, [MR. VANCE.] This was not the proper occasion to repel attacks upon the administration. All he should say was, that, if the administration was not vulnerable in any more tender point than the existence of salaries established by law, he should esteem it very fortunate. He wished to recall the House to the subject before them, and not to see them wasting day after day in speeches on retrenchment, or a comparison of administrations. The subject of debate, which gentlemen were in danger of having forgotten, was the reduction of the salary of the Commissioner on Indian Affairs to $2,000. No such item was in the bill. It contained not one word about that officer. He and his salary belonged to another bill entirely—called, usually, the Indian appropriation bill. Here then, was an amendment which was wholly unconnected with the subject-matter of the bill. This showed the impropriety of scaling all officers and all salaries by one general sweeping enactment. Mr. P. would say a word in explanation of a remark which had brought on him the rebukes of some half a dozen of the gentlemen who had addressed the House. He had expressed an opinion that an ordinary appropriation bill was not the proper place, either to reduce or to increase the salaries of whole bodies of the officers of Government. His remark did not apply to the employment and payment of a temporary clerk, but to the new modelling of the compensation of all the officers of Government, from the President downward. Mr. P. here referred to, and quoted the law of 1832, creating the office of Commissioner of Indian Affairs. The plan had been adopted on the recommendation of Secretary Barbour. Was the appropriation bill a proper place to repeal such a law? He did not pretend that such a course would be unconstitutional. No doubt the House might withhold the salary of that officer, and thereby virtually abolish his office. But he thought it would be inappropriate to do this in an appropriation bill. Mr. P. concluded by deprecating longer delay.

Mr. BATES said that he did not think the chairman of the Committee of Ways and Means could fairly complain of the delay produced by this discussion, after the pledge openly tendered to him, in the face of the House, to stop the discussion, if he would consent that the yeas and nays should be taken in the House on the amendment which had been moved.

Mr. POLK replied: The gentleman must know that he had no power to speak on that floor for others, or bind them by any promises of his.

Mr. BATES said he was willing to take the gentleman's word for the majority of that House.

[MR. VANCE speaking across, said the gentleman's word was all they asked.]

Mr. B. said they had had some ground for such an offer, and for such an alliance. He should vote for this amendment. He was, indeed, no radical; he was willing and desirous that the public servants should be liberally paid. He had no appeals to make to the people; no pretensions to any extra economy. But he should vote for it because two dollars are worth now as much as three dollars were when we came here at the commencement of the session; and when the officers of Government were the instruments by whose acts and influence the value of the property of all other men had been thus reduced, it was no more than fair that they should be put, in some degree, on a level with other people. Mr. B. had recently returned from visiting his constituents in Massachusetts, and he could state, from personal knowledge, that the products of their industry had been greatly reduced in value, and in his judgment 20 per cent., ranging from 20 to 50 per cent. Knowing this, how could he consent to continue the salaries of the officers of Government at the same rate as before such reduction? Why should not they participate in the common depression, especially when it had been caused by their agency? He could not give them the same allowance. It would not be just to do so. He was willing to give them what their salary had been worth before they destroyed the value of property.

He admitted that an appropriation bill was not the fittest place for a proposition of this kind. He was attached to forms, because they were invented as a safeguard to the weak against the oppression of the strong; but he was more attached to substance. And, as this was the only mode of getting at the object, and as the power was in the hands of others, the minority of the House could resort to no other expedient for obtaining the action of the House on the measure they desired; and, under these circumstances, it was right and just thus to present it to the House.

Mr. CHILTON denied that the gentleman from Ohio [Mr. Vance] had been fairly represented by the gentleman from Indiana, [Mr. Lane,] and appealed to the House to say if he had used any such language as had been ascribed to him. It was wholly gratuitous and without foundation. The gentleman had reduced the whole to this: a complaint that the aristocracy could not be permitted to rule the democracy of this country. Mr. C. remonstrated against the employment of such language, calculated to produce needless excitement in the House and in the country. His explanation was wholly gratuitous. But Mr. C. had heard, in his own part of the Union, men rise and declaim about aristocracy and democracy with great vehemence; but all who looked calmly on were in the habit of considering it the merest demagoguism that could be heard from the stump. The best democrats did not make the most noise. They did not trumpet their own fame, nor cast insinuations upon others. Gentlemen on that floor were far above being moved by insinuations of this kind. The House had heard from the same gentleman insinuations of another kind. The gentleman had spoken to them about members of that House quartering upon the bank. This was precisely of a piece with the rest. But if he were required to select the man who could be reached by such an influence, he did not say that he should select the gentleman from Indiana; but this he would say, that he should select that man who was the most forward to indulge the worst suspicions of his fellow men. The rule was founded in human nature; and he believed it would seldom fail.

The gentleman had adjured the House to confine itself to the subject immediately under discussion. Now, if so much as one of all the remarks the gentleman had made even approached to the subject before the House, (which was the salary of a particular officer) it had escaped Mr. C.; but this might have been owing to the gentleman speaking, like himself, in so low a tone of voice as scarcely to be heard.

[Both the gentlemen are remarkable for speaking in a loud tone of voice.]

The gentleman had certainly reasoned very closely and logically; and yet, taking his speech as a whole, it reminded him of an anecdote he had once heard. A young man, whose education had been very defective, and who could with difficulty read, approached the library of a gentleman whom he was visiting, and was desirous of selecting some book for his own perusal. He chanced to get hold of a dictionary, and having retired to one corner, was observed to peruse it with intense application. After he had been thus engaged about an hour, the owner of the library, comprehending the case, inquired of the young man how he liked the book he was reading? I like the reading in it very well, replied he, but, confound the fellow, he changes his subject so often. Mr. C. said he did not remember that he had ever, in the same time, heard so many topics discussed in one speech. They had had the Post Office, the bank, the deposites, aristocracy, democracy, Indian treaties, the war-worn soldier, and the presidential question. The gentleman had closed by reminding the gentleman from Massachusetts [Mr. Adams] of the great obligation under which he lay to him for his vote and his support, until that gentleman had unfortunately fallen into bad company. The unkindness of this remark had touched Mr. C. He would not say that the gentleman from Massachusetts might have replied, as Robert Emmet did to his judge, "that he should consider himself dishonored in shaking his blood-stained hand;" but he would say of the gentleman alluded to, as the "bad company" of the gentleman from Massachusetts, that, if the gentleman from Indiana had secured his friendship, he would have secured a brighter jewel, and a richer legacy, than either he or Mr. C. could ever have expected to obtain. That individual was far above the reach of any arrow that could proceed from such a bow. He congratulated the constituents of that individual upon the discovery made by the gentleman from Indiana. It would, indeed, be glorious news for them.

The gentleman had assured the House that two-thirds of the public officers of this Government, who are under the immediate inspection of the President, and peculiarly conversant with his principles and policy, were opposed to the course of the present administration. Was this indeed true? Mr. C. hoped in God it was the fact. He trusted the gentleman could establish it by proof. And if he could, what would it prove? It proved, first, that, in bringing forward this measure, they were not, as had been charged, seeking to punish adversaries, but to reduce the wages of their best friends. After this, he trusted the gentleman would not repeat his accusation, that the minority were seeking to punish men in office because they exercised the right of thinking and speaking freely. But what else did it prove? If it was a fact that two-thirds of these persons, who were mere tenants at will of the Executive, and held their support and the bread of their children on the frail tenure of the breath of his nostrils, were nevertheless opposed to his measures, could any thing involve a stronger presumption, that those measures were such as could not be justified? Who were in better circumstances to know what was actually going on? They were many of them on the spot, where all the plans of the administration were concocted and put into execution, and they knew that one word of disapprobation exposed them to the hazard of losing their places, and yet they were against the administration, and the gentleman knew it. Did this imply that all was right? He put it to gentlemen to say whether, if any testimony in the world could be received as conclusive and convincing, this was not such testimony? The case of the injured Duane was a sufficient commentary in illustration of this subject. Such things proved that the time was come when the action of that House and of the nation was imperiously demanded; when they were called on to assert and maintain their dearest rights, and save those sacred institutions which were tottering to their fall.

Mr. C. said that he had himself been somewhat excursive in his remarks, but they had only been in reply to others still more so. The gentleman had said something about the speeches going abroad; probably he might have been thinking about some such thing when he made his own. The gentleman's speech might go down the river along side of Mr. C.'s.

Mr. LANE: I hope not.

Mr. CHILTON: I hope not, too. That would, I admit be very bad company. The gentleman had attempted to account for the very extraordinary increase in the expenditures of the Government, by referring to the increase of the population of the country. Mr. C. did not, of course, deny the increase of our population; but it would be sufficient to propose to the gentlemen one question. Did the President and his officers feed the people of the United States? or did the people feed them? If the latter, then the more people the more revenue; and this without any corresponding necessity for increasing the number of officers or the expenses of the Government. When the gentleman told his constituents of the increase of the population, he hoped the gentleman would not forget to tell them, at the same time, of the increase of revenue also.

The gentleman would be willing, after continuing to receive his eight dollars per diem for thirteen years, like the gentleman from Ohio, then to consent to its reduction. Mr. C. would not advise the gentleman from Ohio to close with such a bargain; life was very uncertain; and, besides, there might be difficulties of another kind in the way. But did the gentleman think eight dollars too much? If he did, why refuse to reduce it? If not, why accept less at the end of his thirteen years? He would respectfully advise the gentleman to begin now. After he should have been here eight years longer, the habit of receiving his eight dollars would be so fixed and inveterate, that it would be much harder to change it than at present. Mr. C. said he was for reducing the per diem to six dollars, and at a proper time he should move an amendment to render the calculation of mileage more accurate. When the gentleman made insulting insinuations in regard to bank corruption, such remarks went to show only this—that that gentleman set a far higher value upon money, and its power, than they did to whom his remarks were intended to apply. He had, however, no wish to break wit with the gentleman; but when he had taken a stand, he usually maintained it as long as he was able. If any thing he had said was marked with too much severity, let it be remembered that he was only repelling insinuations of a very offensive character.

Mr. **LANE**, in reply to the gentleman from Kentucky, [Mr. Chilton,] said, he had not called in question the purity of any gentleman's motives or patriotism; nor could any honorable member have so understood him. That he had made no insinuation, nor did he intend to make any, on this or any other occasion. He would speak plain language; and, in order to avoid a similar mistake on the part of that member, he would assure him it was no insinuation, when he said, respect for the House, and for himself, should restrain him, on the present occasion, from descending to notice small things.

Mr. **FILLMORE** now moved that the committee rise. The motion was negatived: Ayes 77, noes 89.

The question was then put on reducing the salary of the Commissioner of Indian Affairs to $2,000, and negatived.

Mr. **MERCER** then moved for the rising of the committee; and, as much confusion prevailed, he demanded tellers. The vote, being thus taken, stood ayes 91, noes 73.

So the committee rose, and the House adjourned.

Friday, April 11.

PUBLIC DEPOSITES.

Mr. Mardis's resolution, on the subject of retaining the deposites in the State banks, coming up once more as the unfinished business of the first hour,

Mr. **CORWIN** resumed his speech in opposition to the resolution, and continued to speak till the expiration of the hour, without concluding his remarks.

The special order for the second hour was the consideration of the bill providing remuneration for property lost, captured, or destroyed during the last war; but

Mr. **POLK**, desiring that the appropriation bill should again be taken up, moved that, with a view to that object, the rules of House should be suspended.

Mr. **WARD** demanded the yeas and nays on this motion, which were taken, and resulted as follows: Yeas 92, nays 93.

So the House refused to suspend the rules.

Several engrossed bills were then read a third time, passed, and sent to the Senate for concurrence.

REMUNERATION FOR LOST PROPERTY IN THE LATE WAR.

The House then went into Committee of the Whole (Mr. Clay, of Alabama, in the chair) on the bill providing remuneration for property lost, captured, or destroyed by the enemy in the late war; and the rest of the day was consumed in the discussion of that bill.

Mr. **WHITTLESEY** went into a very full exposition of the grounds and provisions of the bill, stating how far it imbodied the substance of previous acts on the same subject, and what additional provisions it contained.

Mr. **WARDWELL** moved an amendment inserting the word "vessel" after the word "boat," so as to include vessels among the property to be paid for under the bill.

This was strenuously resisted by Mr. **HARDIN** and others, and finally withdrawn.

Mr. **HARDIN** wished the bill so amended as to require that the property to be paid for must have been exclusively in the possession of the United States at the time of its destruction or capture. This motion was defended at length by the mover, and very warmly resisted by Mr. **WHITTLESEY** and other gentlemen. Several other amendments were proposed; but before any decision was had, the committee rose, reported progress, and had leave to sit again.

The House then adjourned.

Saturday, April 12.

PUBLIC DEPOSITES.

The resolution of Mr. Mardis, on the subject of retaining the deposites in the State banks, coming up once more,

Mr. **CORWIN** resumed and concluded his remarks in opposition to the resolution. The whole of Mr. C.'s remarks are given below, as follows:

Mr. Speaker: I feel, sensibly, the very awkward and embarrassing relations that have subsisted between speakers and their audience in this House during the last six weeks of this important and protracted discussion. He who has, at any time, been so fortunate as to obtain the floor, sees that he occupies a position which many others around him have sought with unavailing effect. Those around him, on the other hand, feel as if they had been deprived, by another, of a right which they all possess in common with him, whilst the daily threat of the majority to silence debate, by a call of the previous question, gives just cause to fear that the right of themselves, and those they represent, to be heard in this House, on subjects affecting deeply their interests, will be finally denied them.

I cannot say, with the honorable gentleman from New Jersey, [Mr. Dickerson,] that I have been instructed to speak on this subject; yet I can assure the House that its manifest impatience of further discussion would induce me still to observe a silence which I have rigidly maintained for nearly three sessions of Congress, did I not feel myself impelled to a different course by obligations which I can no longer disregard. My judgment does not approve, nor do my feelings participate in, that anxiety which has been expressed to bring this discussion to a close. It should not be matter of surprise to any one, that this subject has for three months engrossed the attention of Congress, to the exclusion of almost every other. Its magnitude should exclude all precipitation when it is approached, and admonish us to delay and ponder well before we decide. It involves great principles which, all must see, lie deep in the foundations of our political organization; it ranges over a vast field of constitutional law; it comprehends many of the most interesting rights of the citizen—rights which, until now, have always been supposed to be included within the unquestioned legislative powers of Congress.

When we reflect that every thing valuable to civil liberty, all those maxims of good government which are so happily combined in our written constitutions, have been purchased at the expense of blood and revolutionary strife, or wrought out into their present shape through long ages of trial and painful experience, common prudence should suggest great deliberation in any attempt to destroy or readjust their established order. It should not be expected that the dearest rights of the citizen, and the most important duties and powers of the legislator, are to be discussed here with that sort of inconsiderate haste which may be tolerated in matters of small or temporary concernment, but which true wisdom never indulges when we are dealing with those great interests which come to us by inheritance from the past, which are the birthright of the present, and the best hope of future generations.

I am sure I do not overrate the importance of this discussion. The deep excitement felt here, in minds habitually cool, temperate, and even phlegmatic, proves that I do not. The excitation of the public mind proves to you that I do not magnify its importance. Do we want proofs of this? Look abroad over this wide continent. Three months ago it was seen agitating the surface like the tremulous premonitions of the coming earthquake. Now it is rocking society to its foundations. The heavings of this fearful convulsion have torn from their accustomed walks and natural positions, and precipitated into one mass, in a neighboring city, forty thousand of our citizens, each calling upon the other for counsel and co-operation. From the populous cities on your Atlantic frontier, where the first ripple of discontent was seen, the wave has swollen until it burst like a deluge over the mountains, carrying discontent and alarm through the peaceful valleys of the great West, inhabited by the most patient, temperate, and quiet population any where to be found on the face of the earth. Ominous as this excitement may appear to some, I cannot regret its existence. Though the storm that lowers upon our hitherto unclouded horizon be dark, I feel an assured confidence that its thunders, when they do burst, will roll to save, not to destroy. It gives cheering proof that the spirit of our fathers, that "augured misgovernment at a distance, and snuffed the approach of tyranny in every tainted gale," is not extinguished in the bosoms of their sons.

In the notice I shall take of the causes that have produced such striking and interesting effects, I do not intend to fatigue the patience of gentlemen by any examination of the great elementary and constitutional principles which belong to this subject. These I shall consider as settled. Others, to whom I have listened with feelings of pride and delight which I cannot soon forget, have left upon this part of the canvass their own bright and indelible impressions of reason and truth—impressions which any touch from my unpractised hand could not illustrate, but, on the contrary, would most certainly obscure, if not efface.

That which I propose to consider, somewhat minutely, relates to a few simple propositions of law, arising out of the provisions of the act of 1816. These are subjects in themselves of narrow dimensions, and, to most minds, of dry and uninteresting character. Cold and repulsive, however, as the subjects may be, it is from them, and out of them, that a public agent of Congress has endeavored to extract a power so large and so pervading that its colossal form meets and blocks up the way of Congress, in whatever part of our allotted sphere we attempt to move. This spectral image of despotism, let it be remembered, rises from the tomb of the Bank of the United States. The same sceptre, with one blow of which he levelled the bank in the dust, is at this moment stretched out to bar the approaches of Congress, either to the grave of his late victim, or to the treasury of the people, on which he has seized as his lawful prey.

The resolution on your table, which is the immediate subject of discussion, proposes a total, radical change, or rather subversion, of our whole system of finance. That change, it will occur to all, cannot be effected unless Congress shall give its approval to the argument of the Secretary of the Treasury, giving his reasons for taking the first, and, as I fear, fatal, step in this new and untried experiment. That argument, it is contended, furnishes a legal justification to the Secretary for proceeding, at the will and under the direction of the President, to dismiss the Bank of the United States from our service as an agent to collect and disburse the revenue, and to withhold from it that revenue which, by law, was ordered to be deposited with the bank for safe keeping. After a careful, and, as I believe, unbiased attention to all that has been urged to sustain this proposition, I cannot yield to it the assent of my understanding.

A very cursory view of the groundwork of this discussion will disclose the necessity, in the first place, of a careful examination of the powers and duties of the Secretary of the Treasury, under the constitution and general laws relating to that Department. In settling the character, origin, and responsibilities of that officer, is developed that radical difference of political faith and practice, which divides the two parties in this House, and, in my judgment, constitutes the most striking feature of this discussion.

On one side are arrayed the friends of "executive power." They contend that your Secretary of the Treasury is the mere offspring of executive will, and is the agent and instrument of the President; that he sustains this character, not only in the general duties assigned to him by law, but that such is his character in the relations between him and the bank; that the discretion vested in the Secretary, by the sixteenth section of the bank charter, to withhold from that institution "the public deposites, giving his reasons to Congress for so doing," is not his discretion, but that he must act in obedience to the discretion, will, and judgment of the President, in this as well as every other duty assigned him by law; that he is responsible to the President only, and not to Congress, for the faithful execution of duties imposed on him by Congress. In short, they invest the President with all the attributes and powers of a superintending providence over all the concerns of the Government. It is not surprising, after having found in our constitution such a divinity, that those who worship at his shrine should hold all inferior beings (as all must be so) responsible to him, and him only, for their conduct. Whilst they give to the President all the powers and attributes of a god, they withhold both from the Secretary, till they make him much less than man. They admit the law has said that the deposites of the public moneys shall be made in the Bank of the United States, "unless the Secretary of the Treasury shall otherwise order and direct." In which last case, he is to lay before Congress his reasons for such order and direction. Yet, they contend that, whilst it is the duty of the Secretary to do all these things, he can in none of them exercise his own faculties; he is to see through the President's eyes, reason through and by the President's understanding, decide by the President's will, and execute with the President's power. In other words, he is to be responsible without discretion, to reason without judgment, decide without will, and execute without power.

On the other side of this question are to be found those who contend for the "power of the people," through their representatives, over the money of the people. We maintain that, in all things pertaining to the collection, safe-keeping, and disbursement of their taxes, which Congress, by the constitution, has the exclusive power "to lay and collect," and which can only be paid out, when collected, by act of Congress, the Secretary receives his power to act from Congress, is the agent of Congress, and is responsible to Congress for the faithful execution of those powers intrusted to him by Congress.

No one who has attended to the arguments in this House, and read the volumes of reports and executive documents sent here to enlighten us, can deny that I have stated truly the grounds assumed, in and out of Congress, by the conflicting parties on this subject. The very statement of the case is itself the best argument to show that gentlemen on the other side cannot maintain the position they have assumed. Unless there be some reason hidden below the surface as yet, of all this discussion, which has, unperceived by all, wrought a mysterious conviction on the minds of gentlemen, there can be no difficulty in coming to a right decision of this question. I am fortified in this belief by the contradictory propositions assumed and defended in the report made to us by the Committee of Ways and Means.

That committee, selected by the Chair for its financial abilities, and not by presumption, nor always in fact, the ablest expounders of the constitution, has, with great care, presented the House with a very elaborate view of the relative powers of Congress, and the President, and the Secretary of the Treasury, under the constitution.

It sets out with the assertion that the power to select the place of deposite, and the person or persons who shall have the custody of the public moneys, always did, and does now, belong to the head of the Treasury, under the supervision and control of the Executive. The process of the argument is this: It is alleged (in the report alluded to) that this power, under the old confederation, was considered an executive power, and as such was exerted by Congress; that, when the confederation gave place to the constitution, "all executive powers" (this being one) was transferred by the constitution to the President, where, under that instrument, it still remains. The committee, with a degree of industry much more commendable than the discrimination by which it seems to have been guided, in order to show the usage of former times to be conformable to their doctrines, have brought forward a variety of historical proofs and references. Mr. Speaker, it is no necessary part of my duty or purpose to controvert this position. However strange it may appear, the committee have either abandoned or completely refuted it themselves, in the same report, where, with so much labor, they asserted and endeavored to establish it. Neither am I bound to account for these candid inconsistencies. Perhaps the committee may have thought it a kind of incumbent duty to maintain the dignity and honor of the Executive against the charge of usurpation. Having, however, discharged that duty, to which they felt themselves forced by the violent impulses of the occasion, with most amiable partiality for constitutional truth and sound political philosophy, they abandoned this ground, and now assert the power of Congress, under the constitution, to have been always (up to 1816) complete over the public moneys, and acknowledge themselves at a loss to find any good reason why the Congress of 1816 should then have transferred it to other hands. I beg leave to refer gentlemen who have not looked critically at this report to one or two paragraphs on the fifth page. From these it will be seen I have quoted them truly, and given to their language their own interpretation.

In giving construction to the sixteenth section of the bank charter, passed by Congress in 1816, the committee say: "The effect of the sixteenth section of the bank charter is to take from Congress entirely the power to control the public deposites, which that body before possessed." Again, on the same page, they say: "Whether the Congress acted wisely in thus divesting themselves of all control over the places of public deposite of the public moneys, for the long period of twenty years, is a question which it is unnecessary to determine." These quotations prove (if language is any sign of ideas) that the committee considered it undeniable truth, that, in 1816, Congress, by the constitution, did possess legislative power over this subject, and that they divested themselves of that power by the act of 1816. In the first pages of their report, however, they have bestowed much labor to prove that Congress never did possess this power; that, by the constitution, it was confided to the President as the head of the Executive department, this being one of the executive powers which, by the adoption of the constitution, was, amongst others, transferred to that officer.

Let us pause at this point for a moment, while we examine the consequences, I cannot say absurdities, (for that word, though one "of exceeding good command" in our language, is not parliamentary,) which flow from the various positions maintained, and most of them in turn abandoned or refuted, in the committee's report. First, it is asserted that the power over the deposites of the public moneys by the constitution (being an executive power) belongs to the President, who is to exercise it through his agent, the Secretary of the Treasury. It follows that this power, if given to the President, could not be exercised or controlled by Congress, unless the constitution should be so changed as to give them such control; yet, in the succeeding pages of this same report, the committee find Congress in lawful possession of this power; but, as they insist, taking it away from themselves, and giving it to the Secretary of the Treasury, in the year 1816. If the first position be true, the second is certainly unfounded. Again, if the committee be right in the position that Congress, in 1816, did possess complete control over the person who should keep, and the place where the public moneys should be kept, and if this power was given them by the constitution, could Congress, at its pleasure, change the constitution, and transfer that power to another? The committee seem to think they could. When the committee speak of Congress "divesting" itself of a power held under the constitution, I can only understand them by supposing they take it for granted that Congress, at its pleasure, can, by law, transfer power from one branch of the Federal Government to another. This doctrine, sir, is new to me; nor do I believe it has, as yet, obtained a very general credit with American statesmen.

To this family of incongruities permit me, before I take my leave of them, to introduce a kindred fallacy of the Secretary of the Treasury. It will be found in what he calls his "reasons" for withholding the public moneys from the Bank of the United States. It is this: He (the Secretary) asserts that the act of 1816, creating the bank, is unconstitutional. If so, it is inoperative, and can confer no rights upon the bank, no powers upon any one. It leaves every subject it touches as though no law had been attempted to be enacted. Yet the Secretary himself, and the committee, in their report, claim that this same act gives power to the Secretary of the Treasury to lay his hand upon the whole revenues of this nation, and transfer them to persons and deposite them in places not authorized or designated by law. Reason and law would tell us that if, as the committee argue, Congress rightfully possessed this power in 1816, and if, as the committee and Secretary both agree, the attempt to vest it elsewhere resulted in passing an act unconstitutional, and therefore void, then the power remained where it was, that is to say, in Congress, and not in the Secretary or the President; and the question may well be asked, by what law does the Secretary claim to possess himself of this high and transcendent power? Mr. Speaker, when

I look at this ludicrous jumble of contradictions, and remember that they are the joint product of the well-known, talented, and accomplished mind of the Secretary of the Treasury, and the not less richly-endowed intellect of the honorable chairman of the "Ways and Means," I see and acknowledge, in thankfulness of heart, the operation of one of those laws which Infinite Wisdom has established for the government of the mind of man. Reason is given by God to man, to guide him with certainty in the way of truth. That way is always straight; it is plain and bright with the lights that ever burn around and along its borders. The path of error and sophistry is in the wilderness. Their course is mazy, devious, and shrouded in darkness. Whenever bias or passion, therefore, perverts the understanding from the uses to which it was ordained by him who gave it, as a penalty for its abuse the wisdom of the wisest becomes folly, and, that it may deceive no one, is involved in difficulties and contradictions, and ends in discomfiture and defeat. We have before us a case where this great moral truth is most strikingly exemplified. The Secretary of the Treasury, aided by the labors of the Committee of "Ways and Means," with great toil and care, erects a costly, and magnificent, and heathenish anti-republican temple. They cover its walls all over with inscriptions of monarchical dogmas and barbaric phrases, alien to the dialects of democracy, and not written in the republican "books of the law" delivered to us by our fathers. With equal toil and pains they then construct a monstrous Juggernaut, and engrave upon his frontlet the magic words, "Executive Power." Him they enshrine with all the pomp of heathen idolatry. This done, they point to their idol, and command us to "fall down and worship." Suddenly, however, the scene changes. Whilst we stand wrapped in amazement at the vast dimensions of the structure, the builders of it themselves, impelled by a law of their nature, assault it with violence, and in a twinkling all is gone. The gorgeous temple, huge divinity, and costly shrine, are levelled together in the dust.

I dismiss this topic. Its singular character has, I find, tempted me to pursue it much further than I had intended. I take it for granted, then, that we have established, by the admissions of the devotees of executive power themselves, that all power over the money of the people belongs to the people, through their representatives in Congress; that it belongs immediately to Congress, who alone have power to "lay and collect taxes."

It follows, as a necessary consequence, that whatever act the Secretary of the Treasury may do touching those "taxes," he must do it by virtue of some power derived from Congress. It follows, with equal certainty, that, being the agent of Congress, he is responsible to Congress, from whom he receives his power, for its faithful and intelligent execution.

Let us now turn to the commission given by Congress to the Secretary, touching the public moneys. It will be found in the sixteenth section of the bank charter of 1816, in these words: "The deposites of the moneys of the United States, in places in which the said bank and branches thereof may be established, shall be made in the said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order and direction." No one can doubt the character or object of the power here given. It is, in its character, a trust or discretionary power. Its objects were, first, the safety of the public treasure; secondly, it was intended to compel the bank to a faithful performance of its promise, to transmit without charge the moneys of the Government to the places where they were required to be disbursed. If the bank should fail in either of these stipulations, Congress intended that the Secretary should have the power to find immediately other places of deposite and other disbursing agents. To enable the Secretary to discharge the delicate trust thus reposed in him, Congress provides, in the same law, "that the officer at the head of the Treasury Department of the United States shall be furnished, from time to time, as often as he may require, not exceeding once a week, with statements of the amount of the capital stock of the said corporation, and of the debts due to the same; of the moneys deposited therein; of the notes in circulation; and of the specie in hand; and shall have a right to inspect such general accounts on the books of the bank as shall relate to the said statement: Provided that this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank."

The last paragraph of this act contains an answer to every reason urged by the Secretary for removing the deposites from the Bank of the United States. It shows to what objects Congress designed to confine the power given to that officer over the public funds. All that the Secretary can know, from what the bank is bound to disclose to him in the weekly statement required to be furnished, relates to the solvency of the bank. It was intended to furnish the Secretary in this way, with the means of executing the power given him, to protect the safety of the people's money. It will be observed that the Secretary is, in express words, denied the right to look into the "private accounts of individuals." With what pretence of plausibility can it be contended, as it has been, by the Secretary and President too, that improper accounts between the bank and certain printers, which can only be known by examining the "private accounts," form a reason or answer for the exercise of this power? The construction contended for by those who defend the Executive would make the Congress of 1816 confer, by law, large powers on their agent; and, in the same law, expressly deny him the power to ascertain those facts upon which alone he would be justified in using the power conferred. That Congress never intended to extend the power of the Secretary over the vast field of inquiry which, in the all-grasping spirit of the executive Government, he has appropriated, is also evident, from the powers over the bank, reserved to Congress, compared with those given and denied to the Secretary, to which last I have just adverted. By the 23d section of the charter, it is provided "that it shall at all times be lawful for a committee of either House of Congress, appointed for that purpose, to inspect the books and to examine into the proceedings of the corporation hereby created, and to report whether the provisions of this charter have been, by the same, violated or not?" It then goes on to provide (in the event of a report by the committee of a violation of the charter) that a *scire facias* shall issue from the circuit court of the United States, calling on the bank to show cause, &c. A jury of the country sworn and empannelled to try the cause would then be the tribunal to which the subject would be referred for decision. But this good old usage of our fathers did not comport with that scheme of compendious confiscation which had been resolved on.

We have here, on the face of the law, the duties and powers required to be done and exercised by the Secretary, and the subjects of inquiry which Congress reserved to itself, and the courts and juries of the country. But the Secretary, with this law before him, backed or pushed forward by the President, takes all the powers of Congress and the courts into his own hand, and gravely tells Congress that, by the law I have just quoted, he (whenever, in his opinion, "the public good or convenience required it,") could dismiss the bank as a depository of the public money, and dissolve all connexion of the Government with that institution. In effect, he assumes, with a boldness unparalleled in any officer in a country of laws, to exercise executive, legislative, and judicial powers; to forfeit charters, held under the pledged faith of the nation; to seize upon rights guarantied by all the solemnities of legislative enactment, and fortified by all the strength of legislative power.

Let us examine this modest assumption of the Secretary by another test. He insists that his power to dissolve all connexion with the United States Bank is unlimited, except "by his own discretion." If, then, in his opinion, the bank was dangerous as a monopoly, (for this is much insisted on;) if it did not furnish a good currency; if State banks would be, in his opinion, more safe or convenient depositories of the public moneys; if the tendencies of the institution, in his or the President's opinion, would be unfriendly to the morals of the people; then, in either of these cases, the Secretary of the Treasury could, of his own proper authority, under the act of 1816, as to all public purposes, repeal the law itself. Sir, is this to be tolerated? Were the men who composed the Congress of 1816 such miserable drivellers as this interpretation of their acts would make them? What object had they in view in erecting the United States Bank? Is any American citizen, who can read, so ignorant as not to know them? The Government had lost by State banks about fourteen hundred thousand dollars. It determined to create a bank, as a place of safe-keeping of the people's money, which it could examine into and control, in order to prevent future loss. The arguments for and against this institution were heard for three years in this hall, prior to the final passage of the bank charter: its dangerous tendencies as a moneyed monopoly; its power over the politics of the country; the effect it would have on currency, trade, and exchange; all were debated with zeal and ability, which would have illustrated the history of any deliberative body that ever yet assembled any where upon earth. These various points of policy were all settled by Congress, the only power in a representative Government which can take cognizance of such subjects. The act was passed; it received the President's approval; it became a law for twenty years. Now, the President and Secretary assert that this same Congress, by a clause in this same act, authorized the Secretary of the Treasury to sit down and examine whether Congress had acted wisely or not; whether a bank was a dangerous engine against liberty; whether it would or would not be likely to exert a beneficial and wholesome influence upon trade and domestic or foreign exchange. If, on reflection, he should be of opinion that the public treasure could be more securely kept, and transmitted from place to place, by the State banks; or if he, in any of these particulars, relating to public policy, should differ with both branches of Congress and the President, he (the Secretary) should, in that case, repeal the law. Yes, sir, repeal the law. For the whole object of the bank charter was to make the bank created by it an agent of the Government. To give the Secretary a power to destroy that agency, for any reason of a moral or political character, was, in substance, giving him a power to repeal and annul the whole law. Courtesy forbids me the use of terms proper to convey my ideas of such miserable inconsistency as this. This course of argument makes the Congress of the United States, after years of anxious labor, on a subject of vital interest to the nation, throw together, in the shape of law, not a well-ordered system of finance, reaching, as all systems worth any thing must do, forward with certain and steady operation into the future: no, instead of this, you make them heap together a disjointed jumble of crude conceptions and self-evident contradictions; and then, in impotent despair, call upon the wisdom, and virtue, and skill of a Secretary of the Treasury to review their policy, and make or destroy their law at his pleasure. And this is called republican doctrine. This is modern democracy! This is said to be the way of keeping power in the hands of the people, "the many," and denying sovereign sway to the few, or to one.

Let us now turn to that view of the subject which regards the various provisions of the bank charter in the light of a contract.

I am sure it needs no argument to prove to this House that a law which confers upon one or more persons certain rights, and imposes on them certain duties to be performed, on the faith of which such persons invest their money, is, in its terms and nature, a compact. As such, for the term of its duration, all power given under it is irrevocable; as a law, it is not capable of repeal; as a contract, except in the mode pointed out by its provisions, it is indissoluble.

The bank charter of 1816 proposes to all who would subscribe stock under its provisions, that they should possess the corporate powers specified in that act for the full term of twenty years. The stockholders, on their part, agree to pay to the United States a bonus of one million and a half of dollars; to receive and keep safe, at their own risk, the revenues of the Government; to transmit, at their own risk, and without charge, the moneys of the Government to any point required for disbursement. In consideration of these arduous and responsible duties, and the payment of the bonus, the Government agrees, on its part, that the stockholders shall have the right to issue their notes, which shall be received in payment of all public dues, unless Congress shall otherwise direct by law. The bank shall have the benefit of the deposite of the public moneys during the term of twenty years, unless the Secretary of the Treasury shall otherwise order and direct, for reasons which shall be approved (as I construe the law) by both branches of Congress. These are, in substance, the mutual solemn engagements between the Government of the United States and the stockholders of the United States Bank. I think it has been satisfactorily shown that the only reasons upon which the Secretary could remove the public moneys from the bank are, first, that they were unsafe in its custody; or, secondly, that the bank had failed or refused to transmit and pay them over as required by law. It is not pretended that our revenues are in danger of being lost by the insolvency of the bank, nor am I aware that it has been suggested in debate that the bank has been delinquent in its engagements to transmit and pay them over at any point where the Government has had occasion to disburse them. The withdrawal from the bank of the deposites has, then, been made without any cause such as was contemplated by the charter, and, consequently, in violation of the contract between the Government and the stockholders of the bank. What is the position we occupy in the face of our country and the world? We have pledged the faith and honor of the nation; upon which pledge twenty-eight millions of money have been invested in a bank in which we are parties. Without any reason applicable to our contract, we have wantonly violated one of its vital and most essential stipulations. Fully sensible of the degrading and loathsome character of the act we are considering, when viewed as a violation of contract, the sensitive and generous mind of the gentleman from Georgia, [Mr. GILMER,] as also that of his colleague, [Mr. SCHLEY,] have labored to rid the charter of all the attributes of a compact. They seem to suppose it absurd to imagine that a contract could be made binding in this instance, because one of the parties is a "corporation." Many of their remarks on this part of the subject resolve themselves into those quaint definitions of the qualities and faculties of a corporation in the old law books that treat of these subjects. Amongst other things, it is said that a corporation has no soul. Sir, there is black-letter authority enough for that. But the gentlemen should have done justice to the ancient luminaries of the law, and told, further, that they only intended to say that a corporation, as such, could not commit a crime, and in its corporate capacity could not be punished as a criminal. Will gentlemen contend from this that no binding contract can be made with any number of persons who are thus incorporated? Does it follow that the various individuals who compose this artificial person without a soul, can, in its corporate character, have no civil rights? This course of argument would seem to affirm that a great nation, a proud republic, could pledge its faith to the performance of certain acts to a corporation which itself had created, and in good faith, without tarnishing its honor, at any time refuse to redeem its pledge, and allege, as a justification, the ready plea, "you are a corporation, you have no soul." Excellent jurisprudence! admirable ethics! most amiable philosophy! What a figure such a chapter would have made in the profound and eloquent volumes of Hooker! what lustre it would have shed upon the morality of Paley! It certainly never occurred to the great teachers of law or ethics that, because a corporation could not, as such, commit murder, nor yet itself be subject to that crime, therefore, it followed, from reason irrefragable, that it was lawful and right to rob it; that, as it could not in its corporate character commit a crime, and would, therefore, escape punishment in the next world, reason, equity, and the eternal fitness of things, required that it should be visited with confiscation in this. Of a character closely allied to this, in its moral tendency, is that class of arguments which treats the contract, in the bank charter, as a promise liable to be performed or broken according to the fluctuating opinions of those who might hold, for the time being, the political power necessary to its faithful execution. Is this the light in which modern morality and law have taught us to consider national obligations and national honor? Does a change of power from one political party to those of another political faith absolve the latter from all obligations contracted by the former? Sir, within the last four years, the long-exiled Bourbon has paid us for spoliations committed on our commerce by revolutionary France. The present King of Naples has remunerated our citizens for injuries sustained by them at the hands of Joachim Murat. Such, sir, is the universal law of good faith which descends and attaches upon all who, in the process of time, however remote, succeed to the political power of Government.

It is this faith-keeping principle in States and individuals that holds together the moral elements of the world. It is superior to, and controls, all human will. Its obligations are paramount to all human control. It is a law of perpetual obligation, from which neither States nor individuals can absolve themselves; it is felt in the hearts of men; it does not derive its origin from society; it is the parent and origin of all social existence; it is the principle of the honest man, the honor of the gentleman, the chivalry of the brave man, the piety of the good man, the glory of a nation.

Mr. Speaker, if this act of the Secretary is in itself wrong, being founded in palpable injustice towards the bank, it is not less condemnable as being unwise and inexpedient as a measure of public policy. Though I by no means admit that what the Secretary calls "his reasons" are, in a single instance, such as to form even an apology for his conduct, yet it is only respectful towards him to bestow a passing notice upon some of them. He sets out with the declaration that the people of the United States had declared that the charter of the present bank should not be renewed. This is put forward as the basis upon which he felt himself compelled to act. In a matter affecting in the tenderest point the interest, and business, and property of a nation, we should expect, from ordinary prudence, great certainty in ascertaining facts, necessary to be known, before consequences so momentous were encountered. The evidence of the existence of such facts should not be conjectural, or equivocal, but such as could leave no doubt; such as would extort conviction from the mind. What, then, was this proof, think you, of a decision by the people that the bank should cease to exist? It was this: General Jackson was re-elected to the presidency in November, 1832, and he was not a friend of the bank! Here is the direct, positive, overwhelming evidence of the sense of a nation, as the Secretary supposes, on a simple isolated question concerning the renewal of a charter. What a compliment to the President! He is, by this view of the election, represented as being chosen to preside over the republic, not for his profound knowledge of civil polity, in all its complex and multiform ramifications; not for his acquaintance with our diplomatic history; not for his large and comprehensive views of the rising and future destinies of this flourishing republic; not for his great renown in arts or arms; no—none of these. He was, according to this view of it, clothed with the highest honor mortal man can confer, simply and only because he did not like a certain corporation in the city of Philadelphia, of which one Nicholas Biddle was the president. Sir, I can find a hundred men at work on the canal about this city, before sunset, that have the same qualification for the high office of Chief Magistrate of the republic, if opposition to a banking corporation is to be the sole and exclusive test of merit. The people of this country will no longer be fit to be trusted with the election of their President, when they make that election turn upon a single supposed opinion of their candidate touching one only of the great variety of subjects upon which that officer is obliged to act. For the reputation of the President, for the character of my countrymen, I trust this opinion expressed by the Secretary, and in another document asserted by the President himself, will be repudiated by this House. I know it will be rejected with indignation by the enlightened freemen of the country as a reflection upon their intelligence.

But, sir, I deny that the President ever expressed to the people an *unqualified* declaration against the renewal of the charter of the United States Bank. I know that he refused his approval to the bill for that purpose passed in 1832; but do we not all know that, amongst other things, in his message to Congress on that subject, the President distinctly asserts the power of Congress to create a bank, and plainly intimates his willingness to aid them in doing so. Let his own language speak for him: "That a Bank of the United States, competent to all the duties which may be required by the Government, might be so organized as not to infringe on our own delegated powers, or the reserved rights of the States, *I do not entertain a doubt*. Had the Executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed. In the absence of such a call, it is obviously proper that he should confine himself to pointing out those prominent features in the act presented, which, in his opinion, make it incompatible with the constitution and sound policy." Here we have a distinct annunciation, by the President, that a bank might be created which would answer all public purposes; of this, he says he "does not entertain a doubt," and that, if called upon, he would cheerfully furnish the project of such an institution. This, sir, in that portion of the country within the range of my immediate observation, was seized upon by the President's friends, at his last election, to show that he would yet furnish to the country a bank. He, and he alone, it would seem, had made the discovery of some project concerning currency and Treasury agency, which the wisdom of the wisest, for the last fifty years, had sought for in vain. The country has patiently waited the redemption of this pledge for two years. Still some of his friends cry, "patience, it will yet be brought forth." Great mystery is affected, and no one ventures to say precisely what it will resemble; yet still it will be, it is said, when it does come, just what all desire. Deep in the recesses of executive wisdom, they tell us, this grand secret is hidden. That which escaped the anxious search of Washington, Hamilton, Madison, Jefferson, and all the Secretaries of the Treasury, for forty years, had been discovered by the present Chief Magistrate, and surely it would not be withheld from the world. It was suddenly to spring from the pregnant head of the Executive, like another Minerva from the head of Jove--the impersonation of wisdom armed from head to foot, covered all over with the panoply of the constitution, graced with all the amiable facilities of bank credit and sound currency, and endowed in an especial manner with the energies and security of a proper Treasury agent. This, sir, is what was decided upon by the people in the election of the President; this was what they were promised; they relied on that promise. Sir, it had that quality which always commends itself to our credence; to say the least of it, it was modest!

Two years have elapsed, and the expecting world still waits in hope of the grand development. Whether we are to die "without the sight" is amongst those future events which the curtain of time (perhaps fortunately for us) still conceals from mortal scrutiny. I take it for granted that the rickety misshapen imp, lately born of a forbidden concubinage between executive assumption and State bank prostitution, which we now see mewling and puking in the nursing arms of the Committee of Ways and Means, is not to be palmed upon us for that "*cara Deum soboles,*" that "*magnum Jovis incrementum,*" which the world has so long been promised.

Mr. Speaker, let us examine some other of our recollections of subjects agitated, and, by presumption, supposed to have been decided, by the people in the election of President. Prior to the election of 1829, nothing, touching the opinions of the candidates, formed a more decisive test in the Western States than the "tariff and internal improvement." So anxious were the people of that section of the country to be well informed on this subject, that the Legislature of Indiana authorized their Governor to open a correspondence with General Jackson, then a candidate, in order to have record proof of his principles touching the measures to which I have referred. What followed? In a reply to the Governor, a letter addressed to a gentleman in the South, and votes given in the other branch of Congress, were referred to; but nothing explicit beyond these could be learned. This, however, was received by the good-natured people of Indiana as full proof of the General's friendship to a protective system of duties, and liberal expenditure of public money upon roads and canals. Now, sir, if we can trust at all the newspapers of that day, we know that this same letter and these Senatorial votes were referred to in the South as furnishing very satisfactory evidence of the same gentleman's hostility to both tariff and internal improvement.

With these examples of the dubious character of any evidence of public will, derived from the agitation of any subject in elections, we should have expected the highly cultivated legal mind of the Secretary to hesitate in receiving that sort of proof as satisfactory, in any manner involving deeply the public interest. Our astonishment increases when we hear the President himself, with all the facts to which I have adverted fresh in his memory, make the declaration that his election, in 1832, is to be received as a decision of the people that the bank is not to be rechartered. Another *reason,* as it is called, much insisted on, is equally without foundation in fact. It is amusing, if not vexatious, to observe the freedom with which both the Secretary and the Committee of Ways and Means draw upon the credulity of Congress and the people. They propose to destroy the United States Bank, and employ as treasury agents some hundreds of State banks throughout the Union, for the purpose--(mark the object in view!)--for the purpose of "bringing back the currency where the sages who formed the constitution found and left it." Where did the much-abused and misrepresented sages who formed the constitution find the currency? The mists of antiquity have not yet settled down upon the period referred to so heavily as to obscure from our vision the men and the deeds of that day. They *found* the currency made up of "continental money" and "bills of credit," issued by the several States of the then confederacy. Is this, then, the kind of currency which the patriots and philanthropists of the present day intend to give us? Where, again I ask, did the sages who formed the constitution leave the currency? Let us look somewhat minutely into this portion of our history. I shall be willing to go with gentlemen in any measure which will give us just such a currency as the sages who formed the constitution left us. The convention that formed the constitution was composed of thirty-nine members, including General Washington, its presiding officer. Of the thirty-eight members who signed the constitution in 1787, sixteen were members of Congress under the constitution, in the year 1791, when the first United States Bank was chartered; twelve of these sixteen voted *for* that bank, and four *against* it. Among those who voted against it was Mr. Madison, who, afterwards, in 1816, yielded his objections, and approved the charter of the present bank. General Washington, in 1791, was President of the United States, and approved the establishment of the bank. General Hamilton was then Secretary of the Treasury, and recommended it. Here, then, we have the recorded opinions of eighteen of the thirty-nine who signed the constitution; fifteen of these were in favor of the Bank of the United States, and three against it. But, sir, this is not all. We are informed by those still living, who knew well the opinions of those other sages who formed the constitution, who were not in the Congress of 1791, that seventeen of them were in favor of the Bank of the United States, as then established. The opinions of those who formed the constitution, as to currency, would then stand thus: thirty-two in favor of a Bank of the United States, and seven against it. It was a currency, regulated, controlled, and created by the Bank of the United States, which the sages who formed the constitution "left us." From the year 1791 to the present hour, more than forty years, excepting four years of derangement, disaster, and ruin, (from 1811 to 1816, when we had no United States Bank,) we have had *that* currency; and now we are told, with apparent candor, too, that, by abolishing the Bank of the United States, and giving to one hundred State banks twenty millions of public money, annually, to issue bank notes upon, we shall bring back such a currency as the sages of 1791 gave us; that we shall, in this way, restore the currency to the condition in which the immortal authors of the constitution left it: I have neither time nor temper to animadvert further upon this attempt to bolster up the miserable schemes and shifts of this day, dignified with the name of plans, by authorities drawn from the earlier portion of our constitutional history. It can only succeed by mistaking the authority, or by a gross misunderstanding of historical facts.

When we shall have broken up the present system of things, what does the Secretary, what do the committee, propose to give us in its stead? Shall we have a better circulating medium? They propose to give us, instead of United States Bank bills, the notes of State banks. More than four hundred of these now exist in the different States. Their notes are selling at the brokers' offices, in different parts of the Union, at a discount varying from two to ten per cent. at this moment. Two years ago, when war was declared against the present Bank of the United States, we were told that all banks were to be put down. They were all then monopolies, dangerous to liberty; and the destruction of paper currency and the restoration of coin were then begun. This was then the confident assertion of a portion of the party now in power. Let the history of that party, in the Legislatures of the States, since that time, speak for itself. In Ohio, Kentucky, and Indiana, what has it done? Why, sir, in order to banish bank paper, and restore coin, they commenced a clamor for State banks; and in my own State have, since 1832, incorporated four millions of State bank capital! This has been done by that very party who are to bring back gold and silver currency by destroying banks! The same scene has been acted, by the same class of politicians, in all the Western States. It is now a well-known fact, that, since the message of the President was promulgated, putting his veto on the United States Bank charter of 1832, more than forty millions of bank capital have been incorporated in the different States in the Union. Such is the progress already made towards restoring gold and silver currency. I venture now the prediction, that, if the United States Bank, or some similar institution, be not established, you will, before the lapse of five years, see twice the number of State banks now in existence. Their notes will be flying every where, thick as the leaves of the forest in an autumnal hurricane, and about as valuable.

But suppose your league of Treasury banks should succeed in establishing their credit so as to give general currency to their paper: will not those banks, in that way, by loans and exchanges, gain the same power and control over the business and trade of the country, which, you say, is now possessed by the United States Bank—that dangerous power, for the possession of which, you say, it must be abolished? And what is gained by exchanging the one for the other? What will your condition be when your league banks shall be able to crush, if they choose, the trade of the country? Can you strike them out of existence? No! over them or their charters you have no control. The State Legislatures gave them life, and will, at their pleasure, prolong their existence. Suppose their charters expire; they are your Treasury agents; they will then be indispensable to your system of finance. Will they consent to expire? Will not the stockholders in them be just as anxious for a renewal of their charters, as the owners of stock in the United States Bank now are for a renewal of theirs? Yes, sir, they will, and they will be just as little scrupulous about the means employed to obtain their end. This image with a hundred heads, which you are now erecting, will be just as difficult to destroy, as the monster you profess so much to fear. The impure priesthood of Mammon will clamor just as loudly for their hundred-headed idol god, as do those now whom you profess to regard with so much horror. You will find, when the discovery will be too late, that possessing stock in a State bank does not of itself make a Cato, nor owning the same property in the United States Bank convert a good citizen into a Catiline.

There is another view of the dangerous connexion between the Executive Government here and the banks of the States, which I cannot pass without notice. If your scheme ever does succeed, if it works well in your fiscal affairs at all, it will of course be desirable to continue it in steady operation for a long time to come. But there will be obstacles to this. The charters of some of your banks will terminate. The Secretary of the Treasury will, of course, desire to have these charters renewed by the Legislatures of the States in which they are situated. To effect this, the influence of the bank will be first exerted on the Treasury Department here, by offering to do your business on very advantageous terms; the Secretary of the Treasury, with the aid of the power, popularity, and influence of the President for the time being, will bear down upon your State Legislatures: one vote, or two, or three, may, perhaps, decide the fate of your bank. Will not those votes be secured? Yes, the whole patronage of the Federal Government in this scheme, from time to time, will be tempted into the legislative halls of the States. We have heard much of consolidation; much of the danger of merging the independence of the States in the overwhelming power of the Federal Government. If the wit of man were tasked to invent a cunning, insidious plan, by which this ruin might be wrought, he could not devise one more likely to effect his diabolical purpose than that proposed in this treasury invention. Give the Executive the power to confer favors on so many different companies of men, who also stand closely connected with the State Governments, and you have so many centripetal forces, drawing, by the resistless influence of pecuniary interest, the independence of the States into the vortex of federal control. These twenty-four stars, that now shine with such mild and pure lustre, will be drawn from their spheres, and their lights quenched forever in the superior blaze of one great central sun.

If these consequences do not come upon us, it will be because the States will not suffer themselves to be beguiled into your Treasury snare. Judging from what has already transpired, we may hope the good sense and patriotism of the States in this, as in other instances, may yet preserve this great confederacy from the fatal effects of a mad and ruinous policy. Three States have already refused to enter into this unholy alliance. Virginia, ever watchful of the approaches of federal usurpation, permitted your Treasury to sojourn a few weeks with her citizens; but, finding you had sent a foul leprosy into her borders, although justly renowned for her hospitality, ordered her people to shut their doors upon you, and it was done. Kentucky, not less famed for the generous confidence she extends to strangers that come to her—Kentucky, who has a ready welcome for every friend, and a grave for every foe—she, too, tried your society for a brief space; and, finding her health poisoned by your pestiferous touch, drove you back into your own territories. Pennsylvania, too, meek, temperate, and forbearing as was the spirit of her illustrious founder—she who receives the comfortless and distressed of every kindred, caste, and clime under heaven, who cherishes all that take refuge in the ever-expanded arms of her comprehensive urbanity—good old Pennsylvania, who, like that divine charity spoken of by the apostle, "vaunteth not herself, is not puffed up, hopeth all things, believeth all things;" she, too, finding only bankruptcy, poverty, and want, in your society, yielded reluctantly to stern necessity, and pronounced the doom of banishment upon you. Happy experiment! profound policy! what admirable contrivance in the plan! what perfect order, harmony, and success in its execution! How proud is the condition of your Treasury under the influence of this grand experiment! With a certificate of good character in its hand, signed by the Chief Magistrate of the nation, it is driven forth from Virginia, banished from Kentucky, exiled from Pennsylvania. It is, at this moment, a wandering mendicant, begging in vain for a place whereon to rest the soles of its weary feet: like the hapless son of Hagar, driven forth from the patriarchal roof, and if report be true, his "bread" quite gone, and his "bottle of water" well nigh expended. If you permit him to remain much longer upon the desert, like Ishmael, he will be compelled to sustain a wandering and precarious existence by rapine and plunder. He will "turn his hand against every man," and "every honest man's hand will be turned against him."

Is there an American bosom that is not pained, with mingled shame and indignation, at the present degraded condition of our country? What ultimate or present good is to result from what has been done? None, no, none; but evil—only continual disaster. What else can we expect? Perfidy in the Government will result, as it ought, in poverty to the people. We have not even the common motive of the felon: we could not be said to have acted in this instance from the love of gain. In the mere wanton or malignant consciousness of power, we have stained the national honor, violated national faith; we have taught the people to disobey the injunctions of law, by permitting an unchecked example of its violation by that very power whose ordained duty it is to maintain and enforce it. Let us not deceive ourselves. Let us not flatter each other with the expectation that this will be a solitary instance of Executive encroachment. No, history teaches us other lessons. That power that can subvert ancient usages, break with impunity national compacts, efface at will written laws, uproot the firm foundations of the constitution; that power, if not suddenly arrested, will survive all that it destroys, and maintain itself in absolute dominion, by those very arts and instruments through which it acquired its first momentum.

> "'Tis but the same rehearsal of the past,
> First freedom, and then—glory; when that fails,
> Wealth, vice, corruption—barbarism at last."*

When we review the history of the last few months, and see the strange mixture of confusion and systematic effort, all tending to bring upon the people lasting injury, and are told that all this must be borne, because "the people themselves have willed it should be so," I cannot but remind the Executive Government, and gentlemen here, of instances in which they have disregarded that will, when it was fully and fairly understood.

Prior to the presidential election in 1828, the present Chief Magistrate, then a Senator in Congress from Tennessee, in his letter of resignation to the Tennessee Legislature, held the following excellent doctrines. Speaking of a contemplated alteration of the constitution, he says, "I would impose a provision rendering any member of Congress ineligible to office under the General Government during the term for which he was elected, and for two years thereafter. But if this change in the constitution shall not be made, and important appointments continue to devolve on the Representatives in Congress, it requires no depth of thought to be convinced that corruption will become the order of the day, and that, under the garb of conscientious sacrifice to establish precedents for the public good, evils of serious importance to the freedom and prosperity of the republic may arise." Do any of us forget the flame of enthusiasm which these sentiments kindled in the ardent and confiding hearts of the freemen of this country? In the election of General Jackson they looked forward to the establishment of all these excellent principles, as cardinal maxims in his administration. The most extravagant anticipations of great benefits were confidently indulged. Could such a man, with such pure principles, be placed in the executive chair, a sun bright with millennial glory would, it was said, dawn upon the republic, never to go down. All grievances would be redressed; all tears would be wiped from all eyes; his administration, compared with all others, would be

> "An era of sweet peace, 'midst bloody annals;
> A green spot in the desert of past centuries."

Were these fond and fanciful hopes realized? The election of 1828 ended in the success of the man who, by propagating those doctrines, had made himself the idol of the people's hearts. How, sir, was this generous confidence requited? No sooner was he firmly seated on the throne of power, than, as if to show his scorn for popular credulity, he boldly marched into the Senate, and took its members away to make his cabinet council. This House was literally emptied to fill places made vacant by removal; not one, or two, or three, but whole squadrons of members were marched off to be made the subjects of reward, from foreign ministers of the highest grade, down to petty clerkships in the executive departments. Gratitude for friends and revenge for foes; the maxims of Sylla were openly avowed as the doctrines upon which executive patronage was to be dispensed. I shall not soon forget an instance of reward and punishment, which created, at the time, not merely astonishment, but strong indignation in Ohio. General Harrison was a native son of Virginia. In his nineteenth year (I believe, being then a lieutenant in the army) he was selected by General Wayne as one of his aids, in the memorable campaign of 1794, which terminated the war with the Indian tribes of the Northwest. At a very early age he was chosen a delegate to Congress from the Northwestern Territory, and, subsequently, made Governor of the Territory of Indiana. After the disastrous campaign of Hull, in 1812, he was selected by the Government to command those noble Kentucky and Ohio volunteers who thronged in thousands to the tented field, to redeem the sinking fortunes of the war. My gallant friend from Kentucky [Colonel JOHNSON] won those unfading laurels to which time only adds fresh verdure, fighting under the immediate eye and command of Harrison, at the ever-memorable battle of the Thames. At the close of the war General Harrison resigned his commission; and, in the spirit of the example of Cincinnatus, retired to his farm in Ohio. From thence he was soon called by the Legislature of that State to a seat in the Senate. Such a citizen was thought by the administration then in power a fit representative of this Government at the capital of the Colombian republic. He had not been friendly to the election of General Jackson. In one month, I believe, after the inauguration of the latter, and before General Harrison was known to have reached Bogota, his place of destination, he was recalled, and a member (then) of this House, a warm, active, industrious, powerful friend of the new President, appointed in his place. Thus the active, useful friend was rewarded; the opponent punished.

After all this forgetfulness of pledges given and public will expressed, when the President, and his friends for him, allege that he has taken the custody of the public money from a long-tried and faithful agent, because it is the people's will, I must be pardoned while I doubt. Sir, if I had that faith which could remove mountains, I should still hesitate to believe the sincerity of this declaration.

Mr. Speaker, no opinion, no principle is in this country so universally well received by the people as that which teaches public servants the duty of redeeming, when in office, pledges given when candidates for office. It is right, it is proper that it should be so. It is the compact between the servant and his employer, and should be fulfilled by the former, at all times, with scrupulous fidelity. The great importance of this operative principle, in a representative Government, will excuse me to the House for calling their attention to another flagrant instance of its violation, by one who now professes to make it the ground and cause of his late extraordinary movement upon the bank and treasury of the United States.

When the present Executive first took his seat in the presidential chair, he announced to the people, in his inaugural address, his determination to reform a great variety of existing evils in the administration of public affairs. Amongst other things, high on the list of these reformations, was inscribed "the duty of reforming those abuses which had brought the patronage of the Federal Government to bear on the freedom of elections."* The interpretation of this was simple and well understood. It implied that officers, holding their places under the General Government, had used their influence and employed their time in the business of electioneering. It avowed a determination to dismiss from service all such, and to make it a rule in all future appointments that none should receive or hold office. This was applauded, and every where received as the first bright gleam of that millennial glory that had been so confidently foretold by the friends of the President during the canvass prior to the election in 1828.

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* As if to verify this prediction, in a few days after these remarks were made in the House, the President sent his celebrated protest to the Senate, claiming for himself just enough power to carry into effect "his will," be that what it may.

Passing by other examples of the operation of this reform, I refer, with unaffected pain, to one which lately occurred in my own State. On the 8th of January last, a convention, under the general denomination of "the friends of the present administration," assembled at Columbus, in the State of Ohio. Its object was to appoint delegates to represent the "party" in a proposed national convention, which was to be convened in May, 1835, to nominate a successor to General Jackson. This convention of the "friends of the present administration" was composed of one hundred and seventy-seven persons. Of these, seventy-one were office-holders under the Federal and State Governments. A gentleman holding the office of district judge for the district of Ohio, under appointment of the President, not yet confirmed by the Senate, in his character of "a central committee man," called a meeting (by advertisement in a public newspaper) of the "friends of the administration" in a particular county, for the purpose of naming delegates to this convention at Columbus. All these things are matters of public notoriety. The convention, amongst other things, constituted a "central committee," with electioneering jurisdiction co-extensive with the territorial limits of the State. Of this committee, composed (according to my recollection) of seven persons, five are officers holding appointments under the Executive: one district attorney; two receivers of public moneys; one surveyor of the Virginia military lands; and one postmaster.

The proceedings of this convention have been published in the official journal in this city, and cannot have escaped the notice of the President. Can a case be imagined more proper for the application of that reforming power which the President, at his installation into office, had promised the people to exert with such unsparing fidelity? Where slept the executive thunders whilst these iniquities were transpiring? Has one of those federal officers been removed, or even censured for "bringing the patronage and influence of the Government to bear upon elections?" No. All is tranquil and placid. The arm of executive vengeance is not lifted against the offender. The brow of power is not even clouded by a frown of disapprobation. After such forgetfulness, not only of pledges given, but also of the expressed will of the people derived from elections, in which this subject of official influence upon popular elections was agitated all over the Union, I cannot hear with patience the "people's will" put forward as a reason for violating law; taking away chartered rights; deranging the currency; destroying trade; and sinking in the great "Serbonian bog" of "executive power" all the constitutional functions of Congress and the judicial courts.

Finding (after a fruitless search) no reason for the act of which we complain, founded in law or expediency, or any dictate of public necessity; but, on the contrary, finding, as the experiment has evinced, every consideration of duty and patriotism opposed to it, how shall we account for it? We are driven to the necessity of resorting to reasons and motives for the act which are not clearly set forth in any official document.

We know that the President has, for some two or three years, felt and expressed a deep and settled hostility to the United States Bank. We know that he and his friends believed that certain individuals connected with the bank were not friendly to his election, and did not yield unqualified approbation to some of his public acts. A resolution, we are told by Mr. Duane, was formed to crush this supposed opponent; Congress, at its last session, had been appealed to for this purpose; but, instead of adopting a course like that taken since by the President, that body, composed of a large majority of his political friends, by a vote of more than two to one, resolved that the public moneys were safe in the Bank of the United States, and ought to remain there. What was to be done? The bank must be crushed, and Congress had refused to become its executioner. Two or three months prior to the meeting of this Congress, the Secretary of the Treasury is required to remove the public moneys to the State banks. He declined, and offered, as his reasons, the vote of the last Congress and the near approach of the meeting of this; that the subject properly belonged to Congress, and to them it ought to be submitted. What was the reply of the President? I will give it upon the authority and in the words of Mr. Duane's letter: "If the last Congress had remained a week longer in session, two-thirds would have been secured to the bank by corrupt means; and that the like result might be apprehended at the next Congress. That such a State bank agency must be put into operation, before the meeting of Congress, as would show that the United States Bank was not necessary; and thus some members would have no excuse for voting for it." I cannot here, sir, stoop to the consideration of these suggestions of corrupt influence upon the representatives of the people. Let that people determine whether the servants of their own free choice are capable of acting from the diabolical motives attributed to them. I have mistaken the character of my countrymen, or they will treat such imputations upon the emanations of their own enlightened and free suffrage as the insane ravings of unchastened ambition, or the equally idle suggestions of unbridled revenge. If this history of the transactions of the last summer be true, what is the conclusion? The corruptibility of Congress is imagined as a reason for transferring their powers and duties to the hands of the Executive. Thus, purity of motive in the President would apologize for a revolution of the Government. Sir, this is not the first instance in which the fears and patriotic prejudices of the people have been assailed for the purpose of effecting this favorite measure—the destruction of the bank.

There exists in the minds of the American people a watchful jealousy of foreign influence in our political affairs. Two years ago this jealousy was roused to a degree of fanaticism that became in its height absolutely ridiculous. It was found that nearly eight millions of stock in the United States Bank were owned by foreigners. I shall not soon forget the parade made in this hall, and elsewhere, of the list of names of those foreign stockholders. Many of them, it was found, were females. Nothing could exceed the patriotic rage and horror depicted in the fierce gestures, distorted countenances, and fervid declamations of those who had all at once discovered that the liberties of America were sold to the women of England! Had they been only simple, plain gentlewomen, it seemed the danger would not have been so appalling; but there were countesses, marchionesses, and, it was suspected, even a dutchess! This was not to be borne. A countess, it was clear, could at once put an end to State rights; and a dutchess—a dutchess could swallow the whole confederacy at a meal! All the foes of the bank, with the President himself, trembled at the peril which impended over us. In the zeal and fervid enthusiasm which the occasion inspired, these female stockholders were depicted as a grizzly host of amazons, leagued and armed for the destruction of the last hope of liberty; ready, and just now about to bear down upon and crush us at a blow; not as their renowned ancestress, Boadicea of old, made war upon the legions of Claudius, with brand, and bill, and bow, and spear, and battle-axe, but with weapons more sharp and deadly—with pounds, shillings, and pence! A host was marshalled to beat back this feminine invasion. From every quarter, but chiefly from New York, recruits thronged in thousands, and took the field, resolved to drive out this foreign female invading foe, or, as became men, to die in the glorious attempt. The President, as usual, took the command. The American eagle erected his head, and spread his wings abroad, not with that glorious motto, "*E pluribus unum*," which had floated with him in triumph over many a red field of slaughter, but with another which suited better the character and objects of the war. Just under his wing, and concealed from all but the keen eye of rapacity, might be seen these memorable words—"Spoils of victory." Thus bannered and equipped, with vetoes for weapons, and "British booty and British beauty" for their war-cry, they took the field. Who could doubt the result? As was expected, the she-aristocracy of England capitulated with the mailed chivalry of America without risking a battle, and marched home without loss of baggage. Have any of us forgotten the shout of triumph that pealed over the continent? "A nation was redeemed from the iron yoke of foreign oppression." Twelve millions of freemen, just ready to be sold for eight millions of dollars, just about to be knocked off at $1 50 a head, are now forever free! But, alas, who can fathom the depths of the future? Who could have foreseen the sad reverses that were to befall this victorious host? In the agitations of this war upon foreign capital, commerce furled up her sail; the hand of industry was paralyzed; labor wanted employment; and public credit shivered on the brink of bankruptcy. Now the scene changes! Where now is that American eagle so lately flying in triumph over the ranks of war? His wing folded up, his eye glazed and sunk with hunger; you send him abroad to peck and beg about the den of the British lion, for a morsel that may fall from the jaws of the royal beast, to keep him alive. Pennsylvania begs of the foreign banker (Rothschild) a few millions to pay her honest debts; and New York, foremost in the war against foreign capital and foreign influence, offers a mortgage of her State to those very old women of England for six millions of foreign gold, to make safe her "safety fund." Sir, I hope, nay, I doubt not, they will succeed. These fierce countesses and fat dutchesses will relent, and yield them the desired boon. The chivalry, so lately displayed by those who solicit it, must prevail; for valor is ever potent to subdue the obduracy of the female heart. To this ridiculous issue have come the outcry and war waged against foreign capital. It would be a tempting theme for pleasantry, were it not associated with misfortune, disaster, and ruin to a confiding and deceived community. Strange as it may seem, those events in human affairs which often excite laughter and ridicule are intimately associated with those that smite the spirits of men with grief and dismay.

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*See Inaugural Address of President Jackson, appendix.

"Res omnes sunt humanæ, flebile ludibrium."

It is in no spirit of contest, but with a sincere desire to bring the judgment of the House to that which I conceive to be the only point necessary to decide, that I design to offer as a substitute for the resolution on the table the following: "*Resolved*, That the reasons of the Secretary of the Treasury, for the removal of the public deposites from the Bank of the United States, are insufficient, and that it is inexpedient to enact any law authorizing the Secretary of the Treasury to deposite the public moneys in the State banks." The Committee of Ways and Means have not thought proper to present this question to the House. Instead of a decision of the House upon this point, which it is clearly our duty to make under the law, the committee have presented a variety of abstractions, tending to no practical ends. Should the vote of the House disapprove the reasons of the Secretary, his course cannot be mistaken. He must restore to the United States Bank what he has taken from it, or he must "put his house in order."

After all that has or can be said concerning a remedy for the evil that is now preying upon the country, I have been unable to see or think of any thing which promises success, but an immediate halt in our march to destruction, and, as speedily as possible, a return to the point from which we set out. When you find yourselves in a course of ruin, does not wisdom require you to retrace your steps?

Sir, notwithstanding the confidence of the majority here in its strength, I yet hope to see it take counsel of prudence. The eyes of the people have been opened to the true cause of their sufferings. Two months ago it was asserted, by the supporters of the executive measures, that the war upon the bank, begun two years ago, and consummated last October, had brought no ill consequences to the people. The loud and incessant cry from all quarters that has been pouring in upon us since the session began, can now no longer be misunderstood. In this dilemma, the distress of the country being admitted, we are told it is all chargeable to the oppressive conduct of the bank.

I must beg the attention of gentlemen who assume this position to a report of the bank, which came to us yesterday; it contains a statement of facts, denied by no one, which must put at rest forever all further accusation against that abused institution. It shows that, instead of curtailing its accommodations below the amount withdrawn from its resources, it has, within the last six months, increased those accommodations by nearly three millions of dollars, in proportion to its means. To be accurate, the account stands thus:

Public and private deposites withdrawn between 1st October, 1833, and the 1st of April, 1834, -	$7,788,403
Reductions of loans within the same period,	5,057,527
Difference, - - - -	$2,730,876

By this plain tale, the oft-refuted story of the tyranny of the bank is at once "put down." The bank, during the whole of that scene of confusion and bankruptcy which was begun by the Executive in the recess of Congress, has been straining all her energies to mitigate the force of the blow aimed at her, but which fell with fatal effect upon the country.

By the same report, gentlemen may learn why it is that, at this moment, so many of their favorite State banks are alive. During the six months past, the State banks have been indebted to the United States Bank in the average amount of three millions and a half of dollars. They might have been called upon at any moment for this sum. In mercy to them, it has not been done. Yet it has been asserted here, and the presses devoted to the administration have been loud and constant in their assertions, that the United States Bank was curtailing its loans to merchants, bringing in this way bankruptcy upon its debtors; that it was laboring to crush the State banks by the same means; all in order to extort from Congress a renewal of its charter.

The country is beginning to look to the origin of the evils that afflict it. It sees that those who have been exerting power (if the conduct of the Executive deserves so mild a designation) are the real authors of the universally prevalent distress of which they complain. The country now knows that the bank, instead of causing or

increasing this distress, has been endeavoring to mitigate its severity.

All that has happened from the ruinous policy of the Executive was foretold, and the advisers of this fatal measure were warned against it. They were warned by the opinion of practical honest men every where, who dared to speak truth, even to the unwilling ear of power. The President, however, and his Secretary, heeded not their advice, but gave their ears and understandings to the keeping of visionary empirics who knew not, nor it seems cared, what ills their pernicious counsels might bring upon the country. While merchants, boards of trade, and chambers of commerce, all foresaw and foretold the consequences to our trade and currency, likely to flow from the act of the Secretary of the Treasury, long before it had been consummated, some financial quack was at work with his arithmetical quantities and algebraic equations, showing the President, by "demonstration," that "the removal of five millions from bank A to bank B could result in nothing but simply a change of locality."

This problem was the beginning and end of the cabinet lucubration on this subject. It is humiliating to compare the unpardonable ignorance of those in power of the practical business concerns of the country with the clear foresight on the same subjects possessed by men in very humble stations, to be found all over this Union. It reminds me forcibly of an observation, upon a kindred subject, by one of the profoundest political philosophers of the last age.* He observed, that he had often known merchants with the sentiments and abilities of great statesmen, and had seen persons in the rank of statesmen with the conceptions and characters of pedlers; that he had found nothing in any habits of life or education which tended wholly to disqualify men for the functions of Government, but that by which the power of exercising these functions is often acquired. "I mean," says he, "a mean spirit, and habits of low cabal and intrigue, which I have never seen, in one instance, united with a capacity for sound and manly policy." Let the people, who feel the unhappy results of a single error of the Executive, determine where the statesmen and where the pedlers of this nation are to be found.

I have heard gentlemen from various quarters of the Union describe the blighting effects of the policy lately adopted upon their respective vicinities. I am fully persuaded that no portion of the country can feel this blight more intensely than the young States of the West. The simplest principles of political economy will satisfy gentlemen that I am not mistaken in this opinion. I wish, sir, that every man, entitled to a vote, west of the Alleghanies, had a copy of the speech of the gentleman from Georgia, [Mr. Wilde.] That clear and powerful analysis of the laws of currency, with those large and comprehensive views of our present condition, which do equal honor to the head and heart of my honorable friend, cannot fail to be read and studied with advantage, and by the philosopher not less than the peasant.

Trade cannot be carried on without capital; capital is the gradual accumulation of labor and enterprise. Old countries, where labor is unfettered, will, therefore, abound in surplus capital; while, in new countries, it cannot exist to any extent, since time has not been there given for its accumulation. Throughout the great valley, stretching from the sources of the Ohio to Missouri, now filled with a hardy and laborious population, you have a soil teeming with production. What avail the labor of the husbandman, and the fertility of the earth, if capital is wanting to buy and transport to market the annual products of both? The labor of all that population, up to this time, has been expended in paying for the land it tills; and, by culture and improvement, increasing its production. The Bank of the United States has furnished the West with a capital which it wanted, for which it languished, and which it must again want, if that bank be compelled soon to close its business, and withdraw its capital.

Two years ago we were told, in the President's veto message, that the West must become bankrupt, by paying six per cent. interest on the debt it owed the United States States Bank. How was that debt created? By a loan from the bank of its money, at six per cent. per annum. This money was employed in trade; in buying and transporting to market the products of the country. I speak from actual knowledge when I say that I have known large amounts of money borrowed from individuals at ten per cent. interest, and employed in purchasing, for speculation, the agricultural productions of the Miami valley. I know that money thus loaned has been profitably expended in this trade; that borrowers have often realized handsome profits on capital thus loaned and thus employed. The difference between six and ten per cent. which is paid for the use of money thus employed, is lost, not by the purchaser, but by the farmer who sells the property thus purchased.

Again: The effect of the withdrawal of the United States Bank from the West will be to open the office, and reinstate the business of the broker. The money in circulation there will (as even now, within the last month, it does) rate at a discount of from two to ten per cent. in the Eastern cities.

This will be the currency received by the farmer and mechanic for the products of their farms and workshops.

The merchant, who sells his goods to them, must pay for those goods in the Atlantic cities, in a currency at par there. He, of course, makes his customers, the farmers and mechanics, pay him, in the increased price of his goods, the two or ten per cent. which he will have to give on the money he receives, in order to procure such funds as will pay his debt to the merchants in Philadelphia or New York. The withdrawal, then, of the capital of the bank, which has been constantly employed in facilitating domestic exchanges, will, by diminishing competition, increase the profits of the broker. Those profits, made by large capitalists, when they swell to an unreasonable extent, are a clear loss to the laboring and producing classes.

The West will be a peculiar sufferer under this policy in another, and by no means the least deleterious of its consequences. All the revenues of the Federal Government are derived from impost duties on foreign goods, and from the sales of public lands. The consumer of the goods on which the impost is laid pays the duty. No portion of the population of the Union, in proportion to its numbers, consumes more of those articles subject to duty than the people of the West. They, therefore, contribute, from the earnings of their labor, the full proportion of the common revenue derived from imposts. The three millions annually paid for lands is received wholly from the Western and Southwestern States. A proportion of this revenue, suited to the business of the country, has been left heretofore in the United States Bank in the West, to be employed as so much capital by our own citizens. This office your State banks, as the experiment has proved, can never perform for them. Their revenue will be poured into the laps of the Atlantic cities. How are they to be expended by the Government? Internal improvement, it was once hoped, might be the means of expending some portion of it in the West; but that system, by the interposition of the President's veto power, is destroyed. Your whole revenue (of which, as I have shown, the West pays its full proportion) will be expended in harbors, arsenals, fortifications, and dock yards on the seaboard, and circulate there for the benefit of the Atlantic States alone. In such a system there is no equity, no equality of burden and benefit.

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* Edmund Burke.

If, as I have shown, the States of the West are to suffer more than any other great geographical divisions of the confederacy, Ohio, (my own State,) of all the West, will suffer most from the reduction of prices and stagnation of trade. She is one of those who, according to the President's opinion, "ought to break;" she has "traded on borrowed capital." She has borrowed, and now owes, five millions of dollars. With this money she has, with an enterprise unsurpassed in the ancient or modern history of any community, executed a great work of internal improvement, which should have been done long since at the expense of the whole Union. Her four hundred miles of canal has poured the waters of the great lakes of the North into the Gulf of Mexico. Ohio must look for a fund to pay the interest on this debt, thus contracted, to the tolls collected on her canals. The amount of those tolls must depend on the trade of the country. If prices fall, and trade languish, (as we know they have, and will yet still more, unless we stop short in our present experiment,) the laboring people of Ohio will find their taxes increased. The interest on their canal debt must be paid, and what the tolls do not pay must be raised in taxes on the people. Thus, while your cruel policy diminishes the price of every article produced by the farmer and mechanic, and thus diminishes their ability to pay, it increases the tax, and swells the demands upon them. You starve the slave, and yet increase his labor; you increase the burden of the people, and at the same time reduce the strength required to bear it. What can the people of the West see (if this new system is to prevail) in the prospect before them? Nothing but ruin to their trade, paralysis to their industry, and, worst of all, that host of vice and crime which will spring up every where, when labor has no incentive, industry no adequate reward.

Have the people of that portion of your country deserved this at your hands? Instead of extending a parental regard to them, you have abandoned them to premature orphanage and cold neglect. Is there any thing in their history that merits this? Less than fifty years ago, urged on by enterprise or necessity, the first settlers plunged into the Western wilderness. For many years, every cabin was a fort—every cornfield a camp. Every night the husband and father, with arms in his hands, guarded the slumbers of his wife and children. At every sound that broke upon the stillness of the surrounding woods, the wakeful mother clasped her infant closer to her breast, and breathed a silent prayer for protection, to "Him with whom mercy sits at the right hand, and judgment at the left." If they assembled to worship God, it was in the woods, upon the hill side, or in the deep valley. There still they were girt round with peril and war. The song of praise was often interrupted by the yell of the Indian warrior, rushing from his ambush to bathe the scalping-knife and tomahawk in the white man's blood.

That savage foe has fled before their advancing enterprise, until the receding echoes of his war-whoop are now borne upon the blast that sweeps across the great prairies of the farthest West; a little while, and they will be drowned forever in the roar of the Pacific.

The people of the Western States are just beginning to realize the fruits of years of privation and toil. They have not expected the cup to be dashed from their lips. They understand, for they have already felt, the consequences of the late movement of the Executive on the currency and trade of the country.

They have had, in their recent history, some knowledge of that sort of currency which depends on, and comes from, State banks. They will not be satisfied with your ingenious speculations as to what will be: they have made a terrible experiment, exactly like that you now propose to make, and they know what they have suffered and lost; they are unwilling to surrender the wisdom learned by experience, to the theories of any one.

While we deplore the irreparable mischiefs that follow to the interest of those we represent, from the unexpected change lately wrought in our financial system, let me, in conclusion, beseech gentlemen to look to that power, hitherto unknown in our political history, by which the President alone has effected that change.

How has that power revealed to us its tremendous energies within the last six months? The President has obtained uncontrolled possession of the public treasure in the recess of Congress; and, by this bold manœuvre, he has, with the aid of his veto power, placed it beyond the power of Congress to reclaim their lost rights, unless a majority of two-thirds of both branches shall unite in opposition to him. When we see the rights of the Legislature thus invaded, it is natural to inquire, what great good has been achieved? What fearful evil impending over us has been averted by it? Has the American dictator, like the Roman, "taken care that no detriment should come to the republic?" No; the exact reverse is the truth.

He has taken your whole treasure from the custody where, it is admitted, it was perfectly secure, and placed it in the keeping of State banks, where we are not sure it is safe for the passing hour. In doing all this, he boasts that he crushed the United States Bank; that he has, in the hyperbolical language of his friends, "strangled a monster!" In the true style of the mock-heroic, the fabulous exploits of Hercules are put forward as parallel achievements. Meantime, in destroying one bank, he has given life and perpetual existence to one hundred other banks.

He crushes one serpent, and at the same moment he places in the vitals of the state innumerable knots and endless involutions of hungry tape-worms, to gorge their ravening and insatiable maws upon the very sources of life.

It was the idle vaunt of a renowned general in the declining period of the Roman republic, "that he could call up armed legions with the stamp of his foot." Sir, we have lived to see the acts of one man produce phenomena more appalling than the reality of the proud Roman's boast.

We have seen the "Executive" ministerial officer of the most limited Government on earth expand the mere emblem of authority into the amplitude of kingly prerogative, and, of his own will, communicate to it the strength and vigor of imperial sway. Thus armed, he grasps, with his own hand, the wealth and energies of a nation's commerce; and in a day they wither into imbecile bankruptcy in his clutch. With this same power he enters the humble dwelling of the laboring poor man, or the neat mansion of the industrious mechanic; he sees there well-rewarded industry shedding smiles, and plenty, and innocent contentment, upon a cheerful, happy family. At the wave of his hand, this vision of happiness disappears, and in its place come want and poverty, and squalid misery and wo. Look back over the whole history of your Government: do you find in it any executive power approaching to this? No: to find authority for this searching and overshadowing tyranny, you must go to the groaning monarchies of Europe: English history, and not your own, will furnish you with such examples of "executive power." Consult the reigns of the crafty Plantagenets, the obstinate and tyrannical Tudors; read the bloody annals of the misguided Stuarts; there, and there only, will you find examples to compare with the last six months of our history.

I entreat gentlemen to look out upon the country.

You see the poor and the rich thronging to the capital for relief. They repair to the President's mansion; its doors are rudely closed against them. A President, elected by the people, refuses to see and confer with them in the extremity of their distress—distress brought on them by his own act. The voice of absolute power bids them "go home;" they are only permitted to approach the throne through the cold and imperfect medium of written communication. Driven from thence, they come here; here, to their own immediate servants. How are they treated in this House? An inflexible and proud majority denounces their assertions as falsehood—their opinions as folly. A press devoted to power all over the country answers to the universal wail of distress, with grinning ribaldry and sneering scorn. Sir, if the lessons of past ages are not fables, and all history a lie; if the whole theory of your Government be not based upon fiction, we shall soon see the collected energies of an aggrieved, insulted people, forcing their influence upon this hall. That influence will be felt here, where every pulsation must answer to the throb of public feeling. You will feel this, not in that might that slumbers in a freeman's arm, but in that fierce indignation which sleeps not, nor slumbers in the freeman's bosom so long as he feels the cold iron of oppression entering into his soul. Mr. Speaker, I have done. The proofs of our misguided policy thicken upon us every hour. A blasted monument of it at this moment stands with empty vaults and closed doors,* in view from the windows of this hall. If all these will not avail to change the stern resolves of the majority here, then I warn that majority to take counsel of their selfish fears; let them remember the admonition of holy writ: "Pride goeth before destruction, and a haughty spirit before a fall."

APPENDIX TO MR. CORWIN'S SPEECH.

Extract from General Jackson's Inaugural Address, March 4, 1829.

"The recent demonstration of public sentiment inscribes on the list of executive duties, in characters too legible to be overlooked, the task of reform; which will require particularly the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands."

Extract from Mr. Jefferson's circular, published and addressed to the various officers of the Government under his administration.

"The President of the United States has seen, with dissatisfaction, officers of the General Government taking, on various occasions, active parts in the election of public functionaries, whether of the General or State Governments. Freedom of elections being essential to the mutual independence of Government, and of the different branches of the same Government, so vitally cherished by most of our constitutions, it is deemed improper for officers depending on the Executive of the Union to attempt to control or influence the free exercise of the elective right; and further, it is expected that he (the officer) will not attempt to influence the votes of others, nor to take any part in the business of electioneering; that being deemed inconsistent with the constitution and his duties to it."

The following is a statement of the amount of bank capital incorporated since 1832, derived from the best sources of information. It is, doubtless, if incorrect at all, below the true amount. It shows how rapidly we are going on to banish bank paper from our currency. There are now (including the following) about five hundred State banks in operation. Yet we are gravely told that if we put down the United States Bank, we shall at once restore gold and silver currency, and get rid of paper altogether.

Maine, - - - - -	$100,000
Vermont, - - - - -	600,000
Rhode Island, - - - -	1,000,000
Connecticut, - - - -	600,000
New Jersey, - - - -	100,000
New York, - - - -	4,000,000
Pennsylvania, - - - -	4,400,000
Maryland, - - - -	500,000
North Carolina, - - - -	2,800,000
South Carolina, - - - -	500,000
Mississippi, - - - -	700,000
Louisiana, - - - -	12,000,000
Tennessee, - - - -	5,000,000
Kentucky, - - - -	5,000,000
Ohio, - - - -	4,000,000
Indiana, - - - -	1,600,000
	$42,900,000

Mr. Corwin, at the conclusion of his speech, moved to amend the resolution by striking out all after "Resolved," and inserting in lieu thereof the following:

"That the reasons of the Secretary of the Treasury for the removal of the public deposites from the Bank of the United States are insufficient, and that it is inexpedient to enact a law requiring the Secretary of the Treasury to deposite the public moneys in the State banks."

Mr. CLAY rose and said, that as the House had, by their recent votes, expressed their decided opinion on the subject involved in the original resolution, as well as upon the amendment now proposed, it was surely unnecessary to revive a second discussion upon these subjects. He desired to have the attention of the House directed to the vast accumulation of other business yet to be disposed of, for which purpose, and with the perfect assent of his colleague, he now moved that the resolution be laid on the table.

Mr. McKENNAN stated that he thought he had the floor as soon, if not sooner, than the gentleman from Alabama, who had already had an opportunity of fully expressing his views on the subject, whilst other gentlemen were cut off by the power of the majority in the House. He, therefore, appealed to his courtesy, and asked him to withdraw his motion to afford the same privilege to others which he had himself enjoyed.

Mr. CLAY declining to withdraw his motion,

Mr. CARR moved a call of the House.

On this motion, Mr. WILLIAMS demanded the yeas and nays. They were ordered by the House, and, being taken, stood as follows: Yeas 152, nays 11.

The call of the House, being ordered, proceeded for some time, when it was arrested, on motion of Mr. E. WHITTLESEY, the hour having expired.

COMPENSATION FOR PROPERTY LOST, &c.

The House then went again into Committee of the Whole (Mr. Clay in the chair) on the bill providing compensation for property lost, captured, or destroyed, by the enemy during the last war.

Mr. HARDIN modified his amendment to the bill, by inserting in the 9th section the words "occupied as a place of deposite for military stores belonging to the United States, or as barracks for soldiers." At the suggestion of Mr. WHITTLESEY, he consented to insert the word "order," instead of the word "authority," so as to make it read "by order of an officer of the United States army."

Mr. STODDERT suggested the propriety of a provision that occupancy by militia should have the same effect in establishing claim to remuneration as occupancy by United States troops.

Mr. WHITTLESEY thought this unnecessary, as that construction had always been given to the law.

Mr. Hardin's amendment was agreed to.

Mr. WARD moved to extend the application of the bill to the war of the Revolution as well as to the late war.

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* The Bank of Washington. Three other banks in the District stopped payment in a few days afterwards.

The amendment was resisted by Messrs. WHITTLESEY, WILLIAMS, HARDIN, PARKER, STODDERT, and FILLMORE.

Mr. WARD said, if the amendment which he had done himself the honor to propose to the section under consideration should prevail, provision would then be made for all persons who, during the war of the Revolution, sustained damage by the destruction of their houses, or other buildings, by the enemy, while the same were occupied as places of military or naval deposite, or as barracks, held under the authority of an officer or agent of the United States. If it was just or equitable to make a general provision for the payment of losses sustained by our citizens during the late war, in consequence of the destruction of property thus occupied, in cases where such occupancy was the cause of its destruction, he was at a loss to know what good reason could be urged against making a similar allowance for property destroyed, under similar circumstances, during the war of the Revolution. The patriotic citizens who, during that trying period of the history of our country, staked their "lives and fortunes" on the issue of the then more than doubtful contest, had surely stronger claims upon the justice of their country than those of our citizens who sustained losses during the late war. Several private bills had, from time to time, been passed, indemnifying individual claimants for the losses which they thus sustained during the Revolution, but no general provision had as yet been made for this meritorious class of claims.

It was doubtless within the recollection of every member of the House, that, until the passage of the act of April 9th, 1816, indemnifying the Niagara and other sufferers for property burnt and destroyed by the enemy during the late war, while occupied as barracks for troops, or as places of military deposite, no claim of this description had ever been allowed or paid by this Government; and it must also be within the recollection of most of the members, and particularly of those who took part in that debate, that it was alleged at that time, as one of the chief objections to those claims, that no similar claim had ever been allowed by Congress. The gentleman from North Carolina, [Mr. Williams,] who was opposed to this amendment, was at that time a member of this House, and took a leading part in the discussion of that great question, opposing the measure in one of the most able arguments which was delivered on the occasion. Nevertheless, said Mr. W., the act was passed by Congress, by a decided vote, and was one of the most popular acts of that session. He had never heard any objection urged against it by the people. They were satisfied of its justice, and he did not doubt that they would be equally gratified to hear that Congress had provided for the payment of all just claims which our patriotic sires have upon this Government for similar losses.

It was not, said Mr. W., until after the bill for the relief of the Niagara and other sufferers had become a law, that any claim was passed upon by Congress, for allowances on account of property destroyed under similar circumstances during the war of the Revolution. The first claim of that description that was allowed by Congress was one presented by Sarah Dewees, for a dwelling-house and other buildings destroyed at Valley Forge. These buildings had been occupied as places of deposite by the American troops, and when the army retrograded from that place, they were burnt by our own troops, in order to prevent the public property deposited in them from falling into the hands of the enemy. The Committee of Claims, to which the subject had been referred, stated in their report, that, after reviewing all the facts in the case, it appeared to them that it would be consistent with the justice and liberality of the Government to authorize the allowance of a reasonable compensation in this and all other cases similarly circumstanced. But, as a provision of this kind would involve a political consideration heretofore unacted upon, and the nature of which could not always be discriminated, so as effectually to avoid all difficulty on the score of precedent, they were unwilling to decide on a principle, the effect of which could not well be foreseen; and, therefore, they begged leave to bring the subject before Congress, by submitting a resolution that a committee be appointed to bring in a bill.

This subject was gravely discussed on that resolution, in the session of 1818, and a bill was, by order of the House, brought in for the relief of the claimant, allowing her the full value of the property destroyed, and this bill, at the same session, became a law.

The next claim of a similar character which was allowed by Congress was one presented by Thomas Hopping and Joshua P. Frothingham, legal representatives of Thomas Frothingham, deceased, for whose relief a bill was reported by the honorable gentleman from Massachusetts who sat near him, [Mr. Bates,] who would correct any error into which he might fall in stating the facts of that case. Thomas Frothingham, the ancestor of the claimants, was, in 1775, the proprietor of a dwelling-house, shop, and other buildings in Charlestown, and when that place was reduced to ashes, on the memorable 17th of June, 1775, by the enemy, those buildings escaped the conflagration, and were subsequently used as barracks for the accommodation of their troops. In the winter following, General Putnam, then encamped with his corps at Cambridge, determined to rout the British guards in Frothingham's buildings, and he accordingly advanced upon Charlestown with a detachment for that purpose, and made the guards prisoners and burnt the buildings. The committee concluded their report in this case by observing that, taking all the circumstances into consideration, they believed that the memorialists ought to be remunerated, and they accordingly brought in a bill for their relief, which became a law at the last session.

Now, said Mr. W., if the act for the relief of the Niagara and other sufferers, on account of losses during the late war, was a just and equitable law; or if the acts for the relief of Sarah Dewees, and the heirs of Frothingham, were just and equitable; or if the section under consideration, making a provision for all such persons as sustained losses during the last war for property thus held, occupied, and possessed, be just and equitable, he would be glad to know whether it was not equally just and equitable to make a general provision for the payment of similar losses sustained by our citizens during the memorable war of the Revolution—a war which secured to us the blessings of freedom and independence. There were but few of these ancient claimants who had applied to us for relief; and most of them represent in their petitions, now on the files of this House, that their property had, for years in succession, been occupied as military posts or as places of military deposite, and was burnt and destroyed by the enemy in consequence of such occupancy; while their next-door neighbor's property, which was not so occupied, was not disturbed nor injured in the slightest degree. Was it right that justice should be done to one and denied to another? Should one citizen be required to bear losses, unrecompensed, which another citizen is fully indemnified for? But we are told, continued Mr. W., that these are stale claims; that, if allowed, they will fall heavily upon the treasury; and that their allowance would be inconsistent with the established policy of the Government, in reference to claims of such long standing. In his opinion, however, we need have no fears on the score of the number of these claims. It was now sixteen years since the claim of Sarah Dewees was allowed, which, as he had already stated, was the first claim of the kind passed upon by Congress; and yet he did not hesitate to say that there were not now on the files of the House more than sixteen claims of that character remaining to be acted upon. He appealed to the members of the Committee of Revolutionary Claims to correct the statement, if he was in error as to the number. The fact that so few claims had been presented, he viewed as conclusive evidence that there were but few cases of that description now outstanding. The principle he considered as having been settled in the cases already adverted to by him, and it remained for the House now to determine whether they would sustain that principle or reject it; whether they would legislate only upon individual cases, as they were presented, or place them all by a general provision upon the same footing. Where was the justice or the economy, asked Mr. W., of requiring every particular claim to be brought before this House for discussion and decision, at far greater expense, both to the Government and to the claimants, than in the mode of settlement proposed in this bill? The honorable gentleman from Ohio [Mr. Whittlesey] had urged that this class of cases ought not to be provided for, because of the lapse of time. Should it then be said that this Government, now that it is in a situation to pay all its just debts, shall interpose the statute of limitations against righteous claims, and more especially against claims growing out of that struggle which gave us existence as a great and powerful nation? He hoped not. As to the difficulties of proof, it seemed to him to be a strange objection to a law providing for the payment of just claims that the parties making them will have difficulties in proving them. This was their business; and if they were not proved, they would not, according to law, be paid. Had not Congress been daily engaged in legislating upon allowances for the personal services of our soldiers and citizens of the Revolution? Have we not already passed several bills at this session for the relief of those worthies who achieved and secured for us our dearest rights and privileges? He alluded, he said, to various bills for the relief of those who had claims upon the Government for their pay and commutation. No objection, in respect to the lapse of time, was raised to those claims; on the contrary, they have been allowed and directed to be paid, without the slightest opposition from any quarter; and not only the original claims, but the interest upon them, from the time when they accrued, until the day of payment.

Again, it was said these stale claims ought not to be allowed because of the difficulty of producing testimony with respect to the losses. How then had these old claimants, who had just been paid, been enabled to procure their testimony? It might be attended with some difficulty; but unless full and satisfactory proof be made, not only of the loss but of the manner in which the property was occupied at the time of the loss, nothing would or could be allowed them. Now, Mr. W. insisted, was the time for Congress to do something for them; for, in a few years more, not a living witness could be found to make out the claim.

But we were told by the honorable gentleman from Kentucky [Mr. Hardin] that if this amendment prevailed, we should have innumerable cases from the Eastern States, and that most of the villages in that section of our country were burnt by the enemy during the revolutionary war. It was true, and much to be regretted, that the people in those States suffered severely during that period.

The whole of that country was overrun by the enemy, and laid waste with fire and sword; but none of those losses would come within the provisions of this bill, unless the property was, at the time of its destruction, occupied either as barracks for the troops, or as places of military deposite. There were doubtless a few cases of that character; but of the great amount of property thus destroyed, in that section of the country, there would be found to have been but few buildings which had been thus occupied.

In conclusion, Mr. W. urged that unless some remedy was given by law in cases of hardship and suffering, exactly resembling those already provided for by special legislation, the nation, and the claimants upon its justice, would be subjected to the expense of reiterated applications here, upon questions that could be far more properly and economically settled elsewhere. He knew, he said, in his own State, and his own district, men whose claims upon the justice of the country were undoubted, whose fathers had sacrificed their fortunes in the revolutionary struggle, and who had a right to ask now, in the time of the country's prosperity, that their private property, which had been taken and subjected to destruction by the public, should be paid for by the public.

Mr. EVERETT, of Massachusetts, observed, that he thought every principle of equity and justice required us to pursue the policy which had hitherto prevailed, and to retain these two classes of claimants on the same footing as to the mode and facility of obtaining the compensation due to them for the destruction of their property in the public service. Hitherto, and at present, the claimants of the two classes have been, and are obliged to pursue the same course. They come to Congress, substantiate their claims, if they can, and bills pass for their relief. The only difference that exists is greatly in favor of the claimants of the last war, who, owing to the more recent date of their claims, find less difficulty in procuring the requisite vouchers. But they have, and they ought to have, no advantage in the mode of pursuing and obtaining compensation, over their brethren of the revolutionary war. It is now proposed to change, to a certain extent, the mode hitherto pursued in liquidating these claims for property destroyed during the war, and to send them from this House to an accounting officer of the Treasury. To this I do not object. I am satisfied with the reasons alleged in support of the measure. But I am not satisfied with confining it to one class of claimants. I am not satisfied with depriving the claimants of the revolutionary war of any facility and convenience which you choose to extend to the same class of claimants of the last war. I am not satisfied with the objections urged against the amendment of the gentleman from New York. I hope it will prevail.

The gentleman from North Carolina [Mr. Williams] says that this class of claims was disposed of at the time that they were offered to the old Congress and rejected; that many of these claims, presented to the old Congress during the war or shortly after, were not allowed, may be true; but I deny that they were rejected, in the proper sense of that term. They were postponed. The country was poor; it was engaged in an exhausting struggle; there was no money in the treasury. It was impossible then to pay these and a great many other just claims on the public; but I have yet to learn that they were ever, as a class of claims, rejected on their merits. The journals of the old Congress, on the contrary, afford abundant proof that they were considered by that patriotic body as reserved for a future period, when the country should be able to do them a full, though perhaps a tardy justice. That time has now come; and if we receive and pay every one of these claims, (which, by the way, I believe will come forward in much smaller numbers than gentlemen seem to fear,) instead of departing from any principle laid down by the old Congress, we shall but redeem the pledges which they gave for those who should, in happier times, succeed them in the administration of the affairs of the country.

I do not maintain that mere inability was the only motive which may have operated on the continental Congress for suspending the payment of these claims. Of course, the unsettled political relations of the late colonies to each other would be considered. The war, it is true, was carried on by joint effort and at common expense; but it did not yet appear in what way the separate States were to contribute their proportion to the public treasury, nor to what extent the responsibilities incurred in carrying on the war were to be assumed by the confederacy, or divided among the States. Granting that claims of this kind were ultimately to devolve on the general treasury, it did not appear that it would not, in the first instance, be left to the separate States to examine and liquidate the individual claims.

By the adoption of the federal constitution, these questions were settled; the United States assumed the debts and engagements of the old confederation; the advances already made by the States separately were assumed, and all unliquidated claims devolved on the new Government. From the period of the adoption of the constitution to the present time, individual revolutionary claims of every description have been received and allowed; a standing committee of this House is charged with their examination; and in one class of them, by a principle recently established here, not only the principal but the interest is paid. The gentleman from New York has pointed out two instances, directly in point, of claims for property destroyed in consequence of the military operations of the United States in the Revolution. These cases are recent; and, as precedents, direct and full. One of them was a claim from my own district; and certainly I should be much to blame, if, having succeeded in obtaining justice in a case presented by myself, I should be unwilling to extend it to others similarly situated.

But, even supposing the continental Congress did positively reject these claims, what would it prove? Nothing against this amendment. The justice of these claims, as a class, is not contested. They have been repeatedly allowed and paid. In other words, the present Congress of the United States has, in its wisdom and liberality, thought fit to do what the continental Congress did not. This greater justice or liberality is not confined to this class of cases; it extends to the whole department of revolutionary services, debts, and claims. We are every year, and every day, doing what the continental Congress could not, or would not, do for the meritorious and suffering patriots of that age. Hitherto, this class of claims has been put on the same footing with the same class from the last war. We are satisfied with this. We do not (as we easily might) insist on any preference due to the revolutionary claimants over those of the last war. The question before the committee is not whether the revolutionary claims are valid—that is decided; it is, whether, by a new and general enactment, we shall give certain facilities to the claimants of the last war, which we withhold from those of the Revolution. It is the object of the gentleman from New York, by his amendment, to prevent such an invidious discrimination. And surely it is no ground for opposing such an amendment, that the old Congress rejected these claims, were it the fact that they did so, which I deny.

Gentlemen object to the amendment, on account of the length of time since the revolutionary cases occurred, and the necessity of different guards against fraud, in reference to claims of such antiquity. Mere length of time since the cause of claim accrued is, I need not say, no reason for withholding the compensation due. If the claim was ever just, the claimant has been deprived of what was justly due to him fifty or sixty years. Is this a reason why he should still be deprived of it? The policy on which statutes of limitation are founded, in cases of private property, has but a very limited application to questions of this nature. Were the analogy closer than it is, it would fail in this case; for claimants of this class have, to my certain knowledge, never ceased to call upon this Government from the time of its formation. The claim of Frothingham, presented by me a year or two since, and allowed, was first urged on Congress in 1793.

But, I repeat again, the question is not whether the claims are barred by time. Gentlemen do not pretend they are. Their justice as individual cases is not contested; but while it is designed, by this bill, to group the individual cases, from the late war, into a class, and send them to the accounting officers, gentlemen will not extend the same facility to the revolutionary cases. Now, it is no argument in favor of this discrimination, that fifty-five years have elapsed since the revolutionary cases occurred. It is true, it is fifty-nine years, this day week, since the revolutionary drama opened; and it is twenty-two years since the commencement of the war of 1812. But can any gentleman give me a reason for admitting some saving virtue in twenty-two years, which does not reside in fifty-nine? We are willing to take our chance with our ancient and venerable claims before Congress. We ask no tenderness, no indulgence for the patriots of the Revolution. The difference in the age of the claims is all in favor of the treasury. In many cases, claimant and claim, witness and testimony, have gone down to the grave together. Your coffers reap the advantage of the havoc which time has made in their ranks; and it would be a double injustice to plead the very circumstance which has exonerated you, in the course of nature, from a great part of this liability, as a reason for throwing off the residue.

But it is said that guards are wanted against frauds. Certainly, sir: but are any more or stronger guards needed in the case of a revolutionary claim, than of a claim from the last war? Guards deemed adequate are provided by the bill. Do gentlemen maintain that different and peculiar guards are required in the two cases? Such a thing is not pretended. Supposing a claim to be honest, the revolutionary claimant lies under every disadvantage. For one fraudulent revolutionary claim admitted, I believe ten just ones, after this lapse of time, will fail to be presented on account of the demise of the claimants, or fail to be allowed, from the difficulty of substantiating any claim, after such a lapse of time. And why it is supposed that a person, wishing to bring forward a fraudulent claim, should fabricate a revolutionary case, rather than a case of the last war, I know not. I see no reasonable grounds for such a presumption. There are fewer persons who could undertake the fraud with a hope of success; fewer materials out of which to fabricate evidence.

I ask no discrimination, as I have said, in favor of the revolutionary class of claimants; on the contrary, I contend for preserving an equality between them and the claimants from the last war. If a discrimination were made, surely it should be made in favor of those who bore the brunt of the war of independence. The gentlemen say the treasury is low. Perhaps it will prove so. I do not ask you, as I well might, to begin by giving what little surplus is left in it to the revolutionary claimants: but I do ask you not to shut them out, while you lavish it on a class of their fellow-citizens surely not more meritorious. Sir, I know something of this class of claimants: I live among them. I know those whose private prospects were forever blasted on the great days of trial and glory with which the struggle for liberty began; families reduced from competence, and in some cases from wealth, by the events which laid the foundation of the independence of the country. Is this a class of claimants to be subjected to an invidious discrimination? Is it not enough that for fifty years they have been laboring, and frequently in vain, to rebuild the edifice of their private fortunes upon the bloody ashes of those eventful days? Must they now be told that, as they have borne their losses and sacrifices so long, they can bear them a little longer, till the last great liquidator shall settle the account?

I hope, sir, the amendment of the gentleman from New York will prevail: and for one, I shall resist every attempt to introduce an unjust discrimination in favor of claims from the last war, to the disadvantage of those from the Revolution.

Mr. **HUBBARD**, of New Hampshire, also warmly advocated the amendment. The amendment was rejected.

Mr. **STODDERT** moved to strike out the 9th section of the bill, being opposed to giving the Third Auditor power to decide on the claims. The motion was negatived.

Mr. **DUNCAN** moved an amendment in the 10th section, declaring that if the paymaster had been satisfied respecting the loss of the horse, and the remounting of the trooper, that should be received as satisfactory proof.

Mr. D. said his amendment was necessary, owing to the manner those claims had been settled by the Third Auditor; that he had submitted it to the chairman of the Committee of Claims, who reported the bill, and who, he understood, was favorable to its adoption.

Mr. **WHITTLESEY** wished an explanation.

Mr. **DUNCAN** replied, that the paymaster, in paying those troops for their services, appears to have investigated the fact of the soldier's having been remounted after the loss of his horse, as some of them were only paid up to the death or loss of the horse, while others, who lost horses at the same time, were paid up to the end of the campaign; but the Third Auditor, in settling those claims, had gone behind the pay-roll, and required the troops to make additional proof of their having been remounted; which, he said, was tantamount to a rejection of every claim, as the amount involved was too small to justify the expense of procuring the proof which the Third Auditor had required, and which he considered oppressive, if not unjust, as the pay-rolls furnished conclusive proof that the paymaster had required evidence when he paid off the company; which, together with the certificate of the officer commanding the company, was all that ought to be required. The amendment was agreed to.

Mr. **CARR** proposed an amendment providing payment for horses which had been stolen from the troopers by the Indians in several of the Western campaigns.

Mr. C. said, the reasons which influenced him to ask the adoption of the amendment which he proposed, were, that, upon examining the bill, he had seen what he considered an omission in the bill, in not providing for the payment of property lost by a very meritorious portion of our troops, who performed military service previous to the declaration of the late war, during the war, and subsequent to the close of the war with Great Britain.

It should be recollected that the campaign on the Wabash in the year 1811 was performed previous to the declaration of the late war; that the amendment which he proposed provides for the payment of property lost by individuals on that memorable campaign, which has not heretofore been provided for by law. Mr. C. said it was true that a law had passed, he believed in the year 1812, which provided for the payment of horses killed in the battle at Tippecanoe in November, 1811; but did not, he believed, provide for the payment of property lost by individuals at other periods of that campaign, while in the service of the country. Mr. C. said that the act of Congress approved the ninth of April, one thousand eight hundred and sixteen, providing for the payment of property lost, captured, or destroyed by the enemy, while in the military service of the United States, in the late war, did not provide for the payment of property for which his amendment proposed to provide. Nor did the act of Congress approved the third of March, one thousand eight hundred and seventeen. That act provided for the payment of any horse, mule, &c., lost while in the military service of the United States, when it shall appear that the loss was without any fault or negligence on the part of the owner, and extended to cases of property lost in the wars with the Indian tribes subsequent to the 18th of February and prior to the 1st of September, 1815. Mr. C. said he could not discover the reason why those individuals who had sustained loss of property in the campaign in the year 1811 upon the Wabash should not be as fully and amply provided for, as to their losses, as those who had sustained loss at any period during the late war, and subsequent thereto. He believed that the services of those in the campaign of 1811 were as essential, and their achievements as beneficial to the security of the Western frontier against a savage foe, as were the services of any portion of the troops in the late war. Mr. C. said he believed that their services had been recognised by the Government; that those who had received wounds in the battle of Tippecanoe were entitled to receive pensions in proportion to their disabilities, and that the widows and orphans of those who fell in the battle were provided for in like manner with those who fell in battle during the late war. Mr. C. said his amendment also provided for the payment of losses sustained by sundry individuals who had belonged to, and performed services in, certain companies of mounted rangers, which had been organized by laws of Congress passed during the war, and subsequent thereto, for the protection of the frontier. Mr. C. said that those companies to which he alluded, who had done service in the late war, were composed mostly of citizens of the then Territories of Missouri, Illinois, and Indiana; that those troops furnished their own horses and subsistence for them; they also furnished their own provisions, their own arms, ammunition, and all necessary equipage; and that these troops, for a term of two years, and some of them for a longer period of active service, underwent many hardships and privations; were exposed to all kinds of weather; swimming creeks and rivers; encamping in the woods for days, weeks, and months, in bark camps, or under tents made of blankets. It was by the citizens of the thin and scattered settlements of the Territories of Missouri, Illinois, and Indiana, and under circumstances like these, that a frontier of some hundreds of miles in extent was mainly guarded, protected, and sustained, without whose exertions and vigilance that vast frontier must have been laid waste, and become a prey to savage violence.

It was a portion of those troops, with other citizen volunteers of the then Territories of Missouri, Illinois, and Indiana, who defeated and dispersed the Indians on the Illinois river in the late war. It was the rangers of Missouri, Illinois, and Indiana, who performed the task of hauling, with their own hands, some distance, every picket and stick of timber out of which Fort Clark was built on the Illinois river, at Peoria lake. After this service was performed, a part of those rangers were ordered to ascend the river in keel boats, for the purpose of destroying the Indian villages on the banks of the river; being thus separated from their horses, which were running at large, being some hundreds of miles in the wilderness, where forage could not be obtained, several of them were stolen by the Indians, or otherwise lost to their owners. On the return of those troops to their respective frontiers, two of these companies were ordered to pass through the wilderness, from near Fort Clark to Vincennes, on the Wabash; they left Fort Clark with seven days' provisions, and arrived at Vincennes on the seventeenth day after their departure from Fort Clark, subsisting on fall grapes and hazlenuts for the greater part of ten days; that their march was impeded by high waters; their horses having been without forage for several months, worn down with fatigue and starvation, several of them perished, and were wholly lost to their owners. Mr. C. said that these rangers were stationed, most of the time in which they were in the service of their country, at places distant from any settlement where forage could be had; that although the strictest vigilance was observed to keep secure their horses, yet a number of them were either stolen by the Indians, or lost without any fault or negligence on the part of their owners. Mr. C. said he thought it was doing nothing more than justice demanded, to pay those individuals who served as rangers in the late war, as well as those who served in the six companies organized in the year 1832, for the protection of the Northwestern frontier, for horses stolen by the Indians, died in the service, or were otherwise lost by unavoidable accident, without any fault or negligence on the part of the owner. It was for losses of this character that his amendment proposed to provide. He said it was not on account of lucre or gain, in a pecuniary point of view, that many of these individuals were influenced to leave their homes and their families, and volunteer in the service of their country. He observed that he thought he was tolerably well acquainted as to the claims which would be presented, if the amendment which he proposed were adopted, and was of the opinion that a very few thousand dollars would liquidate the whole of them; that, although the sum would be small, and would not be felt by the Government, yet it would be of great benefit to very many worthy citizens who had sustained losses, and whose constitutions (at least some of them) were much shattered, in consequence of the exposure and hardships which they endured while in the service of their country.

The amendment was warmly advocated by Mr. EWING, but opposed by Mr. WHITTLESEY, and rejected by the House.

Mr. **WILLIAMS** moved an amendment providing that the best evidence of the loss which the case admitted must be produced before the accounting officer before a claim should be allowed; which was agreed to.

Mr. **HARDIN** moved to amend the bill in the 14th section, by inserting a proviso that all claims exceeding $200, after having been examined by the Auditor, should be reported to Congress, with the evidence taken by him.

After some conversation between Messrs. WHITTLESEY, FILLMORE, and HARDIN, this amendment was adopted.

Mr. **STODDERT** proposed to the Third Auditor, the Second Comptroller and the Solicitor of the Treasury, constituting them into a board to examine claims.

This amendment was rejected.

Mr. **PARKER** proposed to strike out the 14th and 15th sections of the bill, and in lieu thereof to provide that the Third Auditor should examine all claims under the law, and report the facts to Congress.

This, also, was negatived; when, after a few verbal alterations,

The bill was agreed to in committee, and reported to the House, when

The House adjourned.

MONDAY, APRIL 14.

SPRINGFIELD (MASS.) MEMORIAL.

Mr. **BATES**, of Massachusetts, on presenting the resolutions and memorial of the inhabitants of the town of Springfield, in his district, in Massachusetts, remarked, that that town was the oldest in the western part of that Commonwealth, and comprised a population of about eight thousand inhabitants. The memorial is signed by 281 mechanics, 184 farmers, 85 manufacturers, 47 merchants, and by professional men and others, making in all 700 signers, a number greater than was given at the last State election, which was severely contested, and, with the exception of 35, all legal voters of the town.

Who these memorialists are, it does not become me to speak, nor is it required of me that I should. But any gentleman who has passed along Connecticut river, in Massachusetts, has seen who they are. Their character is fully illustrated in their works, in their schools, their churches, their public institutions. I may, however, be permitted to say, without imputation of undue partiality, that they are whigs to the back bone, some of them whigs of the Revolution; a people who well understand their rights and their interests, and who will not quietly permit them to be trifled or sported with.

They state that their condition, which was one of unexampled prosperity in all departments of industry, has been suddenly and totally reversed; that confidence is impaired, business at a stand, and the public mind filled with sad and foreboding apprehensions.

They further state that they look in vain for the cause in our foreign relations, or in any adverse visitation of Providence, and they ascribe it to the executive agency in deranging the currency; for which, they say, they can find no authority in the constitution or the law; no warrant in the experience of the past, or justification in the prospect of the future.

Against the experiment thus made upon the prosperity, interest, and happiness of the whole people, they solemnly protest; and they appeal to us, their representatives in Congress, to save them from the effect of one man's will against the constitution, and the law, and the general judgment of the country; and they say that, if one man's will is to stand for law, the people are slaves.

They say still further, that a sound and stable paper currency cannot be maintained without the agency of a national bank, placed beyond the reach of executive interference; and that the notion of a hard money currency, in the present condition of things, is wild and impracticable, and, if attempted, that it ought to be done by legislation, and not by executive authority. That they regard the struggle that is now going on between the representative branches of the Government and the Executive as one of constitutional liberty against usurpation—of the sovereignty of the people against the arbitrary will of one man; and they appeal to Congress for protection and relief.

This is the substance of the resolutions and memorial. I move that they be printed, with the names appended to the memorial, and laid upon the table.

LOWELL (MASS.) MEMORIAL.

Mr. **OSGOOD** presented a report and some resolutions adopted at a meeting of the citizens of Lowell, opposed to a recharter of the United States Bank, called without distinction of party. This report, said Mr. O., was adopted by the citizens of a town which is known, by reputation at least, to every member of this House. No man who is at all acquainted with the present condition of the Northern portion of this confederacy, as it regards the business and pursuits of its inhabitants, can be ignorant of the extraordinary growth, the rapid increase, and the unexampled prosperity of the great manufacturing town of Lowell. It is now scarcely more than eleven years since the first blow was struck, in laying the foundation of those works which, in that short period, have raised up this town to be the manufacturing capital, not of Massachusetts only, but of all New England. During that brief interval of time, it has been changed from being the site of a few scattered tenements, into a wealthy, thriving, and populous city, embellished with all the arts, and abounding in all the comforts of life. It now contains more than twelve thousand inhabitants. Its population is of a kind to be deeply interested in the great question which now agitates the country. The importance of a well-regulated currency cannot fail to be perceived by those whose daily subsistence depends upon an adequate supply of a sound circulating medium, and the profits of whose capital must be sensibly and immediately affected by the same cause. It seems to me, then, that this report is deserving of the deliberate consideration of this House. Without pledging myself to the adoption of all its views, I think I may safely say that it contains many sentiments which will be regarded with universal approbation, and some of the most important of them I will briefly notice.

It begins, sir, with the plain and undeniable proposition that the value of property and the prosperity of the community are intimately connected with the condition of the circulating medium; and that whatever affects the circulating medium must, to a certain extent, affect every article of commerce and every species of property. From hence it deduces the high obligation of Government to regulate the currency by law, to put it beyond the power of irresponsible corporations to expand and contract it at pleasure, disturbing all the elements of commercial intercourse, sending ruin and distress through the community, and making men rich or poor as they choose. It then goes on to say that it is of the highest importance to the community to place the currency upon a firm and solid basis; that it should be sufficient at all times to supply the wants of a healthy business, but that it should not be so abundant as to tempt to overtrading, and to bring about, by natural and inevitable consequences, a scarcity of money, and those reactions in business which so often afflict the country. It further states, sir, that gold and silver form the true basis of a currency; and that every departure from that basis tends to render the circulating medium unsafe. But it adds, what almost every one will be willing to allow, that it is impossible, under present circumstances, to adopt wholly, or even chiefly, a metallic currency, and that the only measure now to be adopted is one that will restrain the substitute for a metallic currency within proper bounds—that shall lead to a gradual increase of the metallic basis to such an extent as will place the currency of the country upon a safe footing.

The report considers the establishment of a national bank upon proper principles, and cautiously guarded, as a measure highly beneficial to the country in its present situation, and goes on to describe what it considers to be the proper business of such an institution. Its objects are stated to be of a two-fold nature: first, the collection and distribution of the public revenue; and, secondly, the facilitating exchange between different parts of the country. The State institutions are not considered adequate to the accomplishment of these objects; but they are considered in this report to be sufficient for all the purposes of a local currency. It is the opinion of those who adopted this report, that Congress ought not to invest the bank with greater powers than are absolutely necessary to carry into effect the objects for which it is to be created; that especial care should be taken that it be so guarded as not to interfere with the politics of the country; and that, in order to secure this great end, its charter should be limited to a term of fifteen years, and its capital should be less than half that of the present bank, which they think would be sufficient to meet the wants of the country in relation to those objects for which it is to be instituted.

They think the bank ought to be located in the city of Washington, with power to establish offices of deposite and exchange in such places as the business of the country and the convenience of the Government may require; that no bonus be paid, and no interest allowed, by the bank upon the public deposites; but that all the profits above six per cent. per annum upon the capital stock shall be paid into the national treasury; that the Government shall have a right to subscribe for one-fifth of the capital; and the President, with the advice and consent of the Senate, shall appoint one-fifth of the number of the directors.

These, sir, said Mr. O., are some of the principal views taken in this report; and he now moved that it be laid upon the table and printed, with a view hereafter, if there should be a committee appointed to consider the expediency of establishing a national bank, of calling it up, and moving its reference to that committee.

The motion was agreed to.

GARDINER (ME.) MEMORIAL.

Mr. EVANS presented a memorial of a large number of citizens of the towns of Gardiner and Pittston, in the State of Maine, representing that "they are laboring under great embarrassments in their respective occupations, arising from the unexampled scarcity of money;" and praying that Congress would, by its prompt and decided interposition, secure an adequate remedy for the evils which now afflict the country; and also expressing the opinion that a national bank is indispensable to a sound and uniform currency.

Mr. E. remarked that this memorial came not merely from his immediate constituents, but from the society in which he resided; from his friends and nearest neighbors; from those whom he had long known, and of whose business, condition, wants, and grievances, he had personal knowledge. Trammelled as he was by the rules of the House, Mr. E. said he could not now say all that his feelings prompted. It is a truth not to be controverted, but one which he deeply lamented, that great and unexampled distress pervades that hitherto highly prosperous community, whose voice has now reached these halls. He had many evidences of the fact, besides the petition which he now presented. As to the causes of the present embarrassments the memorial is silent, except that it declares the opinion that "they are not merely temporary and transient in their nature and effects;" that "they are of no ordinary character."

The memorial, sir, is drawn in the most cautious and respectful manner. It proceeds from no political party, from no factious opposition to the administration. It speaks the language of men of all parties and sentiments; of those who have uniformly supported the present Executive, as well as of those who have as uniformly opposed it. It embraces no particular profession or business, but is composed of all classes, interests, and pursuits. Of six hundred and thirty-four, whose names are appended to it, forty-nine are merchants and traders, fifty-one lumber-dealers and manufacturers, two hundred and thirteen mechanics, two hundred farmers, and the remainder are mariners, laborers, professional gentlemen, &c. The village in which the larger portion of these memorialists reside contains two local banks, perfectly solvent, and hitherto doing a successful business. The president of one of these institutions, and the cashiers and directors of both, have subscribed this memorial. Let it not be imagined, sir, that this has been done, as has frequently been charged upon other State banks, under any control, either of fear, or favor, or hope, from the Bank of the United States. Nothing can be farther from the truth than such a supposition. They have spoken under no such restraints—from no such considerations.

This memorial comes from no inconsiderable number, in reference to the whole population of the towns whence it proceeds. It is subscribed by a majority of the number of legal voters, and by about as many as usually attended at the ballot-boxes, even in cases of excited elections. Great care has been taken, as I am well assured by the highly respectable committee who have transmitted it to me, to permit none but legal voters and residents in the towns to subscribe it. It contains the names of a large proportion of the intelligent, respectable, industrious, and enterprising citizens of that community—of those competent to form just opinions upon the present extraordinary and alarming state of affairs, and utterly incapable of perverting or misrepresenting their own observations and experience. I take great pleasure, sir, in presenting to the House the paper which I have thus described, although there remains so little of hope that any measure of relief will be graciously vouchsafed to a suffering people by us, their servants and representatives. The proceedings of this House are, before this time, known to these petitioners; but they have borne to them no beams of light, or joy, or hope. They must submit, and will submit, as the country must, to the constituted authorities. If bad government exist, they must bear it as best they can. But, as their organ on this floor, I should be faithless to my trust if I failed to demand for them, in their own words, that Congress, in its wisdom and patriotism, should devise and adopt some remedy, with a single eye to the interests and rights of the people; and, if I failed, to give my feeble but earnest support to any measures calculated to carry relief to an oppressed community.

Hitherto, sir, the people have spoken to us in the language of supplication. We have scorned their complaints, and turned a deaf ear to their entreaties. They are now speaking to us in a language which we cannot but hear—which we must regard. The voice of the ballot-box is coming to our ears, audibly and distinctly. Do gentlemen not hear it? Let me entreat them, if not for the sake of the people, if not for the sake of the country, at least for their own sakes and for the sake of the party, to give relief to a desponding and almost desperate people.

This memorial, sir, does not ask for a recharter of the existing bank. It, however, declares the opinion that a national bank, with branches suitably distributed, is indispensable to a sound and uniform currency, and to the successful prosecution of commercial enterprise. And they fear that, until this point is definitively settled and established, no enduring relief can be given to the existing embarrassments of the country.

This is a subject upon which the House have not yet been permitted to express an opinion. Pressed upon our attention, as it has been by numerous memorials, we have hitherto evaded an answer. In my judgment, it is fit the country should now know our views upon this topic. As I desire to submit some brief remarks, which might not now be allowable, and especially as I desire to have a direct vote upon this question, and upon that other also which has been so carefully excluded from us, I shall move to commit this memorial to the Committee of Ways and Means, with instructions to report two resolutions—one declaring that the reasons of the Secretary of the Treasury for the removal of the public money from the Bank of the United States are insufficient and unsatisfactory—and the other declaring that a bank, created by authority of Congress, is necessary, expedient, and ought to be established.

The **SPEAKER** suggested that the instructions first proposed were not in order, inasmuch as a resolution similar in character was already before the House.

Mr. **EVANS** said, then he would move the commitment, with instructions to report the second resolution. Under the rules of the House, the subject was postponed till Monday next.

PROVIDENCE (R. I.) MEMORIAL.

Mr. **PEARCE**, of Rhode Island, presented a memorial signed by sixteen hundred and sixty inhabitants of the city of Providence and its vicinity, approving of the course of the administration in regard to the United States Bank and the removal of the deposites. He said that he had received the memorial since he came to the House this morning; and that it was stated in a letter from a highly respectable gentleman, which he received with the memorial, that all the signers are inhabitants of the county of Providence, and nearly all freeholders and voters; that they are the very back-bone of the democracy of the country, and, in point of intelligence and moral worth, would not suffer in comparison with the same number of signers of any memorial presented to Congress at the present session. Mr. P. said, since the memorial was put into his hands, he had examined the list of signers, many of whom he knew, and he fully believed that what was said of all of them was correct.

Mr. P. also presented a memorial signed by a great number of the citizens of Bristol, Rhode Island, approving of the course of the administration in the removal of the deposites, and adverse to the recharter of the United States Bank. He took occasion to say that he had now a memorial in such a form as would be received by the House; that it was headed by a venerable gentleman, John D'Wolf, in every way as respectable as the honorable James D'Wolf, his brother, whose name was at the head of the memorial from the county of Bristol presented by his colleague on Monday last; that this memorial was also signed by Jacob Babbitt and Parker Borden, men highly respectable, who are (as is John D'Wolf) presidents of banks in the State of Rhode Island. He moved that these memorials be read, laid upon the table, and printed. Agreed to.

UNION COUNTY (PA.) MEMORIAL.

Mr. **BINNEY** presented a memorial from four hundred and eighty-seven farmers, mechanics, and traders, residing in Union county, Pennsylvania, praying Congress to devise measures for restoring them to the state of prosperity which they recently enjoyed. Mr. B. stated that the memorial had been sent to him by a most respectable gentleman, one of the signers, who had requested him to present it, but had not assigned any reasons for addressing it particularly to his care. He presented it with great pleasure, and without inquiring into those reasons. The memorial stated that the subscribers were not stockjobbers, nor speculators, nor even traders on borrowed capital; that they were farmers and others, whose industry was their capital, and who, to use their own language, wrought out their interest by the labor of their own hands. Their principal connexion, they said, was with agriculture, lately in a most prosperous condition, and now in a state of distressing derangement, of which the fact mentioned in the memorial was a striking proof: that whereas, two months ago, wheat was readily sold at a dollar a bushel, it could not now be sold for seventy-five cents. In giving their opinion of the cause, the memorialists summed up their remarks by referring the existing evils to the arbitrary and impolitic act of the President, in seizing the public treasure in violation of the plighted faith of the nation. He moved that the memorial should be read, laid upon the table, and printed, with the names of the subscribers. Agreed to.

PROCEEDINGS OF THE FIFTH CONGRESSIONAL DISTRICT OF MARYLAND.

Mr. **McKIM**, of Maryland, said: I am requested to present the proceedings of a meeting held in the fifth congressional district of Maryland, as, also, instructions to me, signed by three thousand seven hundred and fifteen voters of said district. As I admit, Mr. Speaker, the right of instruction by the majority, when that majority can be well ascertained, the only inquiry which I deemed it necessary to make, when I received these instructions, was, whether they were sanctioned by the signatures of a majority of the legal and qualified voters of the district? And this could only be done by an accurate investigation of the poll-books. For that purpose, I proceeded immediately to Baltimore, as I did not feel at liberty to vote on any question affecting the instructions, while such documents remained uninvestigated by me. That investigation has been made, at my instance, and, in part, under my particular inspection. The result is, that, of the three thousand seven hundred and fifteen signatures on the proceedings and instructions, there are one thousand eight hundred and two of the names of the signers to the same which are not to be found on the poll-books at the election held in October last, at which election sheriffs were elected for all the counties in the State of Maryland. A difference of this remarkable character leaves me at liberty to make no other conclusion, consistent with what I believe to be the accuracy of the examination had in this affair, than that I am not instructed by a majority of the legal and qualified voters of the district, otherwise than by my election. I consider it my duty further to state, that if I had not received the instructions prior to the vote being taken on the resolutions reported by the Committee of Ways and Means, respecting the Bank of the United States and the deposites, I should have voted with the majority on all the resolutions. I forbear all further remark, and ask that the proceedings and instructions be read, laid on the table, and printed. The motion was agreed to.

PROCEEDINGS OF HUNTERDON AND SOMERSET COUNTIES, NEW JERSEY.

Mr. SCHENCK presented the proceedings and resolutions of large and respectable meetings, held in the counties of Somerset and Hunterdon, New Jersey, approbatory of the general policy pursued by the administration; also, praying that the United States Bank be not rechartered, and that the public moneys be not restored to that institution. Mr. S. said:

Mr. Speaker, in presenting these testimonials of public opinion, I beg leave to state, that with many of the gentlemen who composed the convention of Somerset, and with some of those who convened at the public meeting at Hunterdon, I have the pleasure of a personal acquaintance; and from what I know by reputation of others, I feel justified in assuring the House, that, for intelligence, integrity, and patriotic attachment to the constitution and laws of their country, they will suffer no disparagement by a comparison with an equal number of their fellow-citizens in any part of the Union.

The independent electors who constituted the meetings above referred to are engaged in various pursuits. Many of them are farmers, who, with their own hands, cultivate the soil of which they are proprietors, and, with manly independence, enjoy, as the reward of their industry, a comfortable competence. Enterprising mechanics have also embraced those occasions to declare their wishes and express their feelings upon this exciting topic—men, sir, whose hands are hard with useful labor, and whose hearts are warm with love of country, and who cheerfully earn their bread by the sweat of their brow, animated by the proud consciousness that they are American freemen. Professional men also unite in manifesting their anxiety for their country's best interests. They know, from the history of former ages, that the inordinate desire of gain, and the accumulation of money in the hands of a few, have proved the bane of former republics. Seeing the same dangers impending over us, they are solicitous to avert the evil from our yet happy land. Mingling with the meeting, and excited with all the ardor of youthful aspirations for the welfare of their country, were to be seen the time-worn patriots and veterans of the Revolution, living witnesses of those deeply interesting scenes which transpired at that eventful period "which tried men's souls." They remembered, with profound concern, the great price which had been paid for American liberty; and they firmly resolved that the inestimable blessings which had been gained by heroic valor, undaunted courage, and unyielding perseverance, should not be sacrificed to sordid selfishness or pestiferous venality.

But, sir, it is not deemed necessary to detail the various interests represented at those assemblies of the people. It is enough to say that men, highly reputable and personally interested in the various avocations which occupy the attention, and call into exercise the industry of the community, participated in the patriotic deliberations of the respective conventions. Men, sir, who are conversant with the occurrences of the day, and necessarily acquainted with the pecuniary condition of that part of the country in which they reside, so far as it can be ascertained by the usual intercourse between individuals, were convened upon those occasions. And, sir, they make no lamentation, nor do they utter a single expression indicative of a chilling panic or overwhelming pecuniary embarrassment in the resolutions which they designed to have presented for the consideration of the House.

If, sir, the amount of money in circulation be less than it was a few months ago, the people are apprized of the source of the evil, and will justly appreciate the motives of an institution which will thus unfeelingly exercise its power for the purpose of inflicting distress upon the community, in the hope of extorting an assent to recharter a corporation which the people have already condemned, and which they have determined shall not be tolerated. The decision expressed in the resolutions on the much agitated subject of the United States Bank, I believe to be the deliberate and fixed opinion of a decided majority of the citizens of New Jersey. And, sir, I feel persuaded they will not be diverted from their purpose either by the fallacious promises of better times, if the deposites be restored, or the menaces of want and ruin, if the bank be not rechartered.

The issue of bank or no bank was fairly joined and distinctly understood by all the political parties of the country previous to the last presidential election. The reasons assigned by the President in his message returning the bill rechartering the United States Bank were definitively submitted to the people; they canvassed with strict scrutiny that luminous document, and, after full deliberation, rendered their verdict at the polls. The fact is notorious that those opposed to the re-election of the present Chief Magistrate reminded their fellow-citizens, in their speeches and through the press, that, if the incumbent were sustained in the high office he then filled, the bank must go down. The intelligent freemen of this great republic were therefore called upon by all parties to declare their wishes upon this subject, and they responded to the call by re-electing that distinguished individual by an overwhelming majority. The conclusion is therefore irresistible, that the people in their elective franchise indicated unequivocally their opinions and their wishes with regard to this institution. I feel persuaded, sir, that a majority of the citizens of New Jersey have unabated confidence in the integrity and ability of the Chief Magistrate. And while they contemplate in the history of his past administration the soundness of his political principles, the wisdom which has directed, and the benefits which have resulted from his measures, they recognise in the course which he has pursued towards the United States Bank a patriotic solicitude to maintain the energy of the constitution, preserve unimpaired the free institutions of our country, and avert those evils necessarily incident to large moneyed incorporations. Power is always more inimical to the freedom of individuals and the political privileges of the community when it is wielded by men, either in their individual or corporate capacity, when they are irresponsible to the people. Associations of individuals favored with peculiar privileges never fail to enlarge the sphere of their action by every means within their reach. Hence it follows they are impatient of control and ambitious for power; and when such influence is to be acquired by money, the direct tendency is to debase the moral feeling, by creating and cherishing a spirit of cupidity incompatible with patriotic disinterestedness, or the independence of freemen.

The constitutional power of Congress to incorporate a company of private individuals to make a monetary system, to control the currency of the country, and locate their offices at pleasure throughout the States, without the concurrence of the State Legislatures, has been justly doubted by our most enlightened statesmen and ablest expounders of the constitution, at every period of our history.

There cannot, I think, be any doubt entertained, at this time, that a large majority of the American people believe this potent corporation to be a dangerous excrescence on the body politic, originating in the idea of financial convenience, growing out of implication, and cherished by political expediency, until it has acquired a magnitude which threatens, by its contaminating influence, to corrupt public virtue, disturb social intercourse, pervert our political institutions, and paralyze the action of the General Government.

Sir, the facts which were developed by the committee appointed by the House of Representatives in 1832 to investigate the affairs, and inquire into the conduct of that institution, created a "vehement suspicion" in the minds of the people that the United States Bank did not confine its operations in the exercise of its corporate powers alone for the good of the community, by "inoffensive usefulness." And, sir, facts since disclosed have fixed the conviction deep in the public mind, that this institution, which was designed to be a fiscal agent of Government, and a source of accommodation to the commercial and trading portions of our fellow-citizens, has transcended its legitimate authority, and, from being an agent, has employed its influence and pecuniary means to control public sentiment, and acquire supremacy and sway. Such a power, sir, is derogatory to our republican institutions, dangerous to our liberties, and will not be tolerated or sustained by an enlightened people, jealous of their high privileges, and tenacious of their independence.

The proceedings were read, laid on the table, and ordered to be printed.

SALEM (MASS.) MEMORIAL.

Mr. **E. EVERETT**, on presenting the memorial of the citizens of Salem, said: I rise, Mr. Speaker to present the memorial of a large number of the citizens of Salem, in the State of Massachusetts. This duty has been devolved upon me, in consequence of the indisposition of my colleague and friend, who so honorably represents the town of Salem on this floor, [Mr. CHOATE,] and who lately addressed this House, in one of the most persuasive speeches ever heard within its walls. At his request, I ask leave to present the memorial of a large and most respectable portion of his constituents.

This memorial, sir, as I am advised, is signed by twelve hundred and eight persons. The entire number of voters in the town of Salem, at present, is unknown to me. It probably exceeds, by some hundreds, the number of names subscribed to this paper. I am told that, at the most strenuously contested election which has occurred of late years in that town, the whole vote cast amounted to between twelve and thirteen hundred, of which about nine hundred were opposed to the present administration. There are, as I have said, twelve hundred and eight names signed to this memorial; and I hold in my hand a copy of a certificate of the town clerk of that place, in which it is stated that eleven hundred and fifteen of the signers of the memorial are legal voters, and that, of the remaining ninety-three, the greater part are young men who have come of age since the last tax was paid, and are consequently as yet not entitled to a vote.

To enable the House to understand the character and pursuits of the memorialists, and what degree of attention they are entitled to, as representing the various branches of industry, I will read an analysis of the signatures which has been furnished me. It is as follows:

Traders,	155
Boot and shoe manufacturers,	108
Tanners and curriers,	95
Mariners,	90
House carpenters and ship joiners,	89
Merchants,	78
Blacksmiths, whitesmiths, and brass-founders,	43
Masons,	25
Stonecutters,	13
Saddlers and coach trimmers,	13
Ship carpenters and calkers,	12
Presidents of insurance offices and cashiers of banks,	8
Magistrates and lawyers,	16
Teachers of youth,	17
Clerks,	13
Druggists,	6
Physicians,	12
Clergymen,	7
Bakers,	17
Boatbuilders and sparmakers,	6
Printers and bookbinders,	12
Tobacconists,	8
Tin plate workers,	6
Painters,	34
Coach and chaise manufacturers,	10
Agriculturists,	31
Block and pump makers,	9
Wheelwrights,	7
Watchmakers and jewellers,	15
Cordage, line, and twine manufacturers,	20
Coopers,	15
Tailors,	19
Hatters,	8
Cabinetmakers,	33
Sawyers,	5
Miscellaneous,	80
Sailmakers,	12
Laborers,	52
Tallow chandlers,	9
	1,208

Such, sir, is the composition of the bank aristocracy of Salem, as appears from the signatures to this memorial. I am authorized to state, that among those by whom it is signed may be found a large proportion of the intelligence, capital, industry, and business of all kinds, of the population of the ancient town of Salem; a town, sir, which stands, with one or two others, first in numbers, and wealth, and importance, in the Commonwealth of Massachusetts. And, sir, as they are not my immediate constituents, I do not deem it indelicate to add, that if, within the State of Massachusetts, or out of it, there is a place distinguished among others for the solidity and prudence of its men of business, and for that union of thrift, skill, and enterprise, which is sometimes supposed to belong to the New England character, the town of Salem is that place.

I am aware, sir, that the rules of this House do not permit me to go at all into the argument on the great question still before the House. The memorial, which I send to the Chair, is very ably drawn; and I shall not detract from the force of its statements, by attempting to condense them. I shall ask that it be read, laid on the table, and printed, with the names of the signers. Agreed to.

After the Salem memorial had been read and disposed of, Mr. **EVERETT** presented the memorial of a portion of the citizens of Medford, and accompanied its presentation with the following remarks:

I now beg leave, sir, to present the memorial of a portion of my own constituents, citizens of the town of Medford, in the State of Massachusetts, chiefly engaged in business as shipbuilders and shipowners, and the kindred branches of industry. As this is a memorial of a character somewhat different from any which have been presented before, I beg leave to state its purport and character rather more particularly than might otherwise be permitted. I would first observe, that the number of names subscribed to it is not large. No attempt has been made to swell the list. From my general knowledge of the state of public sentiment in most parts of my district, and especially in this portion of it, I think I may safely say that the signatures of four-fifths of the citizens of Medford could have been obtained for a memorial like that which I have the honor to present. The object of those who have prepared it was to submit certain facts to the serious consideration of this body—facts of necessity known to the memorialists; and proved, I beg leave to say, sir, as fully by their attestations, as they could be by any number of signatures, however large.

The memorialists, sir, are the inhabitants of the village of Medford, a small, but pleasant, and hitherto thriving and prosperous village in the vicinity of Boston. It possesses great facilities for shipbuilding; and it is a fact which the House may deem somewhat curious, that the first vessel which (as far as is known) was built in the North American colonies was launched at Medford, more than two hundred years ago, on the fourth of July, and under the auspicious name of the "Blessing of the Bay."

On the river which flows through the village of Medford, within the space of one mile, and at every bend of the river which furnishes sufficient reach for a launch, there have been established five ship yards within the space of thirty years. During the last three years, the number of vessels built, or now in course of building, is forty, averaging from four to five hundred tons each, and consequently adding to the commercial marine of the country an aggregate of eighteen thousand tons.

I take upon me to say, sir, thatthe ships built at Medford are equal to any built in the United States of America. Their character is known to all persons conversant with navigation; and it is no exaggeration to say that the ocean does not bear upon its broad bosom better vessels than are launched from the ship yards of these memorialists.

Within the last year, sir, thirteen contracts for ships were taken at Medford; which ships have been built, or are in a course of construction. From fifteen to twenty other contracts were offered, but declined for want of shipwrights and other artificers to construct them. In building these vessels, from two hundred and fifty to three hundred workmen found constant employment and good wages. Your memorialists supposed themselves engaged in a permanent business; their fixtures and all other arrangements were calculated on this assumption. They knew that the amount of the great staples of the country, and the general commerce of the globe, (in which the shipping of the United States has always borne its part,) were in a state of rapid augmentation. It is therefore with equal astonishment and alarm that they find a sudden suspension of all new undertakings in this branch of industry. It is stated by the memorialists that, in the place of thirteen vessels contracted for, and more than that number for which contracts were necessarily declined, during the last year, no new contracts have been tendered since the commencement of the present financial policy of the Government. The memorialists justly represent, as the consequence of this policy, that the capital which they have employed in shipbuilding must, of necessity, be gradually disengaged; the skill now honorably and profitably exercised become useless; and the labor which finds occupation and reward must be left unemployed. They invoke the attention of the House to the peculiarly disastrous condition of those now in their employ, who, as each successive vessel, on which they have been employed, descends to the element on which it is to float, (and a more beautiful sight, sir, is not to be witnessed as the work of human art,) instead of being permitted to indulge an honest and cheerful pride in the work of their hands, the assurance of present comfort and future profitable employment, behold only their livelihood gradually wasting away, their occupation approaching a close, and distress and want drawing near to them.

The memorialists do not confine their attention to their own immediate interests. They state, and state truly, that all other branches of industry are also suffering; that all other manufactures are affected as well as their own—the manufacture of ships; that building of every kind is checked, and all improvements usually going on in a prosperous community suddenly brought to a stand.

It is explicitly stated by these memorialists that they regard the financial policy of the Government as radically unsound; that no success can attend the experiment undertaken to dispense with the use of a convertible paper currency, and that the prosecution of this experiment can only end in the increase of the present severe distress. They look to Congress for the relief of their own sufferings and those of their fellow-citizens, in the restoration of the relations which have hitherto subsisted between the Bank of the United States, the Treasury, and the business of the country, or in some other measure of equivalent effect.

I will only add, sir, that this memorial is purely a business matter; and if there is among the signers an individual who can be called a politician, in the unfavorable sense of the term, it is not known to me; nor do I believe there is such an individual on the list. It is respectfully submitted to the House as a statement of important facts.

The memorial was ordered to be printed, with the names subscribed to it.

KENT COUNTY (DEL.) MEMORIAL.

Mr. MILLIGAN, of Delaware, rose, and said that he had received, some days since, from several gentlemen appointed for the purpose, a copy of a memorial adopted at a late meeting of the citizens of Kent county, in the State of Delaware, together with certain resolutions passed on that occasion, which he had been requested to lay before the House.

The memorial (said Mr. M.) is numerously signed, containing, as I am informed, the names of 736 persons, all of whom are qualified voters, residing in that county. It relates to the yet agitating question of the removal of the public deposites, complains of the unhappy influence of that measure upon their business and pursuits, traces the present deranged condition of the currency, with all its attendant evils, to that source—and, in the ardent language of intelligent freemen, denounces that act as an unconstitutional and arbitrary exercise of power on the part of the Executive.

The resolutions re-echo the sentiments of the memorial; and, after declaring that a restoration of the public deposites to the Bank of the United States is imperiously called for as a measure of justice to that institution, and expressing the opinion that it is the only remedy to restore confidence, and thus alleviate the present distress prevailing in the community, conclude with requesting the Senators and Representative in Congress from that State to use their best efforts to procure the passage of a law for that purpose.

I am aware, Mr. Speaker, (said Mr. M.) of the manner in which the rule with regard to petitions has lately been enforced, and do not wish to infringe it. I feel called upon, however, to make a remark or two, which I trust will not be considered as altogether irrelevant—one in particular. It is, that when the House are informed that the section of country from whence this petition and these resolutions emanate is almost exclusively agri.

cultural in its character; that the price of two articles, wheat and Indian corn, which constitute its great staple productions, has fallen from twenty-five to thirty per cent., and that hardly any other farm produce can command a market, they will cease to wonder that, under the pressure of such a visitation, the voice of this district should join the general chorus of complaint that has been pouring in upon us for the last three or four months from all quarters of this once happy and prosperous Union.

May I be permitted to add, sir, that I am rejoiced my constituents have thus unveiled their condition. [Here the SPEAKER interfered—Mr. M. explained.] I do not wish, sir, (said Mr. M.,) to question the judgment of the honorable Speaker with regard to the interpretation of the rules, but I must say I think it a harsh construction which would prevent my adding that the right of petition is an unquestionable privilege, which belongs to every man, and that, in my judgment, it is by its exercise, and by following out the sentiments adopted at their late meeting, that they can ultimately obtain a redress of grievances. I trust they will so continue to speak and to act. Events have lately transpired that should fill them with hope, and carry joy and gladness to the heart of every patriot. [Here the SPEAKER again called Mr. M. to order, as stating what was not in the petition or resolutions.] I wish merely to add, sir, (said Mr. M.,) that public suffering, every where, has at length aroused the slumbering energy of public indignation, and a change is going on which must soon terminate an "experiment," that would otherwise, while it brought bankruptcy to the citizen, bring ruin to the nation.

As the Chair seems to be impatient, I purposely omit many suggestions which this subject awakens, and have nothing further to say, but to express the wish that the proud little State to which I have the honor to belong, and of which the county where these petitioners reside forms an important part, will not be backward in following good examples; that, as she was among the foremost in fighting the battles of the Revolution, she will not be among the last in this contest for civil rights.

I now ask that these papers have the same direction that has been given to others of a kindred description, presented this morning, to wit: read, laid on the table, and printed, with the names. Agreed to.

BURKE COUNTY (N. C.) MEMORIAL.

Mr. GRAHAM rose to present a memorial with resolutions, adopted at a meeting of the inhabitants of Burke county, North Carolina, held at Morgantown, on the 27th of March last, which he moved to have read, laid on the table, and printed.

The resolutions were in approval of the conduct of Mr. Senator Mangum for his prompt and manly vindication of them, as signers of a former petition for the restoration of the deposites, &c., from offensive imputations which were cast on them by a Senator from Georgia; and they condemned the conduct of Mr. Senator Brown, for representing that these former proceedings came before Congress "in a questionable shape," &c. They resolved "that the opprobrious epithets cast upon the proceedings of the meeting in January last, by the honorable John Forsyth, a Senator from Georgia, a gentleman of known courtesy in debate, can only be accounted for by supposing the honorable Senator was more than ordinarily exhilarated, but whether from the influence of 'a pot-house' or the palace, this meeting deem immaterial," and they approve of the bill for extending the charter of the Bank of the United States.

Mr. McKINLEY remarked that some of the matter contained in the resolutions was of such a character that the papers ought not to be received.

Mr. WAYNE suggested the propriety of having the motion to lay on the table withdrawn by the member from North Carolina.

Mr. GRAHAM withdrew his motion for the purpose of giving members an opportunity to debate the subject.

The SPEAKER said the House were to determine, as the proceedings had been read, what disposition should be given to the papers.

Mr. WAYNE said it was the wish of many members that they should be again read, and he concurred with them in this desire; as it was his intention to move afterwards that the paper should not be received by the House.

The memorial and resolutions were read a second time.

Mr. WAYNE expressed his desire that the gentleman from North Carolina would withdraw the papers, or postpone any action upon them, as any debate which must arise would interfere with the presentation of other petitions.

Mr. GRAHAM said he could not accede to this, for he had a duty to perform to his constituents, who had a right to insist that their petition should be presented by him, and, taking the usual course, that it should be laid on the table. The only word, as it appeared to him, at which offence could be taken, was the word "pot-house." This was a word the petitioners had understood was used by the honorable Senator from Georgia, in his place in the Senate, when he stated there that the petitions were got up in such places. The petitioners, in using it, therefore, only throw the word back to the place whence it came. It was not a word of their coinage—

The SPEAKER interposed. It was not in order to refer to language used in the Senate.

Mr. GRAHAM renewed his motion to have the memorial laid on the table, &c.

A desultory conversation, as to the disposition to be made of the papers, then arose, in which Messrs. WILLIAMS, MERCER, WAYNE, and McKINLEY participated.

Mr. WAYNE finally moved that the papers should not be received.

Mr. McKINLEY moved to lay this motion on the table; which motion was agreed to.

So the question of the reception of the memorial stands over for further debate.

SAVANNAH (GEO.) MEMORIAL.

Mr. GAMBLE presented a memorial from citizens of Savannah, strongly opposed to the conduct of the administration in the removal of the deposites. He read a brief analysis of the contents of the memorial, and commenced a course of remarks in relation to it, which were arrested by the Speaker, it not being allowed by the rule respecting the presentation of memorials.

Mr. G. thereupon asked leave of the House to submit his remarks. The question was put, and the vote stood, ayes 58, noes 49. No quorum having voted, a motion was made to adjourn, which not having a quorum voting on it, a motion was made for a call of the House, when a second motion to adjourn succeeded; and

The House adjourned.

TUESDAY, APRIL 15.

DEATH OF MR. DENNIS.

Mr. STODDERT, of Maryland, rose, and addressed the House as follows:

Mr. Speaker: In announcing the death of LITTLETON PURNELL DENNIS, a Representative on this floor from the State of Maryland, I discharge a sad and solemn duty. Not a week has elapsed since he mingled in the deliberations, and co-operated in the active duties of this House: he now sleeps the sleep of death. What an impressive illustration of the instability of human life—"of what shadows we are, and what shadows we pursue!" The deceased stood to me, sir, in the double relation of colleague and friend. I knew him long and well. He was a useful, benevolent, and estimable man, and has finished his course in honor. He was no tame and ordinary character; and although his modesty may have delayed the development of his faculties for public service, during his brief connexion with this House, his State is not left without proofs of his legislative prudence and skill. He served her in both branches of her Legislature for many years, with honor and ability. He was well gifted by nature, well educated, and well principled. His native sagacity, sound judgment and decision, and purity of purpose, made him what he was—a capable and honest public agent. The brave, generous, open, and manly qualities of his nature secured him the confidence and affections of the people among whom he lived, and made it their delight to honor him.

He is gone hence, sir; but his memory will survive, embalmed in the kindly regards of those who knew and appreciated his noble and manly qualities, and unembittered and untarnished by a single act of meanness, injustice, and oppression. He died, as he had lived, deserving and possessing the warm-hearted esteem of many, the ill-will of none. As the last act of respectful duty which it remains for friendship to perform, I move you, sir, the following resolutions:

Resolved, That the members of this House will attend the funeral of the late LITTLETON PURNELL DENNIS at 12 o'clock to-morrow.

Resolved, That a committee be appointed to take order for superintending the funeral of LITTLETON PURNELL DENNIS, deceased, late a member of this House from the State of Maryland.

Resolved, That the members of this House will testify their respect to the memory of LITTLETON PURNELL DENNIS, by wearing crape on the left arm for thirty days.

Ordered, That a message be sent to the Senate to notify that body of the death of LITTLETON P. DENNIS, late one of the Representatives from the State of Maryland, and that his funeral will take place to-morrow, at 12 o'clock, from the Hall of the House of Representatives.

The above resolutions and order were unanimously adopted; and then

The House adjourned.

WEDNESDAY, APRIL 16.

No business was transacted in the House this day, in consequence of the decease of Mr. DENNIS, one of its members.

THURSDAY, APRIL 17.

THE PUBLIC DEPOSITES.

The House resumed the consideration of the resolution offered by Mr. MARDIS, with the amendment thereto by Mr. CORWIN.

The motion was to lay the resolution and the amendment on the table.

Mr. CLAY said, as many gentlemen seemed still anxious to continue this interminable discussion, notwithstanding the House had decided the questions involved by it, he would not oppose the discussion, and should therefore withdraw the motion to lay the resolution and amendment on the table.

Mr. McKENNAN then obtained the floor, and the consideration of the subject was postponed by unanimous consent.

GENERAL APPROPRIATION BILL.

The House again resolved itself into a Committee of the Whole on the state of the Union (Mr. HUBBARD in the chair,) and resumed the consideration of the general appropriation bill for the civil and diplomatic expenses of the Government for the year 1834; and the question being generally on the amendment proposed by Mr. VANCE, of Ohio, consisting of numerous distinct items, and especially upon the following item, viz: to reduce the salary of the Commissioner of the General Land Office to $2,000—

The question was taken without debate, and decided in the negative: Ayes 55, noes 77.

The next item proposes to reduce the salaries of all the clerks in the four Departments, and in the General Land Office, 25 per cent.; the question being in like manner put on this item, it was negatived: Ayes 43, noes 85.

The next item deducts 25 per cent. from the salaries of all officers of the customs, and provides that their income shall in no case exceed $3,000.

The clause having been read—

Mr. VANCE said that he had looked back into the history of this Government, in order to compare the expenses of the branch of the administration which respected the collection of the customs at former periods with those incurred at present, and he found that, in 1802, we had, in all, dispersed throughout the whole country, but 577 custom-house officers; while, in 1832, they amounted to 1,600. The number employed in New York alone was, in 1832, 332, who received in salaries almost as much money as had been paid, in the economical days of Mr. Jefferson, to the like officers throughout the Union; 30 custom-house officers in the city of New York were now in the receipt of $80,437, while 332 others, at that port, were receiving $408,791. The gentleman from Indiana [Mr. LANE] had pledged himself that, if he could be shown that any officers under this Government were receiving more salary than was fit and right, he would vote to reduce their allowance. Now, Mr. V. had made an estimate of the receipts of twenty of these custom-house officers, who were receiving the highest salaries; and he found that the joint receipts of these 20 individuals amounted to $115,000, averaging $5,750 a piece. If this fact was not sufficient to satisfy the gentleman that the system would bear some depletion, he was at a loss to conceive what would. There were 73 others who, together, were receiving $218,054. These, it must be allowed, were full large salaries, especially when it was remembered how much the value of money had appreciated.

Mr. V. went on to state that he had further compared the expenditures of 1802 with those of 1832, in the three principal commercial cities of the Union, Boston, New York, and Philadelphia, and the result was as follows:

	1802.	1832.
Boston,	47,417	129,234
New York,	61,347	408,791
Philadephia,	56,115	99,867
	166,282	637,873

Leaving the small balance of Jefferson economy over Jackson retrenchment and reform of $471,610!

Mr. V. then proceeded to show what would be the result of adopting the item under consideration, and stated the following:

Now paid to postmasters,	$826,000	
Deduct one-fourth,		206,000
Custom-house officers,	1,315,000	
Deduct one-fourth,		328,000
Civil list,	1,800,000	
Deduct one-fourth,		450,000
Total saving,		$985,000

With these statements (which are given by us from the ear, but are believed to be nearly correct) he cheerfully left the subject to the committee.

Mr. CAGE said he was ready to go with the gentleman from Ohio, in every step he would take in this matter of reform, if he could only agree with him as to the road they should travel; but he could not consent to take the gentleman's road. Mr. C. had little doubt there were more custom-house officers in the employ of the Government than were necessary; and he was willing to go for a reduction of their number. But he was one who believed that public officers should be well paid. Let their duties be distinctly prescribed and rigidly exacted; but let them be liberally rewarded. Give them as much labor as they could perform; but pay them well. This was the reform he wanted to see. The present multitude of officers were scattered over the whole Union; and all drew their living from the treasury. Was it not natural, might it not be expected, that they would throw all their influence in favor of those who had the control of the treasury? But, if their numbers should be reduced and their duties increased, they would not have time to interfere as electioneerers, nor go beyond the privilege of every freeman, to give their votes as citizens of the republic. When the gentleman should get up such a reform as this, he was ready to give it his support; but he did not consider this as the proper place to introduce such a measure, nor was he satisfied that the amendment, in its present form, was right; he therefore could not support it. No doubt, should the salaries be reduced as proposed, the offices would still be filled. They might be cut down to the very minimum of possible subsistence, and yet men would be found willing and glad to take them: but what sort of men would they be? Such men as wanted capacity to get a living in any other mode. But let the Government employ only a sufficient number of officers, and let them be well and liberally paid, and then the public service would be properly done. They would then get men who knew their duty, and would do it. Let the other course be pursued, and the public service would become the prey of a horde of drones, who would be content with any pittance for bread, and who would resort to the polls, and throw the whole weight of their numbers into whichever party scale would be most likely to promote their personal advantage by keeping them in office.

Mr. BARRINGER offered an amendment to the amendment proposed by Mr. VANCE. The latter went to limit the highest salary to be received by any officer of the customs to $3,000. Mr. B. desired to introduce a discrimination, and not have this general limitation. There were custom-house officers of different grades and with very different duties. Some were collectors, others supervisors, inspectors, weighers, gaugers, &c. If you would look at the Blue Book, they would perceive that, in the manner in which the salaries were at present graduated, there was a palpable absurdity. An inspector of the customs often got less than a marker; and weighers and gaugers received more than surveyors. This disproportion arose from the fees attached to those lower offices. There was one marker in the city of New York, who received $4,300, which was more than the collector got. In Philadelphia a weigher or gauger got, in some cases, $3,000 a year; in one case, indeed, an individual received upwards of $6,000 in a year. The amendment he proposed was, to limit the salary of a collector to $3,000; of surveyors and inspectors to $2,500; and of weighers, markers, and all other officers of the customs to $2,000. He did not propose to make any alteration as to perquisites, &c., but only to establish a limit beyond which they should not go. Inspectors, at present, received, on an average, from $1,000 to $1,500; but there were cases where their emoluments rose to two or three times that amount. Mr. B. said, before he took his seat, he must be allowed one word on the singular position in which the House now stood, and which obliged a portion of its members to resort to an appropriation bill to introduce these curtailments. If he could have any assurance that the House would raise a committee who should bring in a report regulating all the salaries of the officers of Government, and place them on a proper footing, in proportion to the duties to be performed, he should be happy to dispense with the amendment now under consideration; but, until gentlemen should make some pledge to this effect, he was compelled to go into the appropriation bill, although he confessed he thought that a most inappropriate place for the introduction of these measures.

Mr. VANCE signified his acceptance of the amendment now proposed, as a modification of his own.

Mr. CAMBRELENG observed that he entirely concurred in the sentiment expressed by the gentleman from North Carolina, [Mr. BARRINGER,] as to the propriety of raising a committee to inquire into and regulate the salaries of Government officers. Whenever the gentleman would introduce a proposition of that kind, he should have Mr. C.'s vote. He thought it was high time that the expenditures of this Government should be inquired into more cautiously than had heretofore been done. Whenever the question of the revenue should come up, Mr. C. proposed to present his views somewhat more at large upon that subject. He would now merely say that the state of the country called for economy in our expenses. This question of the salaries of custom-house officers had not escaped the attention of the committees of the House. When he had belonged to the Committee on Commerce, that committee had been called upon to report on this subject. He had thought at that time that the compensation of different grades of officers was very unequally distributed. It had, however, so happened, that the Secretary of the Treasury had not been able to communicate to them in time the necessary information, and, in consequence of the frequent changes since then, in that Department, no report upon the subject had been obtained. But when such a committee should be raised as the gentleman had now referred to, they would, of course, make the necessary inquiries through the Department, and lay the result before the House.

Mr. C. went into some explanations in respect to the markers and weighers, referring to the number of hands they had to employ, &c. The inspectors received a little over $1,000, which he did not think was at all too much. These officers were, in effect, the guards of the revenue, and sound policy would dictate rather an increase than a diminution in the compensation they received. Mr. C. said, that what was most wanting was, that these salaries should be equalized. He had been instructed by the Committee of Ways and Means to propose the establishment of salaries for a class of those officers who perform laborious duty, and yet, under the present arrangement, got almost nothing for it. These things required looking into. He should be glad of a committee to investigate the whole subject. The gentleman from Ohio had stated very truly the great increase in the expense of collecting the revenue. But he must remember how that increase was resisted, and how reluctantly it had been granted. The acts of 1832 and 1833 had greatly increased the number of custom-houses, and had almost doubled the number of inspectors, for all the merchandise of a certain kind had now to be deposited in custom-houses. He concurred with the gentleman from Ohio, and the gentleman from North Carolina, [Messrs. VANCE and BARRINGER,] in desiring to see some check put upon the march of public expenditure; it must soon be checked, or it would outstrip all bounds of reason and moderation.

Mr. BARRINGER said that he had been aware of what had been stated as to the markers employing subordinates to assist them; and, on that account, their salary, in the Blue Book, was marked with an asterisk. But he observed no such mark opposite to the salary of the markers at New York; of whom one received $4,300, another $2,800, and so on. He did not doubt the duty could be just as well done for $1,000. And he would now give notice, if he had any hope of success, that he should, to-morrow, move for the appointment of a committee to reduce and equalize the salaries paid by this Government to its public officers. He had, to be sure, but little hope that such a measure would succeed; but if no one else would make the motion, he should.

Mr. PARKER addressed the House at length, in a speech which was but imperfectly heard, owing to his situation in the House, but which was in substance understood to be as follows:

He explained the reason why an asterisk was appended in some cases, and not in others, to the salary of marker, in the Blue Book. He professed himself willing to join with any gentleman in the House in a plan to revise the compensation allowed to officers of the customs, as he believed it at present to be very unequal. He had himself been a collector, and got but six hundred dollars, while the inspector under him received one thousand. To place collectors in such circumstances was to expose them to a strong temptation to shut one eye. No collector of the revenue ought to receive less than one thousand five hundred dollars. If the law fixed the maximum, it ought to fix the minimum also. As the law now stood, a collector whose salary was small was required to pay his own expenses, while those who received a large salary had their expenses paid by Government. This certainly required a corrective.

Inspectors formerly received two dollars per day. Their salary had been raised to three dollars, and it is not too much. Mr. P. here very feelingly described the labors and hardships endured by that class of officers. He approved of the measure proposed by Mr. Vance, but thought that, according to the principle laid down by Mr. Adams, an appropriation bill was not the proper place to introduce it. As to the comparison which Mr. Vance had made of the expenses of 1802 with those of 1832, the increase which he had stated was far less than Mr. P. should have anticipated. It was not surprising that they should have increased so much in New York; for more than half of the entire revenue of the United States was now collected at that port.

The gentleman had spoken of the increase of the sums paid to postmasters, but he had omitted to state that the number of postmasters had increased to eighty thousand. Some of these, it was true, received two thousand dollars, but some did not receive more than three dollars and fifty cents. Their average salary amounted to about one hundred dollars. A large number of them did not make ten dollars per annum. Mr. P., however, was for examination and reformation throughout the entire civil list, from the highest to the lowest. Mr. P. then adverted to the large increase of custom-house officers, which had been rendered indispensable by the protecting tariff and the establishment of the American system. He had been a friend to that system, and had once lost his election by it. Mr. P. here gave a lively description of the system of smuggling carried on during the war upon our Northern frontier. He concluded by saying that he should vote against all the items of Mr. Vance's amendment, except that for the reduction of the members' pay.

Mr. REED, of Massachusetts, expressed his gratification at witnessing a disposition to correct the errors of the existing system of apportioning the salaries of our revenue officers, especially the collectors. When those salaries had been first fixed, some equality might have prevailed; but such entire changes had since taken place, that nothing could now be more unequal. Almost all the importations took place in a few of our great cities; more than half of them in New York alone. The collectors' salaries in these cities were large. The salaries of those in other places were comparatively small, and yet it was precisely in these latter districts that the chief danger of smuggling existed. Suitable men could never be obtained for such stations, unless the compensation should be raised. Mr. R. agreed with the gentleman from New Jersey, [Mr. Parker,] that something ought to be done; but that gentleman considered the present bill as the wrong place to do a good thing. If he would show him the right place, he would thank him very much. He had been for five years constantly looking for a good place to do a good thing, but he had never yet been able to find it. Supposing a member of the House not to be a member of the Committee of Ways and Means, how was he to get at any object of reform he had in view? He might, perhaps, get leave to offer a resolution. It was referred to the Committee of Ways and Means, but it might as well be sent to the dome of the Capitol. It would never be heard of again. He thanked the gentleman from New York [Mr. Cambreleng] for his aid in getting up a committee; but supposing such a committee to be appointed, and supposing them to discover that the salary of an officer in a particular place was too small, the moment they brought in a proposition to increase it, up would start one gentleman with a rider for a similar officer in New York. If that succeeded, up would start another with a rider from Massachusetts; and thus they never could get along. The thing had been attempted, and found impracticable. Yet now gentlemen cried out that the number of officers was monstrous, and the sums paid them enormous; but as soon as a proposition was brought forward to reduce the salary, they cried out, Oh no! this is not the place. The Committee on Commerce had had this matter before them for five years; yet what had they done? The Secretary of the Treasury had been changed so often, (indeed, during part of the time, they had had a new Secretary every month,) that nothing could be accomplished. The inquiry proposed could not be accomplished in three months. Gentlemen talked about raising a committee in the House. This had a pleasant sound; but what would it come to? The committee would issue circulars, and the returns would be received next fall; and then a new committee must be appointed. The thing could not be got at, unless they could get a Secretary of the Treasury to stay long enough in office to understand the matter. Till this was done, how great soever the evil might be, there was no remedy for it. Gentlemen talked about diminishing these salaries by a committee; but who was prepared to say how it was to be done? Mr. R. was not in possession of the requisite light. And he would now put to the chairman of the Committee of Ways and Means, as the appropriate organ, the inquiry, What was the reason, although the Secretary of the Treasury had been called upon five years ago, that no report or project of reform had yet been reported to the House? The inequality of salaries was a subject of serious complaint. Some, no doubt, ought to be increased, others to be diminished. He did not know how it was to be effected. The best mode seemed to be by the appointment of a committee; but how could they accomplish such a task in two months, or in six months? Two years would not be sufficient.

Mr. LOVE said he was sorry to be compelled to differ on this occasion from those with whom he was in the habit of acting in that House; but there were two reasons why he could not vote in favor of the amendment now under consideration. In the first place, he did not think this a proper mode of introducing a measure of this kind; and, in the second place, he was not convinced that the salaries now paid were too large. The country had formerly heard much on the subject of reform and retrenchment. Mr. L. had thought, at the time, that the cry was false and hypocritical; that it had been gotten up for the purpose of putting down one administration, and putting up another. Since it had effected the object in view, it had been permitted to sleep, and he was not for reviving it now. He had considered the movement as bad then; and it was no better now. If gentlemen wanted good officers, they must pay them well; if there were too many of them, reduce the number. He wanted no custom-house officers who could "shut one eye," as had very expressively been said; and the best way to keep both eyes open was to give them a sufficient salary. He trusted the time was approaching, when the bad would be put out of public employment. On the subject of reduction of salaries, they had had some experience in Kentucky. They had reduced, at a certain period, the salaries of their judges to one thousand dollars, and they had never ceased to feel the consequences to this day. The office had fallen into incompetent hands. Such must be the inevitable result. It was only holding out inducements to men to plunder the treasury. When a plan should be introduced in the proper manner, if it should appear, on investigation, that the salaries were too large, or the number of officers too great, Mr. L. would vote to reduce them. He could not agree with the gentleman from New Jersey, [Mr. PARKER,] in going for a reduction of the pay of members of Congress. The people would never view such a movement as made for any other object but popular effect. But he could tell gentlemen that whoever sought to obtain popularity by such a course would find themselves mistaken. The people did not wish the pay reduced. The immediate effect would be to banish from Congress all persons who, like himself, were too poor to afford to come there on their own resources. He believed he might very truly say that he loved his country; but he really was not quite so patriotic as to be willing to ruin himself for the sake of voting or speaking in that House.

Much had been said about the overgrown compensation paid to clerks in this city; but let gentlemen look into their actual condition, and they would find that they were most of them starving. They could but barely live on what they received. If gentlemen thought they did not perform enough of labor for their money, compel them to work more hours in a day, but do not take the bread from their families.

The reform that was needed was not a reduction of salaries, but the putting of honest and competent men into office. He trusted the time was coming when this would be the case, if it were not so now. It was just and proper that the salaries should be better equalized; but he would not, for the sake of popularity, follow a bad example, and adopt a course which had been adopted with the purpose of putting down as good and faithful an administration as had ever been intrusted with the affairs of this country. It was really a curious thing that one administration should be put down for furnishing the east room, which they had not furnished; and another put up for furnishing it in a style of oriental magnificence.

[Mr. CHILTON here inquired whether the remarks of his colleague were intended as glancing at the part he had taken on the subject of retrenchment?

Mr. LOVE disclaimed the least reference to that gentleman. He was well aware that when his colleague had introduced the famous retrenchment resolutions, which had led to consequences which Mr. L. regretted as much as any man could, he had been actuated only by the most upright and honest intentions; yet it had unfortunately resulted in a great imposition upon the public, and led to results which he must ever regret.]

Mr. CHILTON said. Instead of any thing like retrenchment having been effected, he had seen the Government verging fast towards increased extravagance. It could not but produce deep astonishment in any one who had witnessed the course pursued but a short time since, to see the same gentlemen who had been foremost at that period, in crying down the administration for its expenses, now steadfastly resisting every motion to reduce the public expenditure.

He hoped in God the time was not far distant when the country would awake, and see, and hear, and reflect; when it would be vain to practise any longer on the supposed credulity of the people. Mr. C. said he had been raised in the Western country, a region where human labor was well rewarded, but it would be vain to attempt to persuade the people of that region that any of the officers in question could fairly earn more than $3,000 a year. If the Government did not return to some principles of economy, the country must be ruined. When its means were reduced, how could it keep up its expenditures? It was in this respect like a private family. When a man's income was diminished, so must his expenses be, or he would in the end prove a bankrupt.

Mr. FILLMORE said that, having voted thus far in favor of the amendment, he wished to give the reasons which had influenced his vote. It was his belief that the salaries at present paid by this Government were too high. He did not possess knowledge enough to enable him to judge with accuracy, but it was apparent to him that the course of the Government had been such as must raise the value of money, and depreciate in proportion that of all other things. This, indeed, seemed to be conceded on all hands; and if the fact were so, and the community were suffering by the act of the Government, he deemed it no more than right and just that the legislators themselves, and all public officers, from the President down, should in this respect be put upon an equality with the people. If the same amount of money would now purchase more of all the necessaries and comforts of life than it would formerly, then the salaries, though reduced in amount, would be still in effect the same. It had been said that this was not the proper time or place to introduce such a reduction. Most of the gentlemen who had spoken professed themselves to be in favor of the measure at some other time, and under other circumstances, but not just now. Mr. F. was ready to grant that a bill of supplies was not the most appropriate bill in which to introduce this reduction of salaries; but, according to the opinion which had been advanced by the chairman of the Committee of Ways and Means, such a bill was a fit place both for raising and diminishing the annual allowance of persons employed by the Government; for he observed, that in the fortieth line of this bill there was an item for an additional watchman at one of the Departments, and for an increased compensation to watchmen now employed. If an appropriation bill was a fit place to increase salaries, it was equally a fit place to diminish them. It might be said that these were only individual cases, and not a general provision; yet, if the principle was sound, it applied equally to all cases of the kind. But there was a still stronger reason why the reduction should be introduced now. It would be improper to appropriate the amount of money proposed by this bill, if in fact it was not to be received. If the salaries were to be reduced at all, it ought to be known, and the rate ascertained before the bill was passed. In fixing the rate of compensation for persons in the employ of the General Government, it might be well for Congress to look a little about them, at what was allowed to those under the State Governments. He was best acquainted with the salaries of his own State, (New York,) and he would for a moment compare some of the amounts allowed to the Federal officers with those which were paid there. The four heads of Departments under this Government received an annual salary of $6,000 each, while the Governor of his State, which had not inappropriately been denominated the Empire State, received but $4,000. Here the Government paid many of their clerks a salary of $1,600, and some of its commissioners received $2,000 and $3,000. Now, the judges of the supreme court of New York, who were not only to decide in all causes of common law, but who occupied seats in the court of errors, which was the court of highest and last resort in that State, and whose duties occupied them continually throughout the whole year, received but $2,000, and no perquisites of any sort. This had been the case for more than twelve years; and yet, with no higher salary, these stations had commanded the best talents of the State. There was but one court of chancery for that whole State, the most commercial State in the Union, and yet the chancellor received but $2,000, and the place was sought by the most talented men of the profession. Was it not grossly unjust that the same amount should be allowed by this Government to a mere copyist, a scrivener, whose occupation required neither learning nor talents? Mr. F. would not say but that the salaries in New York were too low. It had been proposed to augment some of them by adding $500, but not more. Admitting they were too low, it must still be acknowledged that the salaries under this Government were too high. Mr. F. was in favor of the amendment, for another reason. Some gentlemen spoke of raising a committee to graduate the salaries generally; but let him tell those gentlemen, from his small experience, that if they wanted to see who were receiving too much, and who too little, the most effectual plan would be to reduce the whole, and that would bring before the House speedy applications from those who could make out a good case. But as long as Congress should pursue a course which made it the interest of all office-holders not to expose each other, lest their own compensation should be reduced, nothing in the way of reduction would ever be effected.

Mr. McKINLEY was opposed to the amendment. Proceeding at the present rate, the House would never get through the bill. Even supposing the friends of the amendment could succeed in having it adopted, they would not effect the object they had in view. It would have no effect in reducing the salaries, because they were fixed by law, and such a clause would not repeal the law; the only effect would be, that the House would appropriate only a portion of the salary of these officers; that would be the legal effect of the amendment. But admitting that it could be done, it was against the doctrine that the gentlemen themselves had advocated. They had strenuously maintained that an appropriation bill was no proper place to create offices; and, if so, it was no proper place to destroy them. Yet, if a salary was increased by this bill, the officer would be entitled to receive the increased amount; while, if his salary was diminished in this bill, he could still claim it under another. But if gentlemen really wished to relieve the country, let them begin at the root, and diminish the taxes. If they will bring forward such a measure, Mr. McK. would vote for it at once. Unless this was done, the burdens of the country would not be diminished; for the whole amount that might be retrenched from salaries would only go to works of internal improvement, or some such purpose. The people would not be at all relieved. Let them at once bring down the revenue, and make an honest Government. If what was constantly alleged was true, that the suffering of the country arose from a deranged currency, it was not retrenching salaries that would reach the evil. Besides, if that was the cause of distress, did not all suffer alike? Were not office-holders obliged to pay as much as other people? Which of the boarding-houses had lowered their prices? Which of the market people had diminished their demands? And if these things continued the same, as they notoriously did, how could the clerks live on less than they now received? But, if Mr. Mc K. had rightly understood the remarks of some of the gentlemen who advocated the amendment, it was brought forward as a measure of punishment. The object was, to punish those who had brought the country into its present condition. But what agency had the poor clerks in producing the evils of which such loud complaints were made? The item now before the committee had particular respect to the custom-house officers, and much had been said about those officers in New York. Had they deranged the currency? Had they removed the deposites?

The individual who was the great object of abuse could not be touched by this reform. The grand author and prime mover of the whole concern was left to escape, while gentlemen inflicted the severity of their punishment upon the innocent. Was this just? But what was the measure now proposed? It was an attempt at that very thing which was now abused in all quarters, and ridiculed on all sides; it was retrenchment and reform. That plan had been effectually tried four or five years since. It had been got up for political effect. Mr. McK. thanked God that he had not any thing to do with it, and it had proved all in vain. When the party who had proposed it got into power, they found that the Government could only be administered pretty much as it had been before. Yet now the same thing was proposed. What inference could be made, but that now, as before, it was brought forward for political effect. Could the object be delayed? After so many months, had not gentlemen had enough of delay? He should think that this was the last of all subjects on which to make a political stand. It was not, to be sure, for him to judge for gentlemen on the other side, but he should suppose they would choose some other theme. He trusted that the bill would be allowed to come into the House; and, so far as he was concerned, he could promise gentlemen that they should have a full opportunity to record the yeas and nays. He was prepared to record his name, and anxious to see the names of others. If a negative vote on this amendment was to condemn him, then he should be condemned. As to the chairman of the Committee of Ways and Means being called upon to give a pledge that the previous question should not be called, it was what that gentleman, nor any other, had a right to do. He would suffer no man to give pledges for him. He was a free and independent representative. His constituents should govern his vote, and no one else.

Mr. EVERETT, of Vermont, said that he had regretted very much to hear one of the remarks of the gentleman from Alabama. The gentleman had talked about time being wasted. Now, if there was any one subject on which time could not be wasted, this certainly was that subject. The gentleman had spoken strongly on the subject of again introducing retrenchment and reform; but his language on that subject had not affected Mr. E. He was perfectly aware, from the disgrace which had covered the pretensions so loudly advanced on that subject, that no man could now rise to advocate it without subjecting his motives to injurious imputations. He knew that every one that did so must feel himself to be in bad company; but the dread of such a reproach should not deter him from doing his duty. He should vote for this amendment, not as any matter of pledge or promise, but for the sake of what the measure itself would accomplish. As to any desire to inflict punishment, if there was any punishment in the matter, it would be inflicted equally on friends and foes. There were two grounds on which Mr. E. should advocate the measure. In adopting this amendment, they would not, in effect, be reducing salaries at all. He did not say that the salaries received before the present state of things took place were too high, but a change, and a very great and material change, had been produced in the value of all commodities; and if the salaries should be reduced in pecuniary amount, they would still remain at the same value as before. As to the exact ratio in which they should be altered, he would not undertake to say. Whether it was exactly 25 per cent.

he could not pretend to determine; but, whatever rate might be fixed upon, the principle was certainly fair and equitable. It did not touch the question whether the salaries were too great or too small. Whether small or large, they would all be affected in the same proportion.

But gentlemen objected to the manner of introducing the measure; and Mr. E. was free to admit that no Committee of Ways and Means, having on their side a majority of the votes of the House, ought to have reported in an appropriation bill a reduction like that now proposed. But what could a minority do? They must either resolve to make no attempt at reform, and consent to let things take their course unresisted, or they must avail themselves of such opportunities as occurred. This was the fifth month in the fifth year that this administration had been in power, and so far from reducing the expenses of Government, they had largely increased them. The minority could not reduce them; if they brought in a proposition to that effect, it went to a hostile committee, and there it was buried.

The gentleman from Alabama [Mr. McKinley] had thought that this was not beginning at the right end. The gentleman had admonished them to begin with a repeal of the taxes, and he would go with them in such a measure. But he rather thought the gentleman would have to ask the House to go with him, if such was his plan, for there was very little danger, indeed, of the Government receiving too much money. Instead of diminishing the revenue, the Committee of Ways and Means would have to call upon the House for additional taxes. The revenue was rapidly diminishing; and that was the proper time to retrench the expenses of Government.

Mr. GALBRAITH thought that the adoption of such a plan as was now proposed would reduce the whole subject of salaries to utter confusion, because the compensation of different officers was differently paid; some received a per centage at one rate, others at another, and others again received a fixed sum. By introducing a sweeping clause like that now proposed, nothing but confusion would ensue. [Mr. G. here went into some statistical calculations on the subject of postmasters' salaries, which, as the reporter could not comprehend, he will not undertake to give. But the gentleman seemed to admit the incongruity of introducing a measure of this kind into an appropriation bill, and defended it only on the ground of necessity.] They were obliged to introduce it here, because it would be adopted nowhere else. But what authority had they to say this? Did they mean to impugn the motives of the majority? He trusted not. If, as had been alleged, the salaries were unequal, and required to be equalized, he would go for the appointment of a select committee, or would refer the subject to any of the standing committees of the House. He was well assured none of them would refuse the investigation. But it had been said, as an excuse for the reduction, that the prices of the necessaries of life had been reduced, and, therefore, the salaries ought to be reduced in the same proportion. Mr. G. denied that it was a fact. When he came to this District last fall, flour was seven dollars a barrel, and it was still seven dollars a barrel. When he left home, wheat was at the same price it held now; there was no permanent change in the prices of produce; he knew nothing of any. He was ready to vote for a committee of investigation, but he would not consent to any reduction on the alleged ground that the value of all property had been diminished by the action of Government.

Mr. HARDIN said that, as he intended to vote against this amendment throughout, even when the much-dreaded yeas and nays were held up in prospect, he asked the liberty of explaining the reasons of his vote. He could not agree with the gentleman from Alabama, that, if the amendment were adopted, it would have no effect but to pay the salaries in part; but, if it were so, what could be easier than to add a couple of lines, declaring that all laws contravening the provisions of the bill should be repealed? But the gentleman knew very well that even this would not be necessary, because, when any two laws, passed at different times, were directly incompatible with each other, the law last passed was always held to be an abrogation of the former law. The gentleman shook his head, but he would find it to be so.

[Mr. McKinley here explained, and said that the gentleman's position applied only to laws which were, in the strictest sense, upon the same identical subject.]

Mr. Hardin resumed, and admitted this to be true, but still insisted that when a particular law fixed an officer's salary at $4,000, and a general law, on a subsequent date, declared that that same officer's salary should be $3,000, he presumed that it must be admitted that the two laws were on the same subject, and that last passed was to be held as the last will and testament of the Legislature. But this difficulty could easily be obviated by the clause he had indicated. This was not Mr. H.'s difficulty. His objection lay to introducing a measure of this kind into the appropriation bill. He had opposed the allowance to Surgeon Beaumont, in part upon this ground; and he had in like manner opposed the salary for an additional clerk in the State Department; and he should always prevent any provision from going into an appropriation bill, which could better be inserted in a bill by itself. The friends of the administration charged its opponents with inconsistency, with opposing the $1,400 salary for an additional clerk because it was in an appropriation bill, and yet introducing in the same bill an amendment like this. But if they were inconsistent, where did the honorable chairman of the Committee of Ways and Means stand? He was in precisely the same predicament; for he had voted for the clerk and against the amendment: but seeing the honorable gentleman had taken that ground, there were several other items in the bill which he hoped for his aid in striking out on the same principle. He believed some salaries ought to be reduced, and others perhaps to be increased. He was not now prepared to say which; but this he would say, that salaries ought not to be made to fluctuate with every fluctuation of the currency. The value of money might decrease 10 per cent. in one year, and increase as much in the year following. Salaries ought to be graduated upon a just average of a number of years in succession.

Mr. H. said that he had felt strongly one argument advanced by the gentleman from Ohio, [Mr. Vance.] That gentleman and himself, with many more, were so situated in that House that they could not do any thing. The committees were so organized that, although they stood to their opponents about in the proportion of one hundred and twelve out of two hundred and forty, they had in the committees seldom more than two out of nine; in some cases three, and in some cases only one. He would not pretend to conjecture the reasons which had governed the presiding officer in such an arrangement. He presumed it must be owing to their incompetency for public business. Certainly the fact was a very strange one, on any other supposition. And if that was the ground on which it happened, he trusted that their talents would burst forth upon the nation in such a blaze that this state of things could not again occur.

As to the plan of the gentleman from Alabama [Mr. McKinley] to release the people from the burden of an excessive revenue, he thought the gentleman might rest perfectly easy on that score, when to the $1,400,000 of unavailable funds, which had been brought into the treasury by the bank experiment, when made the last time, should be added the $50,000 likely to be lost by the failure of banks in this District, and the $500,000 more which, before next fall, would be added to this glorious unavailable fund, or ineffective fund, (he believed that was the word,) from the effects of taking the public money from a place where it was safe, and putting it where every body knew it was not safe; and when, in addition to all this, should be yet further added the thirty or forty millions which would be deducted from the imports, by the mere stagnation of commerce and business throughout the country, he rather thought the gentleman and his friends would be spared the trouble of any laborious efforts to reduce the revenue. Mr. H. concluded with expressing his concurrence in the idea, that the best plan of reduction would be, to reduce the number of officers, rather than to diminish their income.

Mr. **VANDERPOEL** remarked that his colleague [Mr. Fillmore] had urged his support of this proposition on the ground that a reduction had taken place in all the expenses of living. But was it true that any such reduction had taken place? was it true that money had lately so much increased in value, and every article of comfort or luxury depreciated in the same proportion? Had his colleague's landlady become conscience-smitten, so as to reduce his price of board below ten or twelve dollars per week, or whatever it was, according to his original contract with her? If he, from the considerations he here urges, should feel disposed ultimately to exact from her an abatement of her price, I would, in justice to her, advise him to accompany her to market on one of these calm and delightful summer mornings, (and if she is pretty, I am sure, from my colleague's known gallantry, it will give him great pleasure to do so,) and see her pay from four to six York shillings a pair for chickens, and from three to four shillings per pound for butter, and for every other article in the same proportion; and then let him determine whether a dollar will go so much further now, than it would before the panic-makers commenced their mischievous business. He would further refer to the prices current in the late New York papers for proof that the prices of many products had not fallen; and he would particularly refer him to an extract from a paper so orthodox now, in the estimation of his colleague, that he would not, he was sure, dispute its accuracy as to matters of this sort—he referred to the New York Courier and Enquirer, as containing abundant evidence that stocks and produce, of almost every description, had lately very much advanced in prices. There was no evidence of the fact that a dollar would command much more now than it would six months ago. For his part, he (Mr. V.) had had but sorry evidence or experience of this alleged diminution of prices. On his way to this city last fall he gave $5 for a hat; now he had the good luck to pay $6 for the same kind of article. Let the gentleman go to his tailor, and see whether his prices are reduced. In the little intercourse which he (Mr. V.) had lately had with the craft, he had not found that they were more merciful now than formerly. If he might be permitted to use an expression which the newspapers had often represented him as being very partial to, he would say that this cry about the reduction of prices in the articles of living was all "a humbug."

His colleague had drawn a portion of his argument from New York. Two thousand dollars, he said, was the salary of a judge in that State, and that, he thought, was enough, in all conscience; but the gentleman had remembered to forget to state how much the judges received under the old constitution, in the days of our Kents, our Thompsons, and our Spencers. Judicial salaries were then sometimes as high as $4,500; but a reform took place, and the old judges were removed by the new constitution. Eight circuit judges were appointed, with salaries of only $1,250 a year. The chancellor and judges of the supreme court received but $2,000. Respectable and competent men, to be sure, took these offices; but it was with the expectation, at that time generally entertained, that the Legislature of New York would very soon increase this very inadequate, he would almost say petit larceny, compensation. The Senate, year after year, with a promptness that did them great honor, had passed a bill to increase these judicial salaries, but it always failed in the lower House; and, sometimes, gentlemen had been magnanimous enough to vote against it, on the ground that one of the judges of the supreme court, and one of the circuit judges, had been members of the convention, and had advocated the clause in the constitution of that State, restricting the compensation of members of the Legislature to $3 per day! His colleague (with whom Mr. V. was proud to say he had acted in the Legislature of his native State,) and the party to which his honorable colleague belonged, had uniformly opposed the increase of judicial salaries, and generally based their opposition upon the broad ground of principle, which was found in the unfortunate speeches of the aforesaid judges. Mr. V. did not mean to question the disinterestedness or patriotism of such opposition. The result of this policy had been injurious to the interests of that great State which he had the honor, in part, to represent. Its chancellor had been driven by it from the capital, where he ought to reside, into the country, where he is now to be sought for by those who had business with him, at great expense and loss of time. Be assured, Mr. Chairman, that our judicial salaries are now not the boast of New York. As evidence that these salaries were generally regarded as inadequate by most of the reflecting men of that State, he need only mention the fact, that, within the last six years, a court of common pleas had been created by law for the city of New York, with three judges, who, with the perquisites allowed them, received over $3,000 a year. It was in no spirit of pride that he mentioned this gross inconsistency.

But the ethics of his colleague appeared to him (Mr. V.) at least dubious. He says that some salaries are not too high, but that others are; that we shall never secure the necessary information as to those which are too large, till we make one sweeping and indiscriminate reduction; that then, and not till then, the secret will be let out. Sir, is this just, is it moral? It is proposed to do injustice to the meritorious, in order to ferret out those who receive too much! This, sir, is like punishing the innocent, in order to detect the guilty, and comports well with the principles and policy of those gentlemen who would refuse to give a reasonable compensation to other officers of the Government, merely because the constitution had prohibited them from increasing their own pay. It strikes me, indeed, sir, that the argument drawn from New York is an unfortunate one for the gentleman; and that the one based upon the alleged reduction of prices is equally unavailable, because it is not supported by fact.

Mr. **HARPER** rose and said: Mr. Speaker, in some remarks made by me a few days since, I then said, and now repeat, that it is not my wish that any person, whether employed by the public or otherwise, should not receive a fair compensation for the services rendered. Many of those who are employed in connexion with our customs are not more than paid for their services. The inspectors receive $3 per day. They are the officers in whom the greatest trust is necessarily reposed. As soon as a vessel arrives, she is placed under the charge of one of those officers. The keys are put into his possession, and his duty requires him to permit nothing to be taken from the vessel without first being examined by him; to lock the vessel up when he leaves her, and to attend in the morning in time to open the vessel for the people to go to work. The whole of the unloading of goods, and reloading, when entitled to debenture, is done under the inspection of one of those officers. It must, therefore, be obvious to the most superficial observer, that these are the only officers under whose connivance smuggling, or any other frauds on the revenue, can be practised. Now, sir, I consider these men's compensation to be sufficiently low: first, because their situations ought not to be filled by men of doubtful character; and, secondly, they should, to a certain extent, be placed above temptation.

But, sir, with respect to those who receive the greatest compensation: their duties are not so laborious, because the law allows them to appoint deputies, who perform all the duties of the principal, whenever they are necessarily absent. Indeed, as far as my knowledge goes, the deputy at all times performs most of the duties, while the principal enjoys himself in any way in which his inclination may lead him.

Now, sir, where there is no extraordinary risk, permit me to ask, is not from 2 to $3,000 per annum, a fair compensation for any personal services that can be rendered by a collector, naval officer, surveyor, weigher, gauger, or marker, when we know that the least of these sums is sufficient to command talents of the first order for other stations.

But, sir, large salaries are urged, in order to secure integrity as well as talents. Sir, the man that will not be honest on 3,000 dollars a year, you cannot make honest by giving him four thousand. Besides, as I before remarked, these officers are not in a situation to practise any fraud on the revenue, unless it be with the connivance of the inspector; an "experiment" which it would be dangerous for them to make, even if they had the disposition.

The gentleman from New York [Mr. Gillet] says this is the wrong time and place to curtail or reduce the salaries. Sir, the rule is a bad one that won't work both ways. I find that, appended to the appropriation bill of last year, is the following section. [Here Mr. H. read a section which was added to the appropriation bill of last year, and then went on.]

Sir, by adopting the amendment, it will probably lead to a discharge of some of the supernumeraries now about the custom-houses. It will be found, on examination, that they have increased out of all proportion with the business within a few years, and by this means an army of office-holders are kept in pay, many of them, it would seem, to do the will of the Executive.

Sir, there is one species of officers about the custom-houses which are entirely unnecessary—I mean the measurers. These officers attend to witness the measuring of coal, salt, &c. and are paid a per centage on the article. I find, on reference to the Blue Book, that there was paid in the city of New York last year to these officers 18,462 dollars, and in the whole United States upwards of $55,000; yet, sir, I pronounce these officers to be entirely superfluous. It is well known that, as soon as a vessel arrives, she is put in charge of an inspector of the customs, whose duty it is to attend until she is unloaded. During this time he is totally unemployed, save at the opening and closing of the vessel. He is a listless spectator, unless in the absence of the measurer, when he takes the place of that officer, and marks the article as it is measured. Now, sir, this duty he could perform throughout just as well as the measurer; and, as he is receiving three dollars per day whether he marks or not, the whole sum paid to the measurer might be saved to the community. I wish particularly to call the attention of the chairman of the committee [Mr. Clayton] lately appointed on retrenchment, to these officers. He will find they can be dispensed with, and the public suffer no evil, but gain by it to the amount I have stated.

Thus, sir, by an amendment appended to the appropriation bill of last year, we find it was thought to be the proper place to increase the salaries; why, then, is not an amendment to this bill a proper place to reduce them? By the amendment which I have just read, the salaries of some of the officers were doubled, not because they rendered more service, but because they rendered less, I presume.

It is well known to the House, that, by the law of the 14th of July, 1832, very many articles which before that time paid a duty, were by that act rendered duty free. It was, therefore, no longer necessary to weigh, mark, or otherwise perform the duties, in reference to such goods which had previously been required of the officers connected with the customs. But by the amendment to the appropriation bill of last year, they were authorized to receive, and did receive, the same fees as though the labor formerly required had really been performed. Thus the United States were literally taxed to the amount of thousands, perhaps on the whole, some hundred thousands of dollars, for services never performed. And yet, sir, I do not believe that there was one man out of every twenty in this House who knew the effect that the amendment referred to was calculated to produce. I have talked with several of the old members on the subject, and, so far from knowing the effect of the amendment, they were not aware of the existence of such a law.

But, sir, the gentleman from New Jersey [Mr. Parker] says that the collector of New York receives but one-eighth of one per cent. on the moneys he collects, and, as the situation is onerous and highly responsible, his salary ought not to be reduced. Why, Mr. Speaker, the collector, although he is so called, gives himself but little trouble about collecting. We find that, among the clerks employed by him, there are three whose duty it is to attend to the bonds, as they are called bond clerks. These bonds are deposited in bank for collection, and, if they are not paid at maturity, they are handed to the United States district attorney, whose duty it is to attend to the recovery of them. There is no extraordinary expense, that I am aware of, attached to any of those situations, and I think 3,000 dollars is sufficient to enable a prudent family to live respectably: they require no more.

But it may be supposed that there is some extraordinary expense connected with or attached to some of these offices; I believe it will be found to be otherwise. By a document which I have not now at hand, but which was laid on our tables in the early part of the session, I recollect that the naval officer of the city which I have the honor in part to represent, received over 5,700 dollars; I cannot exactly recollect the amount, but I was rather forcibly struck with the fact, that there was one odd cent in the receipts, and that the expenses of his office, clerk hire, office rent, fuel, stationary, and other incidental expenses, just absorbed the whole sum, including the odd cent. This, no doubt, was all right, sir. I mention the fact to show that these incidental expenses are all paid by the United States.

It is of no consequence what the per centage is. If one-twentieth per centum would yield 10,000 dollars, is that any reason that the collector should receive that sum annually. It is not what the per centage yields, but what the officer's services are worth, that should govern us here.

I regret, Mr. Speaker, to have detained the House so long. But believing that some of the facts I have stated were not known to the members generally, I hope that will be considered a sufficient apology. I hope, sir, the amendment will prevail.

Mr. FILLMORE rose to reply, and said, in substance, that he had not intended to trouble the committee with any further remarks; but he believed he had been misunderstood by some gentlemen in what he did say. This was probably not owing to any want of attention on their part, but to the fact that he had spoken without preparation, and under that embarrassment that he unavoidably felt in that place.

The honorable gentleman from Alabama [Mr. McKinley] seemed to think that it would be a violation of the public faith to those persons now in office to reduce their salaries. This, he confessed, was novel doctrine to him. He had supposed that the salary of every officer, except that of the President and those of the judiciary, were entirely under the control of the legislative authority. The very fact that the constitution had declared that you should not reduce the salaries of the President and those of the judges, during their continuance in office, left the strongest possible implication to his mind, that the salaries of all other officers were under the entire control of Congress. This was the first time that he had ever heard that doctrine seriously controverted. What would be the consequence of the doctrine contended for by that honrable gentleman? Why, that one Congress after another may go on, from time to time, increasing the salaries of your officers to any amount, and it would be out of the power of any subsequent Legislature to reduce them, unless they should chance to be in session, and the office should happen to be vacant at the same time. These two fortuitous circumstances might not occur simultaneously in many years: the consequence of which would be, that the mistake, or even corruptions of one Congress could not be corrected in many years, if ever. He thought the honorable gentleman must be mistaken, and that there could be no doubt that they possessed the right, without any violation of faith, to reduce these salaries at any time.

But sir, he said, he had been charged by that honorable gentleman with saying that his object in reducing these salaries was to relieve the people from burdens which the present state of affairs rendered them ill able to bear; and the honorable gentleman says, if relief to the people is intended, it should be afforded by reducing taxation, not by reducing the salaries of officers. He had taken a very different view of that subject. He had supposed that, in order to give actual and permanent relief to the people, it was necessary so reduce the expenditure of their money. Cut down the expenses of your Government so as not to require so much to be raised by taxation, and then you can reduce your taxes; but if you reduce your income without retrenching your expenses, you will only gain temporary relief by running in debt. But, sir, the gentleman seems to have imbibed an impression that it was necessary to expend all the money you raise in paying the salaries of officers. He (Mr. F.) admitted no such necessity. He could see no reason why the whole revenue of the nation should be lavished upon its officers. He thought they ought to be allowed a fair compensation for their services, and then, if there was any surplus funds, they could be well and advantageously applied in the improvement of harbors, and in the construction of roads and canals, and other public works in which the people have a direct and deep interest.

The honorable gentleman has also said that, if the currency be deranged, the office-holders suffer equally with the people. This, Mr. F. said, he denied. The derangement of the currency was of that nature that it had a direct tendency to injure the people and benefit the office-holder, who received a fixed compensation in cash for his services. What was the derangement complained of? Why, it was this: the action of the Government has been such as to decrease greatly the amount of the circulating medium, by which the value of all property is measured. The consequence of this is, that money, in consequence of its scarcity, has greatly increased in value, as compared with the ordinary products of the country. Or, which is the same thing, the property of the country has greatly decreased in value, when that value is to be estimated in money. He said he had not the means of telling precisely what this increase in the value of money, and corresponding decrease in the value of other property, was. He had reason to believe, however, that it was one-fourth or more. He believed, from the best information which he could obtain, that $100 would buy as much wheat now as $125 would six months since, and probably more. If this be so, and other property has fallen in the same ratio, then a salary of $100 is as good now as one of $125 was six months since; and, so far from the officers having suffered equally with the people, they were direct gainers by it. While the products of the farmer and mechanic had been reduced one-fourth in their money value, while the wages of the day laborer have been reduced from one dollar to seventy-five cents per day, all the salaries of all your officers have been, for all practical purposes, increased in the same ratio. And yet, shall we be told that the officers suffer equally with the people? His constituents, he said, were too intelligent to be deceived for a moment by such an assertion. They felt too sensibly the embarrassments under which they were laboring.

But, (said Mr. F.) another honorable gentleman from Pennsylvania [Mr. Galbraith] has said, that the reduction of salaries in this way would be impracticable, and lead to great confusion; that officers could not tell what they were entitled to when their salaries or compensation was reduced 25 per cent. Mr. F. said this was to him a most singular objection. It had struck him with no little surprise. What were the facts?

Why, your officers are paid either by fees or salaries. You pass a law declaring that in all cases hereafter they shall receive but three-fourths of what they were heretofore entitled, by law, to receive. Knowing what they were entitled to receive before this law was passed, how will they ascertain what they are hereafter to receive? He said he supposed there were few of those officers who did not understand the fundamental rules of arithmetic. If so, they had only to divide the amount they were heretofore entitled to receive by 4, and substract that quotient from the original sum, and the difference would be the compensation allowed by this amendment. Were the proposition to increase these salaries and fees one-fourth, he thought they would have no difficulty in finding out how much the law had permitted them to add; and the arithmetical process was equally easy, though the inclination might vary, to ascertain how much the law had compelled them to substract.

But he said he had been told by his honorable colleague, [Mr. Vanderpoel,] that he was altogether mistaken in his facts, and that there was no such depreciation in the value of property, and relative increase in the value of money, as he had supposed. That the whole assumption, in the peculiar classic language of the honorable gentleman, was "all a humbug." Mr. F. said he might be mistaken, but he thought not. It was but a short time since, that certain honorable gentlemen said that the great embarrassment and distress that prevailed in the country was "all a humbug." Many of those gentlemen had since been compelled to hold a different language. Now the honorable gentleman says that the scarcity of money and the depreciation in the value of property is "all a humbug." Mr. F. said that wheat was the staple product of that part of the State of New York where he resided. He had understood that the farmers, who heretofore had been in the habit of receiving about one dollar per bushel, had, within a few months, found it difficult to obtain cash for it at sixty-three cents per bushel. If so, the depreciation in its value was more than thirty-three per cent. And shall they be told, when suffering in this way, that it is "all a humbug?" Shall their sufferings be mocked with language like this? However lightly the gentleman may be disposed to treat this matter, he could assure that honorable gentleman that the people who were groaning under these oppressions—the farmer, the laborer, and the mechanic—regarded them as "humbugs" of a most serious and afflicting nature.

Mr. F. said his honorable colleague had said he should not have spoken, had not he (Mr. F.) alluded to the State of New York. Yet (continued Mr. F.) the honorable gentleman had not contradicted a single statement which he (Mr. F.) made in relation to the salaries of the officers of that State. But he had said that the judges of the supreme court and chancellor accepted these offices under an expectation that their salaries were to be increased. He should like to know where the evidence was of any grounds for such an expectation? on what the expectation was founded? It was new to him. But one thing was very strange, and that was, if there were any grounds for such expectations, that they had not been realized. The party to which that honorable gentleman was now attached had long had a decided majority in the Legislature. They had had it in their power to meet these just expectations of the judges, if they thought best.

But the gentleman says, an increase of the judges' salaries has been opposed because one of them, when in the convention for framing the constitution of the State, advocated a low compensation to the members of the Legislature. This, Mr. F. said, might have an influence with some. Those who had the power to pass the law, and did not, could tell best what motives prevented. But he would like to know why or how that prevented the increase of the salaries of the circuit judges, who only received twelve hundred and fifty dollars per annum, with some perquisites? One of these offices was filled, and he believed ably filled, by a brother of the honorable gentleman. He should like to know why these able judicial officers of that State, who performed arduous and responsible duties, were permitted to receive this small compensation, when the party to which they and the honorable gentleman belonged had the entire ascendency in the legislative councils of the State, and yet pay a mere clerk in this place the sum of sixteen hundred dollars per year? Something was evidently wrong about this. He would not say that the salaries of the judges and circuit judges of the State of New York were or were not enough. He believed, however, that their most ardent friends had only proposed to raise them about five hundred dollars each. Even that increase has not been made, and they have stood as they now are for about thirteen years. And during that time, he believed, there had been no difficulty in commanding the best judicial talents in the State. Then, said he, is there not something grossly unjust in allowing these enormous salaries to the commissioners and clerks in the General Government? He saw no reason why the Government should not adopt the same rule in employing its servants that every man adopted in his own business; to pay that amount which would command the services of a person of competent talents, skill, integrity, and qualifications, to discharge the duties of the office, and no more. While you pay such large salaries to your officers of the Federal Government, and such low salaries to the officers of the State Governments, it is offering a bribe for every man of talents and enterprise to abandon the service of the State Governments, and obtain an office in the General Government. He thought the compensation for similar services ought to approximate nearer than what it did. He thought the salaries of the officers in the General Government too high. It would be difficult, he thought, to make a laboring man, who toils hard from sunrise to sunset for seventy-five cents, understand what justice there was in giving to one of your Secretaries almost seventeen dollars a day, or to a clerk, who labors only five or six hours, five dollars per day. But even if they were made to see and acknowledge the justice of this extraordinary difference, they must still think it extremely unjust to have the Government, by deranging the currency, reduce their small pittance one-fourth, and yet continue these large compensations to the public servants at their full amount. He did not see the injustice in this reduction of salaries, of which gentlemen complained. He thought it the highest act of justice. He believed members of Congress were paid less for their services and sacrifices than any other officers of the Federal Government, with but few exceptions. Yet he was willing, for one, to participate in the reduction. He would not ask another to do that which he would not do himself.

Though he felt that he was guiltless in producing the distress and embarrassments under which the people then labored, yet he was no more innocent than they were; and, without charging intentional wrong to any one, he could only say that, for himself, he was willing to participate with the community in the privations under which they suffered. He was willing to suffer a reduction of his compensation, in the same ratio that he asked the other officers of the Government to reduce theirs. And while he doubted, somewhat, the form or manner of making these reductions, he did not doubt the justice and duty of the act; and, believing that form should always yield to substance, and clear conviction of duty to that which was doubtful in manner, he should most cheerfully and cordially give his support to the amendment offered by the honorable gentleman from Ohio, [Mr. Vance.]

Mr. POLK implored the House not to occupy its time in debate. They had now reached the fourth day of discussion on this bill, and had gotten no further than the fourth clause. At this point they had been arrested by a proposition to reduce salaries which had been fixed by laws which still remained unrepealed. He appealed to the House to say whether the public interest did not require them to act. Such a bill as the present was usually passed in one or two days, after sufficient explanations had been demanded and given.

Mr. ALLAN, of Kentucky, rose and said: Mr. Chairman, the course which several gentlemen have thought proper to take, on this occasion, is calculated to excite much surprise. The proposition submitted by the gentleman from Ohio [Mr. Vance] is certainly one of great importance; it proposes, in this time of general distress, to reduce the burdens of the people about twelve hundred thousand dollars per annum. At a time when the produce of the industry of the farmer and mechanic is reduced thirty per cent., the measure of my friend from Ohio proposes to bring the officers of the General Government into sympathy with the sufferings of the community, as was well expressed by the gentleman from Pennsylvania, [Mr. Binney.]

Sir, how is this benevolent proposition received, and how is it likely to be treated? The gentleman from Tennessee, [Mr. Polk,] the chairman of the Committee of Ways and Means, and the organ of the administration in this House, rises in his place and says, if the gentleman from Ohio is in earnest, he hopes the vote will be taken without debate! Why stifle debate? Why are not gentlemen to be permitted to express their opinions on this great measure of reform? Why is the country to be kept ignorant of the opinions of the members on this particular subject?

It is said that the appropriation bill must not be delayed. Indeed! have we come to this?—is there to be no delay upon an appropriation bill? I suppose, sir, that when the supply bill for the army of public officers is before us, our lips are to be sealed, and we are to march to the vote at the word of command. Sir, the supply bill presents a suitable occasion for the consideration and discussion of all invasions of the popular rights by the Executive. It is upon the supply bill that English liberty has ever made its stand. It is the engine by which the English Commons compel the King to respect the rights of the people. For one, I will not consent to let this question fall by an unrecorded vote. I will inform the gentleman from Tennessee that I am in earnest, and intend to go for the whole proposition. But how does this gentleman, and those with whom he acts, stand in regard to the subject of reform? How did they obtain their present elevation? What were their promises to the country? During the last administration they solemnly told us that there was in the expenditures of public money a wasteful and profuse extravagance; that there was an unnecessary number of federal officers; that the people, by placing them in power, might have these abuses reformed; that all useless officers should be dismissed, and all improper expenses reduced.

Well, sir, the people gave credit to their promises, pledges, and assurances, a thousand times made and renewed, and placed them in power; and now, when it is proposed to them to comply with those promises, the gentleman tells the House that the proposition does not deserve a moment's consideration, and suggests the propriety of casting it out by a silent vote. But if the gentleman was in such haste, why did he not agree to the offer of the gentleman from Ohio? The proposition distinctly was, that there should be no debate, if the majority of the House would permit the votes to be recorded, so that the people could see how their members acted. This proposition was not agreed to! It remains to be seen whether a majority will be found in this House who will refuse to have the yeas and nays taken, and will hide this proceeding in an unrecorded vote.

If gag law should be applied—if the previous question should prevail—this plan of retrenchment will be cut off and indirectly rejected. The only pretext for the previous question is to stop debate; but the present is a case where, if the gentlemen had agreed to record their votes, there would have been no debate. But it seems that a long debate is preferred to that detestable tell-tale—the yeas and nays!

As there is no pretext for the previous question, every one who votes for it will, of course, be regarded as opposing this amendment.

We are informed by the chairman of the Committee of Ways and Means that it has not been common to discuss appropriation bills. Yes, sir, the silent passage and unrecorded votes on your appropriation bills, for the last four years, accounts for the unprecedented increase of the expenses of the Government, during that short period, of eight millions of dollars. If these bills had been discussed, and voted on in the face of the country, there would not be such crowds with their arms up to the shoulder in the public crib. From what the gentleman from New York [Mr. Cambreleng] said, I was sure we should have his support on this occasion. He informed us that, in his opinion, the business in the public offices could be performed with half the number of clerks, and that two-thirds of them did not do their duty. But, to my surprise, the gentleman passed between the tellers in opposition to us. If he were satisfied of such abuses, and especially as the gentleman was a member of the celebrated retrenchment committee of 1828, how has it happened that he has permitted four years and a half to pass away without proposing that reform and retrenchment which the gentleman pressed so ardently upon the country in 1828? Being an old, experienced, and influential member, he could have carried, to such an undertaking, the best prospects of success. I regret to find another gentleman from New York [Mr. Beardsley] voting against this proposition, after the distinct admission that it contained many valuable provisions; but he opposes the whole proposition because it has not been proposed in proper *form*. Is it said that the country, in time of so great need, should be deprived of the substance of the gentleman's vote on account of mere *form?* And why has he permitted four years and a half to roll away, and never place his ardent desire for retrenchment and reform in a *form* that he could vote for it? As four and a half years have gone by, and the *forms* that lie in the way of retrenchment have not yet been adjusted, I very much fear that many years will pass away before the substance of the thing will be agreed to.

A gentleman from New York, to my left, [Mr. Mann,] has advanced a new argument, for the creation of additional offices and salaries, which, if sound, would occasion a boundless increase of both, and exhaust the Treasury, if it contained a hundred millions. Upon the proposition contained in this appropriation bill, to create an office with a salary of $1,400, the gentleman called in the aid of Dilworth, and arrived at the fact that this sum, equally divided among the members of this House, would be little over five dollars for the constituents of each to pay. The gentleman deemed opposition to this favorite little measure so unreasonable, that he became displeased with the whole Commonwealth of Massachusetts, and said several hard things of the inhabitants thereof, because a gentleman from that State [Mr. Lincoln] said a word against it.

It is well known that new offices and salaries are continually increasing, so gradually as not to strike public attention, by being proposed in detail, under artful pretexts of urgent need. Propositions of this sort never come in companies, so as to attract notice; they are shoved through, obscured by their individuality. If the reasoning of the gentleman, that the sum of $1,400 is too small for objection, is good to-day, it would be equally good on to-morrow, and the next day. Under cover of this argument, the treasury could be as certainly exhausted by the nibbling of minnows as by the bites of the executive whales.

In a country where the public money is held to be lawful prize, the argument of the gentleman from New York will reach the very bottom of the treasury.

The gentleman from Alabama [Mr. McKinley] is of opinion that, in this work of retrenchment, we should have lowered the taxes before we reduced the salaries. The gentleman need give himself no uneasiness about a surplus in the treasury. The amount of our imports, by the calculation of men of business, will be reduced thirty or forty per cent.; of course, there will be a corresponding reduction in the public income. But, sir, the diminished amount of revenue that will be received will, to a considerable extent, we wasted. It is now, and will continue to be, scattered and divided out among tottering banks that will be unable to account for it. We see the probable fate of the whole in the large amount of $100,000, which has been jeoparded by the explosion, in the last few days, of the four banks in sight of this Capitol.

Here Mr. POLK rose, and desired to be informed, by the gentleman from Kentucky, if he knew the amount of loss which the Government would sustain by the banks which had failed?.

Mr. ALLAN continued: Sir, how can I know the amount? How can any one obtain information? What does Congress know of the condition of the public treasure?

The gentleman and his friends seize the public money and hide it in places where Congress cannot go and examine it. When the keys are turned against us, he rises up here and asks me how I know how much of it is lost? When the right of inquiry and inspection is cut off, what have I, or what has any one, to rely on but rumor? But, sir, the gentleman need not be sensitive about what I have said. I will go further. Here in my place, and upon my responsibility, I charge that the public money of the United States is unsafe in the banks in which it is placed; and, upon being afforded a fair opportunity, I pledge myself to make it appear that the selected banks are unable to-day to honor the Government drafts for the amount they have on the deposite. What has happened here in the centre of the republic, in the last few days, is but the commencement of what may be every where anticipated at no distant day. The State bank movement by which this Government was formerly defrauded out of fifteen hundred thousand dollars, is about to be revived and acted over again; and, from present appearances, we shall be fortunate if we get out of the scrape with no heavier loss than was formerly sustained.

Mr. **POLK** said that he had been induced to ask the gentleman from Kentucky, who had made the unqualified assertion that the Government had lost $100,000 by the failure of banks in this District, for the authority on which he made this assertion; and now, it appeared, that he had no other foundation for the assertion than public rumor and his own conjectures. Conjectures from public rumor! A very solid foundation—but about as solid a one as there was for other statements put forth in the public journals. Mr. P. here declared, in his place, that no one of the deposite banks, selected by Government since the removal of the deposites from the Bank of the United States, had failed, or had suspended specie payments, as there was strong reason to believe certain other banks, both here and elsewhere, had done, without necessity. There had been a small deposite of public money in the Bank of Alexandria, but this had been secured; and besides, the Bank of Alexandria had not been selected by the treasury to receive the public moneys. What happened to be in that bank, was money collected at that port. It was deposited there, as had been the custom there for thirty or forty years. He mentioned this only to prevent erroneous impressions from going abroad into the country.

Mr. **BEARDSLEY** said that the character of a representative in that House was a matter of some consequence. The gentleman from Kentucky had said that, if he could be furnished with a committee of investigation, he would prove that one more of the selected banks was unable to meet the demands of the Treasury. Mr. B. knew of no such proof, and wanted to know from the gentleman whether he staked his character as a representative on mere common rumor? If not, he hoped the gentleman would state the information on which he relied. Mr. B. desired it for himself, and he was sure it would be acceptable to the House?

Mr. **HARDIN** said that he had heard it said before, that he now heard it repeated by the chairman of the Committee of Ways and Means, and had seen a hint in the Globe to the same effect, that the banks in the District had failed purposely and from design, because some of their directors were indebted to the institutions, and wanted to buy up their own paper. Now, Mr. H. did not care a straw what had been the cause of their failure; whether it had arisen from a want of funds, or whether it had arisen from a fraudulent design, it would be equally fatal as a reason against using these banks as depositories of the public funds; and if these were improper over which Congress had some control, how much more improper must the State banks be, over which they had no control whatever? Whatever had caused these banks or others to fail, the loss of the public money would still be the same. If they failed they failed, be the cause what it might; and the Government was destined to lose again, as it had done in 1816, when it had lost $168,000 by the Bank of Vincennes, $48,000 by the Bank at Edwardsville, and $160,000 by the Missouri Bank. However these banks might fail, the loss was the same to the United States.

Mr. H. could not tell the object of the inquiry gentleman made such a boast about, and which they pretended their opponents had stifled. Would it prove the public loss any the less? It would not; but he was willing the gentleman should go into it.

Mr. H. here referred to the condition of the banks in December last, and stated the amount of their specie and circulation. How the debt in the Bank of Alexandria had been secured he knew not; nor how long it had been used as a place of deposite for the public money. It was no matter. The failure of the bank proved the danger of using such institutions, and it went to show that the public money had been scattered over the country in places where it was not safe. He should have thought that the loss of $1,428,000 had been sufficient, and that the Government would never trust such a vile experiment again. As to what the chairman of the Committee of Ways and Means had said about the delay in passing this bill, did he not know that the refusal of the bill of supplies was the lever by which the people of England had controlled both the King and the nobility? To be sure we had not come to that in America; but he believed that the day was coming when nothing less would be necessary; and, for his own part, his mind was made up. He was ready to go into such a measure at any moment, believing it, as he did, to be the last remedy of the constitution. He, for one, was ready to apply it. Not, indeed, for the army or the navy bill, but he would apply it at any time to the bill for the civil list. He knew whom that would reach. He would touch those men behind the throne who exercised more power than the throne. Gentlemen need not banter him. He was ready at a moment's warning. The opponents of the administration had wasted no time, nor had they acted in any conspiracy, or in the spirit of conspirators, as was manifest from the fact that they had voted in different ways. If there had been any hidden plot, any covert design, they would have certainly acted together.

Mr. **ALLAN**, after a few remarks, now moved that the committee rise.

The question being put, the motion was negatived: Ayes 47, noes 73.

Mr. **DENNY** said he should not have risen but for the earnest manner, and not very courteous tone in which the chairman of the Committee of Ways and Means had spoken of the delay in passing this bill. The gentleman seemed to consider it as very remarkable that the House of Representatives should have been occupied for four days upon a bill of this character, because, in former years, such a bill had been run through in two days. And could the gentleman really find no reason for this? If not, Mr. D. would invite him to look at the country. Had he ever seen it in such a condition before? And when he looked at the sufferings of the people, could he still complain that the House should go on debating and debating on an appropriation bill? The gentleman had commenced this complaint at the beginning of the discussion, and he had continued it at intervals ever since. The gentleman had talked in the same style when the House had been discussing the bank question. But how was the House to communicate information to the country, and how were the people to learn the reasons of their proceeding, if debate was to be precluded? The amendment was of too much importance to be so passed over. The eyes of the country were fixed upon Congress, and their ears open to what was said there; but if the House had yielded to the gentleman from Tennessee, he would have compelled it to take up his bills, and pass them *sub silentio*. He thought that such complaints came with a very ill grace from that gentleman, after those who differed from him had been twice cut off by the previous question from uttering their sentiments in that hall. But the gentleman thought that this bill was not the proper place to introduce a measure so salutary as the reform now proposed. Not the proper bill! What bill could be more proper than that which provided for the payment of the salaries of all the officers attached to the Executive department? And was not this a fit time, when the condition of the country so loudly called for retrenchment; when all eyes were turned with so much anxiety toward the state of the treasury? If the Executive branch, by its own arbitrary action, had brought the existing evils upon the country, must the people alone be the sufferers, and their oppressors go free? There were other matters in this bill which called for the fullest discussion. The greatest abuses existed in the diplomatic expenditures of the Government. If this matter was not thoroughly examined, he feared that precedents might now be established which would go to sap the very foundations of the Government.

Mr. WILLIAMS said he had never known too much time spent in examining an appropriation bill. The usual fault had consisted in passing it over with too much haste. Mr. W. did not put such an estimate on the time of that House as he did upon the money of the people. When a proposition was brought forward to retrench the public expenditure, it was entitled to the fullest examination, and was not to be put by under the pretext of want of time. He had himself intended to say a few words on the amendment, but the committee was thin, and gentlemen exhausted, and he should forbear. He moved that the committee rise.

The question being put, the ayes were 51, the noes 67. No quorum having voted,

Mr. WILLIAMS moved that the committee rise, and report to the House that there was no quorum.

The question being put, the ayes were 79, the noes 82. A quorum being now present,

Mr. BEARDSLEY said that he did not claim the right to admonish or to interrogate the gentleman from Kentucky, [Mr. Chilton Allan.] The gentleman had made a statement, which, if true, was very important. Mr. B. doubted not the gentleman's conviction of its truth, and he had only addressed a query to him with a view to draw out the facts, and to ascertain whether his convictions rested on rumor alone. He had not pressed the inquiry in an unkind spirit, and he hoped it would not be so taken. The assertions of the honorable member were entitled to all respect, when he spoke from his own knowledge. The gentleman had said that, if the House would grant him a fair committee, he could prove that the deposite banks were not able to meet their engagements to the Government; but because the House, as he seemed to think, would not give him a fair committee, the gentleman refused to tell on what grounds his assertion had been made. It must now therefore go to the world as that gentleman's opinion. The gentleman had said that he did not know how the statement would be received by Mr. B.'s constituents, but he did know how it would be in Kentucky. Mr. B. would tell the gentleman how his statement would be received by his own constituents. They would receive it as an opinion merely, and, being founded on mere rumor, they would not trust it, until they had more substantial proof. Kentuckians, perhaps, might be satisfied with mere conjecture. He could not tell how that might be, but his own constituents would not. Let the gentleman come out and give the House his facts. Such a course was due to the House, it was due to the country, and he hoped he might be pardoned for adding that it was due from the gentleman himself.

Mr. ALLAN replied. The gentleman from New York has honored what I have said with particular notice. The conduct of the gentleman and his friends on this occasion is equally entitled to especial regard and notice here and elsewhere. Sir, how stands this matter? I make the charge that the people's money is unsafe, and offer to prove the fact, if the House will afford the means of examination; and, instead of offering a committee of inquiry, the gentleman undertakes to interrogate me as to my means of information. Yes, sir, while the public money is concealed from Congress, and every thing in relation to it shrouded in mystery, and while all inquiry on the subject is resisted, I am held to answer questions as to my belief on the subject. I do not know how it is in New York, but in Kentucky there is no usage that would require me to answer questions thus propounded. But, sir, I do not say this out of any disrespect or want of courtesy to the gentleman, but will repeat the charge, which he can take down if he chooses, that the selected Treasury banks are unable to-day to pay their debts, which I pledge myself to make appear, if this House will give an impartial committee (an unpacked jury) to go and count the money. Upon this condition, if I do not make good this charge, I will submit to any censure this House may cast upon me. But, sir, why taunt me with questions as to my belief of the insecurity of the public funds, when it appears from the reports of the selected banks that all of them combined have but the small amount of 3,000,000 dollars of specie. Is 30,000,000 dollars of revenue, which is to pass through these banks annually, safe upon such a miserable basis. Why taunt me with questions, when it is a notorious fact that these banks have not one dollar in specie to pay seven of their liabilities? When the Secretary of the Treasury found it necessary to arm these tottering banks with transfer drafts for the people's money, to enable them to pay their own debts, it is quite unnecessary for the gentleman to put questions to me. Sir, I did imagine that there was no controversy among men of business about the incapacity of these banks to meet their engagements, after they prostituted themselves by receiving the people's money (to which they had no right) to be applied to their own use.

Sir, we have been reproved for delaying the action of the majority. And now, at the end of four months, when the majority have acted, what have they done? As a full and complete remedy for all the public disorders, the majority propose to pass a law to authorize the Secretary to divide the public treasure among the State banks!!! It is true, we have stood here for four months, protesting against this preposterous and ruinous proceeding; this favorite and only measure of the majority. This calm, this refreshing draught has been poured out upon the parched lips of the country by the aid of the previous question. How censurable must be the minority for having delayed, for even a single day, the application of a remedy so likely to heal the public wounds!—a measure so likely to re-establish a sound currency, to restore commerce, to animate industry, to build up confidence, to maintain credit! The public indignation will no doubt fall heavily upon those who, even for a single hour, deprived them of the blessing and the happiness of seeing the public money distributed by the Secretary among local banks!

Mr. GILMER said that, as he hoped, after gentlemen had consulted their pillows, a different and a better spirit might prevail, he would move that the committee now rise.

The motion was carried: Ayes 91, noes 63.

So the committee rose.

Mr. POLK gave notice that he should call up the bill again to-morrow.

And then the House adjourned.

Friday, April 18.

Mr. HEATH rose and remarked that, as one of the guardians of the people's interest on this floor, he felt it to be his duty to make an effort to secure their money,"—which induced him to offer a resolution. As to the money already taken from the United States Bank, he never expected its return, and his object now was to secure all that would be received hereafter. He therefore asked leave to submit the following resolution:

Resolved, That the Secretary of the Treasury be directed to deposite in the Bank of the United States and its branches, from the first day of May next, and until the expiration of its charter, all the accruing resources of the Government.

Objections being made to granting leave, Mr. H. moved to suspend the rules for the purpose of enabling him to offer this resolution.

Mr. WILLIAMS demanded the yeas and nays; which were ordered, and being taken, stood as follows: Yeas 83, nays 89. Not being two-thirds, the House of course refused to suspend the rules to allow the resolution of Mr. Heath to be proposed.

Mr. LINCOLN asked leave to offer a resolution calling on one of the Departments for information having a bearing on the debate on the appropriation bill.

The resolution was read, as follows:

Resolved, That the Postmaster General be directed to lay before this House a statement of the number and names and dates of the appointments, respectively, of the clerks, agents, and other officers and persons employed in his Department, (other than postmasters and persons employed in the respective post offices,) and of the distribution and assignment of the appropriate duties of each; and especially of the character of the services required of the Solicitor and clerks of the Solicitor's office, and the duties and official employment of each of the persons who, in the register of the officers and agents of the Government are denominated clerks of appointments. And that he also inform the House from what fund or appropriation all the officers and persons aforesaid employed in his Department have received their compensations.

Objections being made, Mr. L. moved to suspend the rules so as to allow him to move it; but the House refused: Yeas 78, nays not counted.

Mr. JARVIS now renewed the request he had made yesterday, for leave to introduce a resolution for inquiry into the state of the banks within the District of Columbia which have suspended specie payments.

Mr. HARDIN inquired of Mr. J. whether he would consent to modify his resolution so as to include all the banks in the District, and the state of the public moneys therein? If so, he should have his vote to suspend the rule.

Mr. JARVIS replied that there was no such power in this body.

Objections being made to granting leave to offer his resolution,

Mr. JARVIS moved to suspend the rules to allow him to do it.

Mr. WILDE asked whether it would be in order to move to postpone this motion?

The CHAIR replied in the negative.

Mr. ARCHER asked whether the mover would extend his resolution as requested by Mr. Hardin?

Mr. JARVIS said that, if the rules should be suspended, he would extend the resolution as far as any gentle man might wish.

The question being put, the rules were suspended—Yeas 151, nays 22.

Mr. Jarvis's resolution was then offered, as follows:

Resolved, That a committee be appointed to investigate the situation of the Bank of Washington, the Farmers and Mechanics' Bank of Georgetown, the Patriotic Bank, and the Bank of Alexandria, situated in the District of Columbia, and to inquire into the causes which have led to the recent suspension of specie payments by the aforesaid banks, with power to send for persons and papers, and that the committee be directed to report the result of their proceedings to the House.

Mr. HARDIN said he had an amendment to offer; but before it was read, the morning hour expired; and the resolution and amendment lie over.

[Mr. H. proposed to amend the resolution by adding—"and to inquire into the present condition of the Bank of the Metropolis; and also what is the amount of its debts and obligations, and the means it has to pay them, and particularly the species of property it possesses, and what amount is due to the bank from its officers, or any of them."]

Mr. POLK now moved to suspend, by general consent, the consideration of private bills, (to which this day in the week is appropriated,) to go into committee on the appropriation bill.

Objection being made, he moved to suspend the rules of the House; but withdrew the motion.

Several of the bills on the Speaker's table having been called, and the consideration of them deferred—

Mr. POLK renewed the motion that the rules be suspended, for the purpose of going into committee on the appropriation bill.

On this motion Mr. McKIM demanded the yeas and nays. They were taken accordingly, and stood as follows: Yeas 91, nays 66. So the House refused to suspend the rules.

THE PUBLIC TREASURE.

Mr. WISE, of Virginia, now asked leave to offer the following resolutions:

Resolved, That the custody and control of the moneys of the United States, not appropriated by law, are, by the constitution, placed under the order and direction of the Congress of the United States.

Resolved, That no change of the constitution of the United States is necessary to authorize the Congress of the United States to intrust the custody of the public money, not appropriated by law, whenever or howsoever obtained, to other agency than that of the Executive department, and that the custody of the public moneys must not be, necessarily, under the constitution, intrusted to the Executive department.

Resolved, That Congress can take out of the hands of the Executive department the custody of the public property or money, without an assumption of executive power, or a supervision of the first principles of the constitution, by the repeal and enactment of such laws as may be necessary to that end.

Objections being made, Mr. W. moved to suspend the rules of the House, and asked the yeas and nays; whereupon, Mr. LOVE moved a call of the House; which was agreed to.

The names of the members being called over, it appeared that one hundred and forty members were present.

The absentees were then called over, when it appeared that one hundred and sixty-three members had answered to their names.

The doors of the House were then closed, and the names of absentees being again called, excuses were offered by their colleagues or friends. Most were excused; in a few cases, the House refused to admit the excuses offered as sufficient; and for some, no excuses were given.

Repeated attempts were made to suspend the call; but they were uniformly negatived. At length, on motion, those members who were waiting at the doors were admitted to enter. There were now one hundred and seventy-one members present. The Sergeant-at-arms was ordered to notify those who were still absent, and within reach, that the House was sitting with closed doors, and demanded their attendance.

[It was understood, and stated, that many of them were in the Senate Chamber.]

After much desultory conversation, and an unsuccessful motion to adjourn, (lost by four votes only,) the call was at length suspended, and the doors of the House thrown open.

Mr. REED now moved an adjournment.

On this, Mr. BEARDSLEY demanded the yeas and nays. The motion, however, was withdrawn—

When Mr. WISE renewed his motion to suspend the rules of the House, in order to offer his resolutions.

On this motion Mr. BEARDSLEY demanded the yeas and nays. They were ordered and stood as follows:

YEAS—Messrs. John Q. Adams, Heman Allen, C. Allan, William Allen, Archer, Ashley, Banks, Barnitz, Barringer, Bates, Baylies, Beale, Beaty, James M. Bell, Bouldin, Briggs, Bull, Burges, Bynum, Cage, Campbell, Chambers, Chilton, Claiborne, William Clark, Clayton, Clowney, Connor, Corwin, Coulter, Crane, Crockett, Darlington, Warren R. Davis, Amos Davis, Deberry, Denny, Dickson, Duncan, Ellsworth, Evans, Edward Everett, Horace Everett, Ewing, Fillmore, Foot, Foster, P. C. Fuller, Fulton, Gamble, Garland, Gholson, Gilmer, Gordon, Gorham, Graham, Grennell, Griffin, Hiland Hall, Hardin, Jas. Harper, Hazeltine, Heath, Hiester, Jabez W. Huntington, W. C. Johnson, King, Lay, Lewis, Lincoln, Love, Martindale, Marshall, John Y. Mason, McCarty, McComas, McKennan, Mercer, Milligan, Moore, Patton, D. J. Pearce, Peyton, Pinckney, Ramsay, Reed, Selden, A. H. Shepperd, William Slade, Sloane, Spangler, Stewart, Stoddert, William P. Taylor, P. Thomas, Tweedy, Vance, Vinton, Watmough, Elisha Whittlesey, Wilde, Williams, Wilson, Wise, Young—104.

NAYS—Messrs. John Adams, Anthony, Bean, Beardsley, Beaumont, John Blair, Bockee, Boon, Bunch, Cambreleng, Carr, Casey, Chaney, S. Clark, Clay, Coffee, Cramer, Day, Dickinson, Dunlap, Forester, Fowler, William K. Fuller, Galbraith, Gillet, Joseph Hall, T. H. Hall, Halsey, Hannegan, J. M. Harper, Harrison, Hathaway, Hawkins, Howell, Hubbard, Abel Huntington, Inge, Jarvis, Richard M. Johnson, Noadiah Johnson, Cave Johnson, Seaborn Jones, Benjamin Jones, Kavanagh, Kinnard, Lane, Lansing, Laporte, Lawrence, Lea, Lee, Leavitt, Loyall, Lucas, Lyon, Lytle, Abijah Mann, J. K. Mann, Mardis, Moses Mason, McIntire, McKay, McKim, McKinley, McLene, McVean, Murphy, Osgood, Page, Parks, Parker, Patterson, F. Pierce, Pierson, Plummer, Polk, Pope, Schenck, Schley, Smith, Speight, Standefer, Wm. Taylor, Thomson, Turrill, Vanderpoel, Van Houten, Wagener, Ward, Wardwell, Webster, Whallon, C. P. White—93.

Two-thirds not having voted in the affirmative, the rules were not suspended.

Mr. WISE then gave notice that he should renew the same motion every day, until leave should be given to introduce the resolutions.

Mr. PEYTON, of Tennessee, asked for a suspension of the rules, to enable him to offer the following resolutions:

Resolved, That the President of the United States, in the late executive proceedings in relation to the public revenue, has not assumed "upon himself authority and power not conferred by the constitution and laws," but that he has acted in conformity to both.

Resolved, That the Senate of the United States, in a late resolution passed by that body, in the words following, to wit: "*Resolved*, That the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both," have, by that resolution, not with a view to legislative action, but as a solemn censure upon the President, infringed upon the rightful and legitimate powers and prerogatives of the House of Representatives.

Resolved, That Congress have the power, by law, to select the places of depositing the public money and providing for its safe keeping.

The resolutions having been read, a very strong sensation was evinced by a large portion of the House; when Mr. PEYTON withdrew them; but gave notice that he should continue to offer them whenever those of Mr. Wise were offered.

The House then adjourned, at 3 o'clock.

Saturday, April 19.

Mr. CLAYTON asked leave to offer a resolution. Objection being made, he moved for the suspension of the rules, to allow him to move it, and demanded the yeas and nays on that motion.

The resolution was then read, as follows:

Resolved, That a special committee be appointed for the purpose of inquiring into the expediency of equalizing and reducing the salaries of officers, and all other expenses of Government, in every department thereof where the same can be constitutionally done, and also to abolish such offices as may be deemed unnecessary, and that they have power to report by bill or otherwise.

The yeas and nays being taken, stood as follows: Yeas 127, nays 16.

So the House agreed to suspend the rules, and the motion was received.

Mr. JARVIS suggested the propriety of amending the resolution, so as to include an inquiry into what cases an increased compensation might be expedient.

Mr. CLAYTON accepted the modification.

Mr. EWING demanded the yeas and nays on the resolution, and they were ordered by the House.

Mr. PARKER, presuming that this resolution was in the nature of a substitute for the amendments moved by Mr. Vance to the appropriation bill, and desiring that its provisions should be so extended as to include the pay of members, moved for the postponement of its consideration. He afterwards, however, withdrew that motion.

Mr. VANCE resisted the idea of this resolution being introduced as a substitute for his amendment to the appropriation bill. This was the plan of the mover. The amendments were his own. He know nothing of the resolution till, from the gallery of the House, where he happened to be, he heard it read by the Clerk. He had had no understanding or communication with the gentleman from Georgia on the subject.

Mr. PARKER disclaimed all intention of insinuating any thing like a combination.

Mr. PLUMMER moved an amendment, to include the pay of members of Congress.

Mr. CLAYTON said that the language of the resolution was such as to cover the object intended by the amendment. He denied any thing like plan or concert with the gentleman from Ohio. Indeed, the resolution had had its origin within the last three hours. By offering it singly, unconnected with the appropriation bill, all objections on that score were obviated, and a fair test presented to the House to decide whether they were in favor of economy in the public expenditure or not.

Mr. HARDIN said that he was in favor of the original resolution of the gentleman from Georgia, [Mr. Clayton,] and also in favor of the amendment offered by the gentleman from Mississippi, [Mr. Plummer.] But he wished the amendment to be extended a little further, to embrace an inquiry into, and further to regulate, the mileage of members of Congress. Because, should an antiquarian, five hundred years hereafter, get an inspection of the pay-roll of the members of the present Congress, he would be led to believe, from the number of miles that gentlemen gave in to the Sergeant-at-arms, and received pay for, (the distance they lived from the Capitol,) the belief would be entertained that the United States and Territories covered as many square miles as the Russian empire, which included half of Asia and one-third of Europe. He would suppose that the State of Missouri lay under the Rocky mountains, and did not extend further east than the Great Falls of the river Missouri; and that the State of Illinois lay east of that, but did not come further this way than the Mandan villages; and that Indiana adjoined Illinois on the east, but did not extend eastwardly further than the mouth of the La Platte; and that the States of Mississippi and Louisiana occupied the position of Old and New California; that the Territory of Arkansas lay at the mouth of the Columbia river, and, in truth and in fact, was the Oregon Territory. That he did not intend to impute any thing wrong in the claim of honorable members to mileage, but the error consisted in the vagueness of the law, which did allow such extraordinary claims.

Mr. PLUMMER accepted the amendment, as a modification of his own.

Mr. CLAYTON accepted both.

The question was then taken on agreeing to the resolution as amended, by yeas and nays, as follows:

YEAS—Messrs. John Q. Adams, John Adams, Heman Allen, John J. Allen, William Allen, Anthony, Archer, Ashley, Banks, Barber, Barnitz, Bates, Baylies, Bean, Beardsley, Beaty, Beaumont, John Bell, James M. Bell, Blair, Bockee, Boon, Bouldin, Briggs, Bull, Bunch, Bynum, Cage, Cambreleng, Campbell, Carr, Casey, Chambers, Chaney, Chilton, Claiborne, Samuel Clark, William Clark, Clayton, Clowney, Coffee, Connor, Corwin, Coulter, Cramer, Crockett, Darlington, Amos Davis, Davenport, Day, Deberry, Denny, Dickson, Dickinson, Duncan, Dunlap, Ellsworth, Evans, Horace Everett, Ewing, Felder, Fillmore, Foot, Forester, Fowler, Philo C. Fuller, William K. Fuller, Fulton, Galbraith, Gamble, Gholson, Gillet, Gordon, Graham, Grayson, Grennell, Joseph Hall, Hiland Hall, Thomas H. Hall, Halsey, Hannegan, Hardin, Joseph M. Harper, James Harper, Harrison, Hathaway, Hawkins, Hazeltine, Heath, Hiester, Howell, Hubbard, Jabez W. Huntington, Abel Huntington, Jarvis, William Cost Johnson, Richard M. Johnson, Cave Johnson, Seaborn Jones, Kavanagh, King, Kinnard, Lane, Lansing, Laporte, Lawrence, Lay, Luke Lea, Thomas Lee, Leavitt, Lincoln, Love, Loyall, Lyon, Lytle, Joel K. Mann, Martindale, John Y. Mason, Moses Mason, McCarty, McComas, McIntire, McKay, McKennan, McKim, McKinley, McLene, McVean, Mercer, Milligan, Moore, Murphy, Osgood, Page, Parks, Parker, Patton, Patterson, D. J. Pearce, Peyton, Franklin Pierce, Pierson, Plummer, Polk, Pope, Potts, Ramsay, Reed, Schenck, Schley, Selden, William B. Shepard, Augustine H. Shepperd, William Slade, Charles Slade, Sloane, Smith, Speight, Standefer, Stewart, Stoddert, William Taylor, William P. Taylor, Francis Thomas, Philemon Thomas, Thomson, Tweedy, Vance, Vanderpoel, Van Houten, Vinton, Wagener, Ward, Wardwell, Watmough, Whallon, Campbell P. White, Edward D. White, Frederick Whittlesey, Elisha Whittlesey, Williams, Wise, Young—183.

NAYS—Messrs. Beale and Wilde—2.

So the resolution was almost unanimously agreed to.

PUBLIC TREASURE.

Mr. WISE now asked consent of the House to offer, in a modified form, the resolutions he had desired to offer yesterday.

Objection being made, he moved to suspend the rules, to allow him to move them, and demanded the yeas and nays, which were ordered.

The resolutions were then read, as follows:

Resolved, That the custody and control of the moneys of the United States, not appropriated by law, and not disbursed under appropriations by law, are, by the constitution, placed under the order and direction of the Congress of the United States.

Resolved, That no change of the constitution of the United States is necessary to authorize the Congress of the United States to intrust the custody of the public money, not appropriated by law, to other agency than that of the executive department, and that the custody of the public money must not be, necessarily, under the constitution, intrusted to the executive department.

Resolved, That Congress can take out of the hands of the executive department the custody of the public property or money, without an assumption of executive power, or a subversion of the first principles of the constitution, by the repeal and enactment of such laws as may be necessary to that end.

The yeas and nays being taken upon the question of suspending the rule, were as follows:

YEAS—Messrs. John Q. Adams, Heman Allen, John J. Allen, Chilton Allan, William Allen, Archer, Ashley, Banks, Barber, Barnitz, Barringer, Bates, Baylies, Beale, Beaty, James M. Bell, Bouldin, Briggs, Bull, Burd, Burges, Bynum, Cage, Campbell, Chambers, Chilton, Claiborne, William Clark, Clayton, Clowney, Connor, Corwin, Crockett, Darlington, Amos Davis, Davenport, Deberry, Denny, Dickson, Duncan, Ellsworth, Evans, Horace Everett, Ewing, Felder, Foot, Philo C. Fuller, Fulton, Gamble, Gholson, Gordon, Gorham, Graham, Grayson, Grennell, Hardin, James Harper, Hazeltine, Heath, Hiester, Jabez W. Huntington, William Cost Johnson, Seaborn Jones, Lincoln, Love, Loyall, Martindale, Marshall, John Y. Mason, McCarty, McComas, McKennan, Mercer, Milligan, Moore, Patton, Potts, Ramsay, Reed, Selden, William B. Shepard, Augustine H. Shepperd, William Slade, Sloane, Stewart, William P. Taylor, Philemon Thomas, Tweedy, Vance, Vinton, Watmough, Edward D. White, Frederick Whittlesey, Elisha Whittlesey, Wilde, Williams, Wilson, Wise, Young—99.

NAYS—Messrs. John Adams, Anthony, Bean, Beardsley, Beaumont, John Bell, Blair, Bockee, Boon, Bunch, Cambreleng, Carmichael, Carr, Casey, Chaney, Samuel Clark, Coffee, Cramer, Day, Dickinson, Dunlap, Fillmore, Forester, Fowler, W. K. Fuller, Galbraith, Gillet, Joseph Hall, T. H. Hall, Halsey, Hannegan, James M. Harper, Harrison, Hathaway, Hawkins, Howell, Hubbard, Abel Huntington, Richard M. Johnson, Cave Johnson, Benjamin Jones, Kavanagh, Kinnard, Lane, Lansing, Laporte, Lawrence, Luke Lea, Thomas Lee, Leavitt, Lyon, Lytle, Joel K. Mann, Mardis, Moses Mason, McIntire, McKay, McKim, McKinley, McLene, McVean, Murphy, Osgood, Page, Parks, Parker, Patterson, Dutee J. Pearce, Peyton, Franklin Pierce, Pierson, Plummer, Polk, Pope, Schenck, Schley, Charles Slade, Smith, Speight, Standefer, Stoddert, William Taylor, Thomson, Turrill, Van Houten, Wagener, Ward, Wardwell, Webster, Whallon, Campbell P. White—91.

Two-thirds not having voted in the affirmative, the rules were not suspended.

Mr. PEYTON now made a similar request for leave to offer the resolutions he had brought forward yesterday. Objection being made, he too moved for the suspension of the rules, to allow him to offer them. The question, he said, was inevitable; it must come into the House.

The resolutions were then read, as follows:

Resolved, That the President of the United States, in the late executive proceedings in relation to the public revenue, has not assumed "upon himself authority and power not conferred by the constitution and laws," but that he has acted in conformity to both.

Resolved, That the Senate of the United States, in a late resolution passed by that body, in the words following, to wit: "*Resolved*, That the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both," have, by that resolution, not with a view to legislative action, but as a solemn censure upon the President, infringed upon the rightful and legitimate powers and prerogatives of the House of Representatives.

Resolved, That Congress have the power, by law, to select the places of depositing the public money and providing for its safe keeping.

Mr. **HARDIN** said he hoped that every member would vote to suspend the rules, to allow the introduction of these resolves.

Mr. **WILDE** demanded the yeas and nays, and they were ordered.

Mr. **MOORE**, of Virginia, inquired of the Chair, whether the resolutions did not involve a violation of the rules of order, which forbade any reference, in one House, to words spoken or measures pending in the other branch?

The **CHAIR** replied, that the question would arise when the resolutions came to be considered.

Mr. **ELLSWORTH** inquired whether any body objected to the introduction of the resolutions?

The **CHAIR** said that that would be decided when the question should be put.

Mr. **MERCER** inquired whether the question of consideration would not be in order?

The **CHAIR** said it would, after the rules should have been suspended.

The yeas and nays were now taken on suspending the rules, and decided as follows:

YEAS—Messrs. John Q. Adams, Heman Allen, John J. Allen, Chilton Allan, William Allen, Archer, Ashley, Banks, Barber, Barnitz, Barringer, Bates, Baylies, Beale, Beaty, James M. Bell, Blair, Briggs, Bull, Burd, Burges, Bynum, Cage, Campbell, Casey, Chambers, Chilton, Claiborne, William Clark, Clayton, Clowney, Connor, Corwin, Coulter, Crockett, Darlington, Amos Davis, Denny, Dickson, Ellsworth, Evans, Horace Everett, John Ewing, Felder, Foot, Philo C. Fuller, Fulton, Gholson, Gordon, Gorham, Grayson, Grennell, Hiland Hall, Hannegan, Hardin, Hazeltine, Heath, Hiester, Jabez W. Huntington, William C. Johnson, Seaborn Jones, Lay, Leavitt, Lincoln, Love, Loyall, Martindale, Marshall, McCarty, McComas, McKennan, Mercer, Milligan, Patton, Peyton, Pierson, Potts, Reed, Selden, William Slade, Sloane, Stewart, William P. Taylor, Philemon Thomas, Tweedy, Vance, Vinton, Watmough, Edward D. White, Elisha Whittlesey, Wilde, Williams, Wilson, Wise, Young—96.

NAYS.—Messrs. John Adams, Anthony, Bean, Beardsley, Beaumont, John Bell, Bockee, Boon, Bunch, Cambreleng, Carmichael, Carr, Chaney, Samuel Clark, Coffee, Cramer, Davenport, Day, Deberry, Duncan, Dunlap, Fillmore, Forester, Fowler, W. K. Fuller, Gamble, Gillet, Gilmer, Graham, Joseph Hall, Halsey, Joseph M. Harper, Harrison, Hathaway, Hawkins, Howell, Hubbard, Abel Huntington, Jarvis, Richard M. Johnson, Cave Johnson, Benjamin Jones, Kavanagh, King, Kinnard, Lane, Lansing, Laporte, Lawrence, Luke Lea, Thomas Lee, Lucas, Lyon, Joel K. Mann, Mardis, John Y. Mason, Moses Mason, McIntire, McKay, McKim, McKinley, McLene, McVean, Moore, Murphy, Osgood, Page, Parks, Parker, Patterson, Dutee J. Pearce, Franklin Pierce, Plummer, Polk, Pope, Ramsay, Schenck, Schley, Augustine H. Shepperd, Charles Slade, Smith, Speight, Standefer, Stoddert, William Taylor, Thomson, Turrill, Vanderpoel, Van Houten, Wagener, Ward, Wardwell, Webster, Whallon, C. P. White—95.

So the House refused to suspend the rules, two-thirds of the House not sustaining the motion.

Mr. **ALLEN**, of Ohio, asked leave of the House to make some explanations in reference to the vote he had given on a similar question when put yesterday, in reference to the resolutions offered by the gentleman from Virginia [Mr. Wise.] He was induced to make the request from observing that, in one of the morning prints, his vote in the affirmative on that occasion was misrepresented, (viz: as an indication of what would be the vote of the House on those resolutions, could the rule be dispensed with.)

The **CHAIR** replied that it could only be done by unanimous consent.

Objection being made,

Mr. **ALLEN** moved to suspend the rule to allow him to make the desired explanation.

The **CHAIR** said there was no rule to be dispensed with. The gentleman had no right on any ground to take the floor for such a purpose, unless by unanimous consent, which had been refused.

SUSAN DECATUR.

The House then proceeded to the consideration of private bills. And the bill for the relief of Mrs. Decatur, widow and representative of Captain Stephen Decatur, deceased, and others, coming up for consideration—

Mr. **HUBBARD**, of N. H., addressed the committee as follows:

Mr. Chairman: When I obtained the floor some weeks past, I had intended to have submitted somewhat at length my views upon the bill which is now under the consideration of the committee; but, as it is to be presumed that this session of Congress is drawing to a close; that there is scarcely left even the probability that there can be any definite action upon the bill, should it remain longer in the Committee of the Whole, I am free to say that I will now waive the privilege I have of offering my sentiments, if it can be understood that the bill shall be reported to the House without any further discussion in the committee. But, sir, I learn from various intimations around me, that the debate will be continued; that amendments will be proposed, and that further discussion must here be had. I will then, sir, ask the indulgence of the committee, while I assign the considerations which have heretofore induced, and which will at this time induce my vote in favor of the bill.

Before proceeding further, I would remark that I have a decided objection to the title of this bill; and when the proper time shall come, if no other person shall propose the amendment, I intend to move to strike out the present title, and to substitute in its stead—"A bill to compensate the captors of the frigate Philadelphia."

All agree, Mr. Chairman, that the capture and destruction of the frigate Philadelphia, in the harbor of Tripoli, was one of the most heroic and daring acts recorded in naval history. All agree that the enterprise was conceived and was executed in that pure love of country which, forgetting self, looks only to her honor and to her glory. All agree, that the man, whose valor and whose virtue induced the performance of that deed of daring, is "above all praise." Whether regarded in its origin, in its character, or in its consequences, it cannot fail to fill the mind with admiration, and to cause every true friend of his country to rejoice that the valorous and self-devoted spirits which achieved that measure of national glory, were the spirits of his own independent America. That act of heroism cannot be too highly appreciated. It has been, and it will be commended in every country where public virtue and public valor are regarded as adding to national greatness and national glory.

Sir, after the eloquent appeal presented to this committee, by the gentleman from South Carolina, [Mr. Pinckney,] in behalf of the captors of the Philadelphia, it would seem to be unnecessary to add more. But, sir, it is my main purpose to consider the various objections which have been urged to the bill, and should I be able to answer them satisfactorily, I hope thereby to do something to enforce the claims of these captors.

Before I proceed, Mr. Chairman, to notice the particular objections which have been made to the bill, I will advert to the circumstances which preceded and which immediately succeeded the capture of the Philadelphia. I will do this in order to show the practical value of the achievement which is now the subject of consideration. I will do this to show, that the most beneficial effects were the direct and immediate fruits of this victory.

Our relations with Tripoli and the other Barbary States, anterior and subsequent to that event, are replete with instructive lessons. By the first article of the treaty, approved in 1797, as entered into between the United States and the Bey of Tripoli, "a firm and perpetual peace and friendship" was not only agreed to be established and maintained by the full consent of both parties, but was also "guarantied by the most potent Dey and regency of Algiers."

By the tenth article of the same treaty, it is provided that "money and presents demanded by the Bey of Tripoli, as a full and satisfactory consideration on his part, and on the part of his subjects, for this treaty of perpetual peace and friendship, are acknowledged to have been received by him previous to his signing the same, according to a receipt which is hereto annexed, except such part as is promised on the part of the United States to be delivered and paid on the arrival of their consul at Tripoli, of which part a note is likewise hereto annexed, and no pretence of any periodical tribute or further payment is ever to be made by either party."

Notwithstanding the ratification of this treaty--notwithstanding the engagements thus solemnly and unqualifiedly made between the contracting parties, it is matter of history that, on the part of the Bey of Tripoli, its provisions were totally disregarded. It was upon its face a treaty of peace and amity—it was in practice, but a mere pretext for the most unwarrantable demands upon the United States on the part of the Tripolitan Government.

From 1797 until 1801, when there was a formal declaration of war made by the Bashaw of Tripoli, against our own republic, instead of that protection and security promised by the treaty, every depredation which rapacity and violence could suggest, was committed upon our commerce. Every exorbitant exaction and pecuniary tribute was demanded which their cursed lust for gold could induce. Without the shadow of right—without any justifiable pretence, not only was our commerce and navigation interrupted, our property taken to satisfy the uncontrolled passion of the Bashaw himself, but also our native citizens, the sons of our own soil, were captured and incarcerated, until the cruel and merciless exactions of the Tripolitan Government were answered. Thus it was that, in three short years, more than three hundred thousand dollars were extorted from us to soften the heart of the tyrant, to court the favor of Tripoli by degrading the spirit and humbling the pride of America. Tribute was a word not sanctioned in our national vocabulary. "Millions for defence, not a cent for tribute," was our universal sentiment. The claims of the Bashaw, made without right, and against the highest authority of his Government, were contemned and openly resisted, but to no effect. War was at length declared; the standard of American liberty was razed to the ground; no alternative was left. To submit to the exactions of unlicensed despotism must have been at the sacrifice of our national honor. It was impossible. The sentiment of Mr. Jefferson, the Chief Executive Magistrate, communicated to Congress in December, 1801, was but the sentiment of the whole American people.

That distinguished statesman, in his annual message, remarked, "To this state of general peace with which we have been blessed, one only exception exists. Tripoli, the least considerable of the Barbary states, had come forward with demands unfounded either in right or in compact, and had permitted itself to declare war, on our failure to comply before a given day. The style of the demand admitted but one answer." An American squadron was ordered into the Mediterranean to maintain those rights sacredly guarantied by the treaty of 1797; to protect our commerce; to secure our citizens from capture; and to defend the honor of our country. An appeal was made to the virtue, the valor, the pride, and the patriotism of our republic, "to carry the war with spirit and with effect into Africa."

We were engaged in a controversy of no ordinary character, and with a nation of no ordinary means. Every overture pacific in its terms, every declaration evincing a fixed purpose to adhere, on our part, to treaty stipulations, were disregarded. "Give, give! or my corsairs shall destroy your commerce," was the undisguised language of the Bashaw.

We prepared for the conflict; and the accidental loss of our frigate Philadelphia was among the first events which succeeded the declaration of war. The way and manner of her falling into the possession of the enemy, is known to every member of this committee. The vessel was dislodged from the rocks; taken and captured; her officers and crew loaded with chains, and most unfeelingly incarcerated in their common prison.

"Description," in the language of one of the sufferers, "can convey but an inadequate idea of the horrors of our imprisonment: we were confined in a dungeon in the centre of the castle, into which no air or light could find access, but through a small iron grate in the terrace or ceiling." Such was the condition of our unfortunate countrymen who fell thus accidentally into the possession of our relentless enemy.

The effect produced by this capture is equally well known. "It was a jubilee in Tripoli; the Pacha and his court did not attempt to conceal their exultation. So extravagant were his calculations, that he would not, after that event, listen to any proposal of peace and ransom, for a less sum than one million of dollars."

Well have I said, then, Mr. Chairman, that we were engaged in a contest of no ordinary character, and with a nation of no ordinary powers. It became necessary, sir, to break down the demands of her mad passions; to bring her back to a sense of common justice; to awaken something like principle; or, if not, effectually to alarm her fears, by giving to her evidence of the truest heroism, and of the purest patriotism.

The bare recital of the events which immediately succeeded the capture of the Philadelphia, cannot fail, even at this late period, to fill the heart with sorrow and sadness. At that time, when the wrongs done our country and our brave men, were fresh and full in recollection, the arm of every naval hero in the Mediterranean must have been nerved; every heart and soul must have been animated. Honor and pride must have stimulated to action, and called for vengeance on the treacherous foe.

It should be remembered, that, up to the 7th of February, 1804, (more than seven years after the treaty with Tripoli,) the conduct of the Bashaw and his court evinced a determined and unprovoked hostility. The course which was left to our brave men, then in the Mediterranean, was plain, and of which they were duly sensible. To treat with the Government of Tripoli would be unavailing; to meet and to conquer her corsairs would be equally ineffectual: but to carry the war home; to make the enemy tremble in his castle; to let him witness our fixed and determined purpose; to make him sensible of our valor, and of our entire devotedness to the cause of our common country, would alone answer the great design.

Influenced by such high considerations, Decatur applied to the commanding officer of the squadron for leave to enter with such a vessel as he might select, the harbor of Tripoli, to board and to capture the Philadelphia, there safely moored. The proposition was received, well weighed, maturely considered, and deliberately acceded to. Nothing short of this could bring down the proud and towering spirit of the Bashaw himself.

An order was issued, and this order executed; it was faithfully executed; and that constitutes the foundation of the claim now set up for remuneration, by the captors of the Philadelphia; and yet it has been contended, and is now gravely contended here and elsewhere, that the order of Commodore Preble conflicts with the legal and equitable rights of the captors.

I will transcribe, literally, the order which emanated from Commodore Preble.

"United States Ship Constitution,
"Syracuse Harbor, *Jan.* 31, 1804.

"Sir: You are hereby ordered to take command of the prize ketch which I have named the Intrepid, and prepare her with all possible despatch, for a cruise of thirty days, with full allowance of water, provisions, &c. for seventy-five men. I shall send you five midshipmen from the Constitution; and you will take seventy men, including officers, from the Enterprise, if that number can be found ready to volunteer their services, for boarding and burning the Philadelphia in the harbor of Tripoli; if not, report to me, and I will furnish you men to complete your complement. It is expected you will be ready to sail to-morrow evening, or some hours sooner, if the signal is made for that purpose. It is my order that you proceed to Tripoli, in company with the Syren, Lieutenant Stewart—enter that harbor in the night—board the Philadelphia—burn her, and make good your retreat, with the Intrepid, if possible; unless you can make her the means of destroying the enemy's vessels in the harbor, by converting her into a fire ship for that purpose, and retreating in your boats and those of the Syren.

"You must take fixed ammunition and apparatus for the frigate's eighteen pounders; and if you can, without risking too much, you may endeavor to make them the instruments of destruction to the shipping and Bashaw's castle. You will provide all the necessary combustibles for burning and destroying ships. The destruction of the Philadelphia is an object of great importance; and I rely with confidence on your intrepidity and enterprise to effect it. Lieutenant Stewart will support you with the boats of the Syren, and cover your retreat with that vessel. Be sure and set fire in the gun-room berths—cock-pit—store rooms forward, and berths on the berth-deck. After the ship is well on fire, point two of the eighteen-pounders shotted down the main hatch, and blow her bottom out.

"On boarding the frigate, it is probable you may meet with resistance. It will be well, in order to prevent alarm, to carry all by the sword. May God prosper and succeed you in this enterprise.

"I have the honor to be, &c.
"EDWARD PREBLE.

"Lieut. Commandant Decatur, *Intrepid.*"

Such was the order--an order most faithfully executed, the execution of which has given to our country an elevated naval character among the nations of the earth.

And what, Mr. Chairman, is the fair import, the liberal and just construction of this written command? It is nothing more and nothing less than a direction to Decatur to board the Philadelphia, and, if he meets with resistance, to carry all by the sword; in other words, to overcome the enemy—to obtain the entire control, the absolute possession of the vessel—to divest the enemy of all right, and to make her the means (if, in the exercise of a sound discretion, he can) of destroying the Bashaw's vessels in the harbor; or, if he can, without risking too much, he might make the guns of the vessel the instruments of destruction, not only to the shipping, but to the castle of the Bashaw. It was not possible for Decatur to fulfil the order which was given him, without first driving the enemy from the vessel, and acquiring an undisputed control and possession—without having, to all intents and purposes, captured her from the Tripolitans. I am aware that it was part of the order to burn the Philadelphia: I am aware that the destruction of the vessel was regarded as an object of great importance: and I cannot for a moment doubt that, were it not for such an additional direction, Decatur would have brought her in triumph and in safety out of the harbor of Tripoli, and attached her to the American squadron then in the Mediterranean. Be that as it may, the order was first to board—to break down all opposition—to carry all by the sword—to conquer the enemy, and to capture the vessel; and it could not have been possible for the crew of the Intrepid to have set fire to the Philadelphia, and thereby to burn and to destroy her, until they had divested the foe of the possession, and had obtained the entire control themselves. Such was the order, and such is the evidence in the case. It was, then, a capture, and every right vested in the captors which would have vested had the capture been made upon the high seas, "*jure belli.*"

Before I examine further this position, I would advert for a moment to the effect produced at Tripoli by the capture and destruction of the Philadelphia, and by the events which followed close upon that brilliant achievement.

"The tone of confidence and triumph continued until this daring enterprise illuminated the castle of the Bashaw with the blaze of Decatur's trophy.

"The sensation produced by the achievement was indescribable: consternation and dismay were depicted on every face. But the best evidence of its impression was the frequent conferences of the Pacha with the consuls—his undisguised desire to make peace, and his propositions to that effect, on terms much more moderate; even for $200,000 did he then offer to ransom our captured freemen. The results of this capture were of incalculable advantage to the nation. They led to an honorable peace—to the abolishment of tribute--to the liberation of the suffering captives--to future peace and honor—and to a gallant, ambitious spirit in the navy."

The effect produced upon our brave countrymen, then immured in Tripolitan dungeons, can better be conceived than described. It could not fail to reanimate their hopes, to lighten their burdens, and to strengthen their confidence. One ray of light, emitted from the towering mast of the burning Philadelphia, breaks in upon their dark and comfortless cells: they could not but feel its cheering influence; they could not but be thereby better fitted to bear every privation, and to submit to every suffering which the deep-rooted malice, and the humbled pride of their own and of their country's enemy, should presume to inflict.

It will be admitted that the subsequent capture of the Tripolitan gun-boats in August, 1804; the brilliant success attending the land operations of General Eaton and his army, and the self-immolation upon the altar of patriotism of the intrepid Somers and his comrades--whose fates are told on the proud monument erected to perpetuate their fame and glory, now standing in the front of this Capitol—more or less contributed to that highly favorable treaty which was made with Tripoli in June, 1805, sixteen months only after the capture of the Philadelphia. By the 2d article of that treaty, it is expressly stipulated, that

"The Bashaw of Tripoli shall deliver up to the American squadron, now off Tripoli, all the Americans in his possession; and as the number of Americans in possession of the Bashaw of Tripoli amounts to three hundred persons, more or less, and the number of Tripoline subjects in the power of the Americans, to about one hundred, more or less, the Bashaw of Tripoli shall receive from the United States of America the sum of $60,000, as a payment for the difference between the prisoners herein mentioned."

No one will or can doubt, then, the direct and substantial benefit which the capture of the Philadelphia and subsequent events produced to our country. While that vessel was in the possession of the Pacha and his court, nothing less than a million of dollars could purchase the ransom of her crew. By the treaty of June, 1805, he gave up all for the sum of sixty thousand dollars, and agreed that there shall be, from the conclusion of the treaty, a firm, inviolable, and universal peace, and a sincere friendship between the President and the citizens of the United States of America on the one part, and the Bashaw, Bey, and subjects of the regency of Tripoli, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nations. Stipulations which have been inviolably observed: our commerce has been, from that time undisturbed; our trade has remained uninterrupted; and the name of an American citizen has never failed since to command respect in that state in Barbary. No tribute in money or in stores has been exacted. The memorable successes and events of 1804 gave us an influence and a character with that and every other Barbary Power, which has, since that period, been felt and acknowledged.

I have already adverted to some of the circumstances which attended the capture of the Philadelphia, and which of itself produced such a revolution in the temper and mind of the Bashaw of Tripoli. I have already adverted to the circumstances under which the enterprise was carried on, by whom the plan was conceived, and by whom it was executed.

Regarding the taking of the Philadelphia as a legal capture, I will proceed to show what rights the captors thereby acquired. For I contend that the subsequent destruction of the vessel, by order of Commodore Preble, cannot impair any right which was vested by the capture itself. And as it respects the captors, it is wholly immaterial whether the order was given for the destruction anterior to the engagement, or during the engagement, or after the capture had been achieved. We were at war with Tripoli; the great end and aim of every battle was to annoy the enemy to the greatest possible extent. The question and the only question, is, was the enemy deprived of so much of her naval force, by the power of our arms: Was the Philadelphia captured? No one who reads the evidence can doubt the fact. The moment when the flag of the enemy was struck, that moment the right to the capture vested in the captors. The moment the stripes were raised above the crescent, that moment the interest of the Bashaw ceased, and the interest of the captors commenced.

To the captors, then, belonged the value of the Philadelphia, at the time and place of her capture, unless there have been subsequent acts, on their part, amounting to a voluntary abandonment of the prize. This is not contended; it was the order of the agent of the Government which alone prevented the Philadelphia, after her capture, from being again attached to our navy.

By the act of Congress of March 2, 1799, it was provided "that all captured national ships or vessels of war shall be the property of the United States; all other ships or vessels, being of superior force to the vessel making the capture, in men or in guns, shall be the sole property of the captors, and all ships or vessels of inferior force shall be divided equally between the United States and the officers and men of the vessel making the capture." The same act then proceeds to make distribution of the prize money among the captors. It is very apparent that the capture, and not any proceeding subsequent to the capture, establishes the right of the captors. Such were the express provisions of the act of 1799. By the law of nations, the property, as soon as taken, is transferred to the captors.

"There is no doubt but that a capture authorized by the rights of war transfers the property to the captor.

"By the law of nations, after a capture and occupation for twenty-four hours, the property captured is transferred to the captors."—*2 Dallas's Rep.*

The general law of nations has been controlled by the particular statutes of our Government. The act of 1799 vests captured national ships and vessels of war in the United States, and captured vessels of other descriptions in the captors; most distinctly making, in all cases, capture the foundation of the right. I admit that, by the act of 23d of April, 1800, the act of 1799 was repealed, and I have referred to that act only for the purpose of illustrating and enforcing my general position, that by the capture the right is vested, and that such, then, was the express enactment of Congress.

By the fifth section of the "prize act," as it has been called, it is provided "that the proceeds of all ships and vessels and the goods taken on board of them, which shall be adjudged good prize, shall, when of equal or superior force to the vessel or vessels making the capture, be the sole property of the captors; and when of inferior force, shall be divided equally between the United States and the officers and men making the capture."

There can be no doubt of the policy in free and enlightened Governments making such statutory provisions. This cannot fail to produce the happiest effects, to stimulate the spirit, and to nerve the arm of him who is called to fight the naval battles of his country, who is required to engage in the most perilous of any service, surrounded on every side by dangers dark and discouraging, where there is no power to avoid, where there is no safety in delay, and no security in retreat, when the only watchword is, "conquer or die." The idea that the capture shall become the right of the captors, excites in the hour of battle every human energy, and strengthens every human effort. It has, therefore, wisely entered into the policy of all nations, distinguished for their naval character, to offer such encouragements; and it would be monstrous if this policy could be frustrated, could be set at naught, could be of no practical benefit, wherever there happens to be a failure in obtaining a legal adjudication to establish the right of the captors. Such I apprehend not to be the fair construction, the plain intent of the section of the prize act above quoted, which lies at the foundation of the claim of the captors of the Philadelphia. I shall advert more particularly to this objection before I close my argument. I now merely wish to call the attention of the committee to the letter of this section, and to see whether it means any thing more or less than what is expressed in the section of the act of 1799.

If I can give to it a proper examination and a just construction, it provides clearly and distinctly: 1st. "That all ships and vessels, and the goods taken on board them, shall, when of equal or superior force to the vessel or vessels making the capture, be the sole property of the captors." 2dly. The proceeds of such captures when adjudged good prize, shall be divided and distributed as pointed out in the subsequent clauses of the act. This construction is in perfect accordance with the policy of the prize system, with the letter of the prize act of 1799, and with the uniform legislation of Congress since the act of 1800, carrying out the principle that, by capture, the right becomes vested in the captors. That whenever the vessels taken can be brought in, and be proceeded with in our courts of admiralty, can be libelled and can be adjudicated as good prize, then the proceeds of the sale made in pursuance of a judicial decree, are distributed and divided in conformity to the povisions of law; but when the vessel cannot be brought into port, when for any cause she is destroyed, or in any way disposed of by order, for any purpose, or when she is recaptured, then the aid of Congress is called in to do for the captors what the policy of the prize system requires to be done. If the public enemy has been divested of any portion of its naval power, if a capture has been made by our arms, and if, for any reason, a distribution of the value of the capture cannot be made according to the existing law among the captors, then, and only then, is Congress appealed to, to effectuate the principle of the prize system, founded, as it so clearly is, in public policy.

But it is said by the gentleman from Kentucky, [Mr. Hardin,] that the capture must have been made with the intent of retaining the vessel captured as a prize, otherwise the capture cannot be legally regarded as a prize; that the "*quo animo*" gives the true character to the transaction; that the purpose, the intent, must be not only to capture but to retain as prize, otherwise it is no prize, and cannot be so regarded; that in this case, the Philadelphia was not captured to retain as prize, but "to burn and destroy;" that the question is, prize or no prize; that the order of Commodore Preble to Decatur, was not to bring off, but to burn the Philadelphia.

I would, with all due respect to the opinion of the learned gentleman from Kentucky, inquire what constitutes, under our prize system, a naval prize; and when does it become such? Is it not the capture, the having the entire and perfect control of the vessel taken, and does it not then become the right, the property, the prize of the captors? It matters not what may have been the orders of the superior officer; it matters not what may have been the subsequent conduct of the captors, unless that conduct had amounted to a voluntary abandonment of the vessel captured.

The right had vested when the flag of the enemy was struck. Suppose the captors had run the Philadelphia out of the harbor, and attached her to the American squadron, contrary to the orders of the commodore; suppose that they had safely brought her into port, would not the vessel have been adjudged in our courts of admiralty as good prize, and would not her value have been distributed as prize money among the captors, according to the provisions of the prize act? I think there could be no doubt of the fact—and why so? Not from the circumstance of running the Philadelphia from Tripoli to Syracuse. Not from the circumstance of bringing her into an American port. Those circumstances could not add to or take from the title of the captors. If the captors had not received orders to burn, but Decatur himself, (in the exercise of a sound discretion,) after he had acquired the entire control of the vessel, to prevent her recapture, had burnt and destroyed her, there could be no doubt, in that case, that the instant the torch was applied, the right and title was in the captors.

If the captors had brought the Philadelphia out of the harbor, and on her homeward passage had effected an insurance of the vessel, and the same had been lost, could any doubt exist as to the right of the captors to claim the benefit of the policy? Certainly not. What gave the right? The capture. If the captors had violated any of the revenue laws of a neutral Power, in the management of the vessel captured, and she had been condemned, the original owners could set up no claim to her—all their right and interest had been divested by the capture.

The gentleman from Kentucky [Mr. Hardin] has cited the case in the 9th of Cranch, as fully sustaining his position. I admit that it is there stated "that some act should be done indicative of an intention to seize and retain as prize, and it is always sufficient, if such intention is fairly to be inferred from the conduct of the captor."—9 *Cranch*, 370. But what was the question arising in the case of the "*Grotius?*" It was whether the subsequent acts of the captors did not amount to a voluntary abandonment of the vessel captured; whether from their conduct it was not to be presumed that it was not the object to divest the enemy of all practical advantage from the further use of the property. There was much contradictory evidence, and the question, and the only question presented for the consideration of the court, was, whether there was such conduct on the part of the captors as amounted to an abandonment of the capture? clearly and most distinctly maintaining the position for which I contend, that, by the capture, the right instantly vested in the captors; and the final decision, as expressed in that case, was, "that, upon the whole, it is the opinion of a majority of the court that the validity of the capture of the Grotius, as prize of war, is sufficiently established by the evidence."—9 *Cranch*, 372. There does not seem to me to be any analogy in principle between the case cited, and the case of the captors of the Philadelphia; for it will not be pretended that there was any conduct on the part of the captors of the Philadelphia evincing an intention to abandon the prize. So far from it, the evidence finds that the vessel would have been brought out of the harbor of Tripoli in triumph, had it not have been for the order to burn and destroy, given by Commodore Preble himself. The Philadelphia was boarded—the enemy was subdued—she was captured—in the possession and under the control of Decatur and his men, and thereby she *became their prize.*

The enterprise was undertaken with the view and for the purpose of annoying, to the greatest possible extent, their country's enemy. The end and aim was to reduce the naval power of Tripoli; "and, as between belligerants, capture produces a complete divestiture of property, nothing remains to the original proprietor but a mere *scintilla juris*, the *spes recuperandi.*"—8 *Cranch*, 226. "Capture produces the transfer of the property of prize from the one belligerant to the other, at the instant of the capture, a property for which the victor's flag is the all-sufficient badge, and which can be divested only by recapture, or by the sentence of a competent court."—*Jones's opinion, p.* 41.

The property becoming the captors' immediately by conquest and the right of war, must so continue until divested by a recapture, or by some legal means or act to that effect.—3 *Dallas*, 194.

By the court: "In determining the question of property, we think that immediately on the capture, the captors acquired such right as no neutral nation could justly impugn or destroy."—3 *Dallas*, 198.

"A capture having been made, under a regular commission of the Government of Venezuela, the captors acquired thereby a title to the vessel and cargo, which could only be divested by recapture, or by the sentence of a prize court. The captors must be regarded as the lawful owners of the property, and as capable of making a forfeiture of it, by any infraction on their part of the municipal regulations of the United States."—5 *Wheat.* 358.

The position of the gentleman from Kentucky, that the capture must have been with the intent of retaining the vessel captured as a prize, does not seem to have a bearing upon the case now before the committee; for it is apprehended that the remark is applicable only to that class of cases where the question arising is, whether the conduct of the captors, subsequent to the capture, amounts to a voluntary abandonment. Every man is presumed to intend the natural consequences of his own act; in the case of the Philadelphia, the *quo animo* of the captors is fairly inferrible from the fact of the entire and perfect capture of the vessel. In connexion with this objection, the gentleman from Kentucky has suggested that the legal opinions of the two learned professional gentleman, imbodied in the documents presented to the House in relation to the claim of the captors of the Philadelphia, were given upon an assumed statement of facts not existing in the case; that the opinions seemed to be predicated upon the idea that the order of the commodore was to capture, and not to destroy.

But, had the order of the superior officer been regarded as it should have been, as an absolute order to destroy the vessel, an order which Decatur was bound to obey as fully as any command of his superior, they could not have considered the Philadelphia, at any time, as a prize to the captors. Those opinions have certainly been drawn up with great perspicuity and learning, and it may be well to refer to them in order to ascertain whether the gentleman be correct in his assertions.

I undertake to say that these opinions were formed and communicated with a perfect knowledge of the letter of the order of Commodore Preble; that the opinions themselves furnish conclusive evidence of this fact; that the express order of the commodore was not to run her out of the harbor of Tripoli, but, at all events, to burn and destroy her. Had it been otherwise, had the case not have been embarrassed with the positive direction of Commodore Preble, it would have been so clear and so conclusive as to the right of the captors that there would have been no occasion to have obtained the opinions of gentlemen learned in the law. Argument would have been unnecessary. The just claims of the captors would have long since been adjusted and satisfied. The fact, therefore, which the gentleman from Kentucky supposes could not have been known to the learned counsellors, was the very fact itself which called for their opinions, and which fact constitutes the only difficulty in the case.

The very first clause of Mr. Jones's opinion is in these words: "That the captors might, if not peremptorily enjoined to the contrary by their orders, have brought off their prize, and reaped the pecuniary reward designed them by law, is a matter of the highest probability, and approximates to a certainty as near as any unaccomplished event can do;" and the case, as stated by Mr. Coxe, shows that the gentleman, if he was rightly understood, was mistaken.

"An American man-of-war having succeeded in effecting the capture of an enemy's vessel of superior force; having entirely dispossessed the enemy and obtained undisputed possession, in obedience to peremptory orders, destroys the prize without bringing it into port, and before obtaining a decree of condemnation in a prize court; have such captors any legal claim to the value of the captured property, or against the United States?"

This was the case stated, and upon this case both of the learned counsellors proceeded to give their opinion, which was, that the captors acquired the right to compensation at the instant of the capture. The orders which preceded that event could not alter the legal principle, and, under our prize act of April, 1800, Decatur and his men became justly entitled to the value of the Philadelphia, at the time and place of her capture.

A second objection has been made to the bill on the ground that, before any right vests in the captors, under the prize act, there must have been an adjudication.

To this position I cannot yield my consent. It seems to be at war with the principles of our prize system, with public policy, and with the whole history of our legislation; and, as I have before stated, such a position conflicts with a fair and just construction of the fifth section of the act of April, 1800. I am aware that the claim of the captors of the Philadelphia, in the discussions which have heretofore taken place, has been resisted, on the ground that the vessel captured could not be regarded as a prize, because she was never brought into port, libelled, and, by competent authority, adjudged as good prize. Such a proceeding is based upon the fact that a right has been acquired, and is only made necessary to perpetuate that right. The title was made absolute by the capture: an adjudication was to be regarded as the evidence of that title. It is admitted that "the modern and enlightened practice of nations has subjected all such captures to the scrutiny of judicial tribunals, as the only practical means of furnishing documentary evidence, to accompany ships that have been captured, for the purpose of proving that the seizure was of sovereign authority, and not mere individual outrage.—*Cranch* 8, 226.

An adjudication in this class of cases may be likened to the claim of an individual to real estate. His title is undoubted. The law requires that his title-deeds should be recorded, to preserve the evidences of his title; but his right, his claim, clearly existed before a single deed of conveyance was put on record. This is merely pointed out by law for establishing the proof of a pre-existing title. And in like manner does the right to an adjudication exist in cases of naval captures before any adjudication can be had. A party in any controversy must have an existing legal claim, before he can obtain any judicial decision establishing that claim. A judgment presupposes a pre-existing right; and, in cases like that under consideration, it is the capture which gives that right.

The section of the prize act referred to, relates to the distribution of the proceeds of prizes. A previous capture must have been made, a prize must have been possessed, before any proceeding could take place touching the distribution.

"Where the property is avowedly and notoriously hostile, (as in this case,) condemnation as prize is not universally necessary, and may be regarded as little more than mere formality."—*Coxe's opinion*, p. 45.

The right of the captors, under our prize act, to a capture, is clearly vested, before even the captured vessel arrives in port, or before any judicial proceedings could take place. The right of the captors is not originated by a compliance with the provisions of that act.

If, then, I am right in the views I have taken of this subject, the captors of the Philadelphia were justly entitled to her value at the time of her capture; and the orders which were given, as to the way and manner of disposing of the prize, cannot affect the question of title. The Government had the power to direct how it should be disposed of. The captors were bound to obey the orders of their superior. The command might have been to destroy—it might have been to have given it, as a present, to the Pacha and the court of Tripoli. It was wholly immaterial as to what was the order.

One principle is perfectly well settled—a principle in accordance with the spirit of our institutions—that individual property cannot be taken for public use without an equivalent. "In mere private cases, between individuals, a court will and ought to struggle hard against a construction which will, by a retrospective operation, affect the rights of parties; but in great national concerns, where individual rights, acquired by war, are sacrificed for national purposes, if the nation has given up the vested rights of its citizens, it is for the Government to consider whether it be a case proper for compensation."—*Cranch* 1, 110.

And the inquiry, the only true inquiry, in the case before us, is whether the property of individuals, fairly acquired and justly possessed, has been taken by the order of the Government, or by the command of those charged with the execution of the orders of the Government, for national purposes, or for public policy. If so, we are bound to make adequate and full remuneration. This I contend to be the case of the captors of the Philadelphia. But, for argument, suppose it to be otherwise—suppose no absolute right was acquired by the capture, but an inchoate, an imperfect right, which a strict compliance with the letter of the law itself was made necessary in order to perfect. Let us suppose that the two objections to which I have referred were well taken; still, I would ask if any thing could be more unjust than for the Government to take shelter under these legal objections, when it is most manifest that, by her act, and by her act alone, the capture was not retained as prize, and by her act the vessel was not adjudicated "good prize?" If, then, the Government, by her orders, has prevented the captors of the Philadelphia from claiming and receiving, under the most rigid construction of the prize act, the value of that prize, surely those orders will not now be put forth by the Government, by way of objection to the recovery of the claimants. But we are not without book—without light upon this subject. We have precedent upon precedent, to be found in our own legislation, going not only, in a clear manner, to show the right of these claimants, but which cannot fail to excite our admiration, that the only case, the case now under consideration, which in conception and execution, excels all other naval achievements, is the only one in our history remaining unrewarded.

It is my purpose to cite, somewhat in detail, the various acts of Congress in relation to this subject; and if there is any virtue in precedent, if any reliance is to be placed on authority, it must occur to the mind of every attentive observer, that we are no longer at liberty to turn a deaf ear to the claim of the captors of the Philadephia. Cases like theirs, in almost every particular, have been too frequently the subjects of Congressional action.

It will be remembered that, at the time of her capture, the United States were at war with Tripoli, and that up to June, 1805, hostilities existed between the two nations. It will also be remembered that, in 1813, and in 1814, we were at war with England. And the first case to which I would call the attention of the committee, will be found in the third volume of the laws, p. 590. An act of Congress was passed in March, 1804, for the relief of the captors of the Moorish armed ships Meshouda and Mirboha. Those vessels had been captured by the John Adams, under the command of Commodore Rodgers, and of the Philadelphia, then under the command of Commodore Bainbridge. The vessels captured were in force inferior to the vessels making the capture. And the act provides that the sum of $8,594 50, being one moiety of the value of the armed ship Meshanda, captured by the frigate John Adams, and returned to the Emperor of Morocco, be appropriated for the expense of prize money due to the captors; and that the sum of $5,000 be appropriated for defraying the expense of prize money due to the officers and crew of the frigate Philadelphia, being one moiety of the value of the armed ship Mirboha, captured, and also restored to the Emperor of Morocco.

Here, then, is an act of Congress, passed in less than four years after the prize act, which gives the very construction to the prize act for which I have contended. The captured vessels were disposed of by order of this Government. There was of course no judicial proceedings; the captures vested in the captors the right to one half of their value according to the prize act. That right was expressly recognised by the act of Congress, and provision thereby made for the due compensation of the captors. But these are not the only cases on record, growing out of the war with the Barbary Powers. On the 27th of April, 1816, Congress passed an act "That the sum of one hundred thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and distributed in the same proportions, and under the same regulations, as prize money is now by law directed to be distributed, among the captors of the Algerine vessels captured by the American squadron under the command of Commodore Decatur, and afterwards restored to the Dey of Algiers."

Here, then, is another case not coming within the letter of the prize act. If it had, no legislation of Congress would have been necessary, but a case coming clearly within the scope and policy of our prize system.

But cases are to be found, Mr. Chairman, still more directly in point, and to which I must refer the committee.

The following is an extract from the annual message of President Madison, November, 1812:

"The frigate Constitution, commanded by Captain Hull, after a close and short engagement, completely disabled and captured a British frigate, gaining for that officer, and all on board, a praise which cannot be too liberally bestowed; not merely for the victory actually achieved, but for that prompt and cool exertion of commanding talents, which, giving to courage its highest character, and to the force applied its full effect, proved that more could have been done in a contest requiring more."

And on the 22d of February, 1813, Mr. Madison communicated the following message:

"*To the Senate and House of Representatives of the United States:* I lay before Congress a letter with accompanying documents, from Captain Bainbridge, now commanding the United States frigate 'the Constitution,' reporting his capture and destruction of the British frigate 'the Java.' The circumstances and the issue of this combat afford another example of the prosessional skill and heroic spirit which prevail in our naval service. The signal display of both by Captain Bainbridge, his officers, and crew, command the highest praise.

"This being the second instance in which the condition of the captured ship, by rendering it impossible to get her into port, has barred a contemplated reward for successful valor, I recommend to the consideration of Congress, the equity and propriety of a general provision, allowing in such cases, both past and future, a fair proportion of the value which would accrue to the captors on the safe arrival and sale of the prize."

These messages of the President speak a language which cannot be misunderstood. The law, as it existed, was well understood; and he called for some general statutory provision to meet cases of a like character. The Guerriere and the Java were, by orders, both destroyed: they were so crippled by the action, that to bring them into port was out of the question. But they were captured. And on the 3d of March, 1813, was passed, by Congress, an act, "That the President of the United States be, and he is hereby, authorized to have distributed, as prize money, to Captain Isaac Hull, of the frigate Constitution, his officers, and crew, the sum of $50,000, for the capture and destruction of the British frigate Guerriere; and the like sum, in like manner, to Captain William Bainbridge, his officers, and crew, for the capture and destruction of the British frigate Java; and the sum of $25,000, in like manner, to Captain Jacob Jones, of the sloop of war Wasp, his officers, and crew, for the capture of the British sloop of war Frolic; and that the sum of $125,000, out of any money in the Treasury not otherwise appropriated, be, and the same is hereby, appropriated, for the purposes aforesaid."

Mr. Chairman, could cases be conceived comparing more directly, in policy and in principle, with the case before us? On what ground was $100,000 taken from your national treasury, and distributed as prize money? Yes, sir, as prize money, among the captors of the Guerriere and of the Java. Clearly not on account of the condemnation of those vessels—not on account of those vessels having been sold in pursuance of the order of our Court of Admiralty. The act which has been read to the committee declares that this amount shall be appropriated and paid, for what?—"For the capture and destruction of the Guerriere and of the Java." And it declares further, that this same amount shall be distributed among the captors as "prize money." The entire proceeding of Congress is predicated upon the capture of the Guerriere and of the Java, by the officers and crews of the Constitution. The moment that our brave commodores, by the skill and the valor so signally displayed on those occasions, caused the flag of their enemy, and of their country's enemy, to be struck, that moment the right and the interest in the vessels captured, vested in the captors. The right itself depended not on subsequent proceedings. When Hull, and his valiant spirits, had overcome all opposition; had subdued the enemy, and carried, in victorious triumph, the Guerriere; when they had acquired the possession, and the entire control of that vessel; when they had, by their prowess, thus reduced the naval force of that nation with which we were at war--then it was that the right vested—then it was that the principle and the policy of the prize system was operative and applicable. The ultimate destruction of the Guerriere was a measure of prudence, clearly within the discretion of the commanding officer. We were then at war with a nation possessing a greater naval power than any other nation in Christendom. The condition and state of the Guerriere—her distance from an American port—the danger of a recapture, were all subjects proper for the consideration of the Commodore. The great end and aim of the controversy in which our country was then engaged must have been to annoy the enemy to the greatest possible extent. The battle had been fought; the victory had been won; the skill and valor of our naval force had been established, and all that remained to decide was, what shall be the disposition of the capture? It was decided wisely, judiciously, and prudently, to destroy her on the spot. And for this, Congress, by the act which has been read, did appropriate and distribute to the captors the sum of $50,000. Was there an objection then urged, from any quarter, or by any person, that here was no punctilious compliance with the letter of your prize act?--that here was no condemnation of the Guerriere?--that here was no sale, in pursuance of an order of some court of Admiralty? Not so, Mr. Chairman. At that eventful time, no such sentiments were promulgated. It was the act which had given so much to our national glory; it was the capture and destruction of the Guerriere which made congressional legislation necessary—a case which was promptly and most honorably answered. And all that I have said, with reference to the Guerriere, applies with equal force to the Java. In view of such distinguished acts, well might Mr. Madison say, that "A nation, feeling what it owes to itself and to its citizens, would never abandon to arbitrary violence on the ocean a class of men who gave such examples of capacity and courage in defending their rights on that element—examples which ought to impress on the enemy, however brave and powerful, a preference of justice and peace to hostility, against a country whose prosperous career may be accelerated, but cannot be prevented, by the assaults made on it."

In the same year, and in perfect accordance with public policy, Congress passed an act, "That the President of the United States be, and he is hereby, authorized to have distributed, as prize money, to Captain James Lawrence, late of the sloop of war Hornet, his officers, and crew, or their widows and children, the sum of $25,000, for the capture and destruction of the British brig Peacock; and to Lieutenant Elliott, and his officers and companions, or their widows and children, the sum of $12,000, for the capture and destruction of the British brig Detroit; and that the sum of $37,000 be, and the same is hereby, appropriated to the purposes aforesaid, to be paid out of any money in the treasury not otherwise appropriated;" providing in this, as in the last two preceding cases, a reward for the capture of the vessels, where the same had been destroyed by the orders of the officers of the Government.

In 1813 and in 1814, Congress provided by law for the purchase of the vessels on Lake Erie and Lake Champlain. There can be no pretence that one of those captured vessels was ever brought into an American port, there libelled, and there adjudged "good prize;" that one was ever sold in pursuance of a final decree in a court of admiralty; far otherwise; the battles were fought —the victories were won—the brilliant captures were made—the naval glory of our republic was re-established, and the Government at once provided for the purchase of all the captured vessels.

By the act of Congress, in 1814, it was expressly provided, "That the President of the United States be, and he is hereby, authorized to cause to be purchased the British vessels which were captured on Lake Erie, by the American squadron, on the 10th day of September, in the year 1813; and the sum of $255,000, in payment for the said vessels, shall be distributed as prize money among the captors or their heirs."

And by the act of 1815, Congress also provided, "That the President of the United States be, and he is hereby, authorized to cause to be purchased the British vessels which were captured on Lake Champlain, by the American squadron, on the 11th day of September, in the year 1814; and the amount of the valuation of such captured vessels, when duly made and returned to the Navy Department, shall be distributed as prize money among the captors or their heirs."

There could not readily be conceived any two acts of Congress more widely departing from the letter of the prize law itself, than the two cases just cited; and yet it was in Congress, or out of Congress, never contended that the right to these captured vessels did not vest in the captors the moment that success crowned their efforts; so entirely sensible were both Houses of Congress of the correctness of this position, that they caused the vessels to be valued, and to be purchased of the captors for the use of the nation.

But I will not stop here: the cases cited show the practice of the Government; that practice has never been departed from, except in the case relating to the captors of the Philadelphia. In 1816, it will be recollected "that the President of the United States was authorized to have distributed, as prize money, to Captain James Biddle, of the sloop of war Hornet, his officers and crew, the sum of twenty-five thousand dollars, for the capture and destruction of the British sloop of war Penguin; and that the sum of twenty-five thousand dollars, out of any money in the treasury not otherwise appropriated, be, and the same is hereby, appropriated for the purpose aforesaid."

And after there was every reason to believe that the sloop of war Wasp (which had made certain captures) was lost, Congress, by a special act, provided "that there be allowed and paid to the representatives of Captain Johnson Blakely, and of each of the officers and crew aforesaid, as is hereinafter directed, twelve months' wages; and that there be paid to the aforesaid representatives, and to the survivors of said officers and crew, if such there be, the sum of fifty thousand dollars, to be distributed as prize money, for the capture and destruction, by said sloop, of the British armed vessels Reindeer and Avon."

If there still could be wanting a case most clearly and most forcibly illustrating the policy of our Government, and the practice of Congress, I would cite the act which passed in March, 1816, for the relief of Lieutenant Colonel William Lawrence, of the army of the United States, and of the officers, non-commissioned officers, and privates, comprising the garrison of Fort Boyer. It provides "that the proper accounting officers of the Department of War be, and they are hereby, authorized and required to audit and settle the claims of the officers and soldiers composing the garrison of Fort Boyer, on the 15th of September, in the year 1814; and to allow to them the same sum, as prize money, as would be allowed if the sloop of war Hermes, belonging to the enemy, had been captured by an equal naval force; and, also, to allow to the said garrison the half value (all expenses being first deducted) of the schooner Active and her cargo, captured in the year aforesaid, by the said garrison; and that the sums aforesaid, when allowed, be paid out of any moneys in the treasury not otherwise appropriated."

It would seem that no reasonable doubt can exist as to the policy of the Government; that where captures have been made, it has not been deemed necessary that a compliance should be had with the letter of the "prize act," in order to establish such captures as "good prize." If they came within the scope and principle of the prize system, Congress have, with one exception, provided for the due reward and compensation of the captors.

I have said all that I wish to say with reference to the two legal objections which have been made to this bill; and, in concluding my remarks on this part of the argument, I would again observe, that it has been said, over and over again, that the captors of the Philadelphia can have no claim, in law or in equity, against our Government, because the case comes not within the letter of our "prize act." Now, Mr. Chairman, it is for the very reason that this claim of these captors cannot be fully considered, liquidated, and discharged, in pursuance of the literal provision of the "prize act," that the legislation of Congress, in relation to this subject, is made necessary. It was for that reason, and for that reason only, that Congress have, in the numerous instances which have been cited, provided for the compensation of those naval heroes who had captured for our country the vessels of our country's enemy, in a time of war. If it were possible that all such captures could be brought into port, and there proceeded against in our courts having competent jurisdiction; if they could be libelled and condemned, and ordered to be sold, in accordance with the express and direct requisition of the "prize act," why, sir, who does not know that the proceeds of all such sales would be distributed, as a matter of course, among the captors, unaided by any special legislation of Congress? If a compliance could be had with the letter of the law as it exists, in cases of this character, surely there could be no necessity for any action of Congress to consummate the rights of this description of claimants. It is for the reason, then, that the particular requisitions of the statute cannot be complied with, that an appeal is made to the *justice of that assembly*, who are, under our constitution, the express guardians of the rights of the people.

It is for the reason that a rigid adherence to the law could not be had, that an appeal is made by the captors of the Philadelphia to the justice and to the magnanimity of Congress. Such appeals have been made, and successfully made, heretofore. And I trust, Mr. Chairman, that like success will also attend the case now under the consideration of the committee.

A third objection is made to this bill, which is, that the claim was not presented in the lifetime of Decatur, and would not now be made if that distinguished officer were living. I am not prepared to go against this bill on any such ground. Of one fact, however, I have no doubt—that this claim has been doomed to encounter all the power of prejudice, from the mere circumstance that the bills which have been heretofore presented for its proper adjustment have purported, on their face, to provide "for the compensation of Susan Decatur, the widow and legal representative of Captain Stephen Decatur," &c. It is a circumstance, when regarded in its proper light, of no importance whatever; but in all the discussions which have taken place in this hall, in relation to this claim, has there not been a feeling and a prejudice awakened against it, from the fact that it has been brought before Congress since the death of Commodore Decatur, by his legal representative? It has been again and again repeated that it is a mere gratuity to the widow of Commodore Decatur, a person who was in no way allied to him at the time of this brilliant achievement; that nothing is heard from any other quarter upon the subject of this claim; that the officers and men, who co-operated with Decatur in that enterprise, put forth no memorial for compensation; and in this way, by arguments of this sort, a prejudice has been excited against the bill, unwarrantable, and most unjust. Is there a man, within the reach of my voice, who can doubt the truth of these remarks?—who does not verily believe that if, in the lifetime of Decatur, a bill had been introduced, providing for the compensation of the captors of the Philadelphia, and giving authority to distribute one hundred thousand dollars, as prize money, ney, among them, it would have passed, and passed at once? Sir, for one, I cannot doubt it. And I am free to admit, that the peculiar circumstances under which this claim was first presented to the consideration of Congress were calculated to awaken a feeling against it. More than twenty years had elapsed since the capture; since the man who conceived and who bravely executed the exploit had passed off the stage of life. But notwithstanding these things, it is now our bounden duty to do justice to these captors, from whom justice has so long been withheld; and to free our minds from the influence of any improper bias, we should look to this bill as providing compensation for a capture, made in time of war, unsurpassed and unequalled in naval history. But how is the fact? Is the objection well taken? Is it sustained by the evidence in the case? The statement of Mr. Tazewell is in direct contradiction to the fact that Decatur never considered himself and his men as having any claim. That able and learned counsellor was consulted as early as 1806. "He investigated the subject very maturely," and gave to Decatur a written opinion, in which he expressed his conviction that the captors of the Philadelphia had a fair claim upon this Government.

In the conclusion of his statement he remarks as follows: "Of one thing I am very certain—that, during the whole course of his life, Commodore Decatur was firmly and fully persuaded that he, his officers, and crew, had a just claim upon the United States for the value of the frigate Philadelphia, which they had captured and burnt by the express order of their commanding officer."

This objection, then, in point of fact, is not sustained, that Decatur did not consider himself and his men justly entitled to remuneration; but it would not be difficult, were it necessary, to assign satisfactory reasons which prevented him from asserting his right during his life. It is sufficient for my purpose to show that the claim now set up by his widow is not unconscientious, but in perfect unison with the views of her deceased husband. And, in all probability, the fact that Mr. Tazewell had been consulted, and his opinion obtained, induced his appointment as one of the executors of the will of Commodore Decatur. So far, then, from the claim, brought forward as it is, being without merit, I cannot but regard this objection as most unreasonable. It was the duty of the Government to pay unasked. The Government had taken the property of the captors, and disposed of it to advance its purpose and its policy; and shall the Government complain at the long delay? Shall the Government oppose to this claim any statute of limitation?—that the years that have passed away shall now come up in judgment against the captors?—that they shall be prejudiced, because the Government has been slow in its operations?—because it has hitherto failed to do its duty? It was manifestly the duty of Congress to have provided for the speedy adjustment of this claim, as it did in the case of the Guerriere, and of the Java. There is, then, no justice in this objection to the bill, which has been so forcibly and so eloquently urged to the committee.

Another objection is made, Mr. Chairman, to the justice and equity of the claim which the captors of the Philadelphia set up for remuneration, which is still more extraordinary in its character than the preceding; and that is, "Decatur was rewarded;" or, to use the language of a gentleman from Kentucky, [Mr. Chilton,] "was fully compensated," immediately subsequent to the time of the capture, by the Government of his country; and that the men, also, were richly paid for this act of devoted heroism. Is it possible, Mr. Chairman, that such an objection can be seriously urged?—that it can be contended that the Government has, at any period of its history, since the capture of the Philadelphia, by its legislation, provided for the due and proper remuneration of the captors? Where is to be found the evidence of any such legislative proceedings? In what volume of your laws shall we look for the act, going to distribute, as prize money, the value of that capture?—a capture evincing the purest patriotism, in connexion with the truest valor. Sir, no such act can be found—no such proceeding has taken place—no such reward has ever been made to Decatur—no such compensation has ever been granted to the men of the Intrepid for that deed of daring. And it is a blot upon the bright page of our history, that the captors of the Philadelphia have been suffered to remain for more than thirty years unrewarded. While Hull and Bainbridge, Jones and Lawrence, Perry and Macdonough, have each and all promptly received, at the hands of their Government, the reward due to their valor, for the naval victories which they had accomplished, the officers and the men of the Intrepid, for a capture which in no one respect can be regarded as second to any other in this or in any country, remain yet wholly uncompensated. It has been said that Lieutenant Decatur was raised to a post captaincy over his seniors in office; and that this was designed and intended as a remuneration for his share of the capture of the Philadelphia. This was not so. Whatever was done by Congress or by the officers of the Government, at the time, for the captors, can only be regarded as a testimonial of the high sense entertained by them for the distinguished bravery and for the pure love of country exhibited on that memorable occasion. I have taken occasion to examine the resolution which was passed by Congress on the 27th of November, 1804; and it may as well be said that the provisions of that resolution were intended as a remuneration to the captors for the capture of the Philadelphia, which vessel was destroyed by order of the Government, as to pretend that the promotion of Decatur to a post captaincy was made with any such intent or for any such purpose. It is literally subjoined:

"Resolution expressive of the sense of Congress of the gallant conduct of Captain Stephen Decatur, the officers and crew of the United States ketch Intrepid, in attacking, in the harbor of Tripoli, and destroying, a Tripolitan frigate of 44 guns.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be requested to present, in the name of Congress, to Captain Stephen Decatur a sword, and to each of the officers and crew of the United States ketch Intrepid two months' pay, as a testimony of the high sense entertained by Congress of the gallantry, good conduct, and services of Captain Decatur, the officers and crew of the said ketch, in attacking in the harbor of Tripoli, and destroying, a Tripolitan frigate of forty-four guns."

Now, sir, nothing can be more manifest than the consideration which induced the passage of that resolution. It never could have entered the head of an individual who voted for that measure, that he was thereby providing full and adequate remuneration to the captors of the Philadelphia. That measure had its foundation in general policy, and its end and aim was to keep alive that sacred principle, "the love of country," the hope and the confidence, the shield and buckler in the day of danger. It was to stimulate and to encourage those who might, in the discharge of duty, be called upon to fight the battles of their country. Considerations like these prompted the adoption of the resolution which has been quoted; and I would not do that Congress such great injustice as to suppose, for a moment, that it was designed by them as payment and as compensation for the capture of the Philadelphia. I could show, Mr. Chairman, that such legislative proceedings have not been unusual or uncommon. When any brilliant achievement has been attained, either upon the water or upon the land, the actors of the scene have seldom failed to receive from the representatives of the people a proper expression of the state of public sentiment and of public feeling. I trust, sir, that I shall be able to present to the consideration of this committee a case directly in point, and clearly showing the leading object of such resolutions.

In January, 1814, Congress passed a resolution of the following import: First, "That the thanks of Congress be presented to Oliver H. Perry, and, through him, to the officers, petty officers, seamen, marines, and infantry serving as such, attached to the squadron under his command, for the decisive and glorious victory gained on Lake Erie in September, 1813." Second, "That the President of the United States cause gold medals, emblematical of the action between the two squadrons, to be struck, and to present them to Captain Perry and Captain Elliott; and that the President present a silver medal, with suitable emblems and devices, to each of the commissioned officers, and a sword to each of the midshipmen and sailing-masters, who so nobly distinguished themselves on that memorable day." And the last resolution then adopted is in the following words:

"*Resolved*, That three months' pay be allowed, exclusively of the common allowance, to the petty officers, seamen, marines, and infantry serving as such, who so gloriously supported the honor of the American flag, under the orders of their gallant commander, on that signal occasion."

It would seem to be difficult to make use of language more decisive than is imbodied in both the resolutions: the one in favor of Captain Perry and his men, and the other in favor of Captain Decatur and his men. They are alike founded in the same policy, and are alike intended to express the same purpose. They both speak the sense of Congress and the nation of the distinguished exploits, and of the distinguished actors, "whose names ought to live in the recollection and affection of a grateful country, and whose conduct ought to be regarded as an example to future generations."

Such, Mr. Chairman, were the express terms of the resolutions passed by Congress, touching the "decisive and glorious victory gained on Lake Erie." And yet, sir, it was never supposed by any individual that they were intended as a compensation to the captors for the prizes which they had captured from their country's enemies. Let it be borne in mind that these resolutions were adopted in January, 1814; and in April following an act was passed by the same Congress, authorizing the purchase of the vessels captured on Lake Erie, and directing that two hundred and fifty-five thousand dollars should be paid for them, and that the same should be distributed as prize money among the captors. And, in addition to this, by the third section of that same act, it is provided, "That there be allowed and paid to Oliver H. Perry, out of any money in the treasury not otherwise appropriated, in addition to his share of prize-money as commander of the ship Lawrence, the sum of five thousand dollars." It cannot then be said that the advancement of Lieutenant Decatur to a post captaincy, the grant to him of a sword by Congress, and the grant of two months' extra pay to his men, for their "gallantry and good conduct" in the capture of the Philadelphia, were intended as a reward to them for the prize which had been taken by them, and burnt by the order of their superior officer. Let not this be said, Mr. Chairman, while there exists in our statute book similar resolutions in favor of Captain Perry and his men, and also an act of Congress following close upon it, giving to the captors the full value of the prizes they had captured on Lake Erie. But this is not all: it will be recollected that Congress, by the act of March, 1812, granted, among other things, an annuity of four hundred dollars to the widow of Captain Oliver H. Perry during her natural life, should her widowhood thus long continue; and an annuity, also, of one hundred and fifty dollars to each one of the minor children of Captain Perry, to continue during their minority. Such have been the just and liberal provisions made by Congress for one of the distinguished officers in our navy, who died in our service; and such have been the just and liberal provisions made by Congress for the widow and the children of that distinguished officer. But has the same measure of justice been meted out to Decatur, an officer no less distinguished in the naval service of our country? Has he been paid for the prize which he captured in the harbor of Tripoli? Has he received at the hands of his Government any extra dollars for that act of unequalled heroism? Has his widow, poor in this world's goods, and unsupported by family influence, received any annuity by the act of Congress? No! far otherwise was his fortune; far otherwise has been her fate. She comes into this House, asking justice at the hands of her Government, and in the prosecution of her claim is doomed to encounter the whole force of individual prejudice. It is not for me, sir, to complain. I stand not here as the advocate of Mrs. Decatur; I am not honored with her acquaintance; I never saw her person; but, while I have the power of speech, I will endeavor, to the utmost of my ability, to sustain the cause of justice and of right; and such I believe to be the cause of the captors of the Philadelphia.

But we are not, Mr. Chairman, without book and without precedent on this subject. It will be found that, in October, 1814, Congress passed resolutions expressive of their sense of the gallant conduct of Captain MacDonough and his men, on the 11th of September, 1813. Appropriate medals were given to the officers for the splendid victory gained on Lake Champlain, by the squadron under their command, over a British squadron of superior force. And by the third resolution it is expressly provided, "that three months' pay be allowed, exclusive of the common allowance, to all the petty officers, seamen, marines, and infantry serving as marines, who so gloriously supported the honor of the American flag on that memorable day." And by the same Congress, on the 3d of March, 1815, an act was passed authorizing the purchase of the vessels captured on Lake Champlain; and "the amount of the valuation of such captured vessels shall be distributed as prize money among the captors or their heirs."

I will only cite one other legislative proceeding, as having a bearing upon the particular objection now under consideration. The resolutions which I propose to make a part of this argument were approved in March, 1805, a short time before the treaty of peace was concluded with the Tripolitan Government, and they have reference to the course and the conduct of the American squadron, particularly engaged in that controversy.

"Resolutions expressive of the sense of Congress of the gallant conduct of Commodore Edward Preble, the officers, seamen, and marines of his squadron.

"*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the thanks of Congress be, and the same are hereby, presented to Commodore Edward Preble, and, through him, to the officers, petty officers, seamen, and marines attached to the squadron under his command, for their gallantry and good conduct, displayed in the several attacks on the town, batteries, and naval force of Tripoli, in the year one thousand eight hundred and four.

"*Resolved,* That the President of the United States be requested to cause a gold medal to be struck, emblematical of the attacks on the town, batteries, and naval force of Tripoli, by the squadron under Commodore Preble's command, and to present it to Commodore Preble in such manner as, in his opinion, will be most honorable to him; and that the President be further requested to cause a sword to be presented to each of the officers and midshipmen who have distinguished themselves in the several attacks.

"*Resolved,* That one month's pay be allowed, exclusively of the common allowance, to all the petty officers, seamen, and marines of the squadron, who so gloriously supported the honor of the American flag, under the order of their gallant commander, in the several attacks."

And yet it will distinctly appear, Mr. Chairman, after the adoption of these resolutions, by the act of Congress of February, 1819, "that two thousand five hundred dollars were distributed as prize money among the officers and crew of the brig Syren, on account of their proportion of five thousand dollars, the approved value of the brig Transfer, captured by the said brig Syren," during the war carried on by the United States against the Government of Tripoli. Here was a capture made by Captain Stewart and his men, who were attached to the American squadron then under the command of Commodore Preble, and to whom reference is expressly made in the resolutions above quoted. And for their capture, Congress did not hesitate, subsequently, to reward the captors. I have thus attempted to answer the objection that the captors of the Philadelphia have been sufficiently compensated for that capture, and, on that account, there is no merit in the claim now put forth. I have endeavored to show that, touching the proceedings of Congress in relation to the capture of the Philadelphia, the same policy governed, and the same objects were intended, as existed in the proceedings relating to the captures on Lake Erie and Lake Champlain. And I hope that I have satisfied the committee that compensation, reward, payment, never could have entered the mind of Congress, pending those proceedings. A totally different principle governed them. Certain I am that I have satisfied my own mind that this objection, like the other preceding objections, has not been well taken, and should not prejudice the bill before us.

It is further objected against this bill that, as no property was acquired by the capture; that as no title could vest in the captors until a court of competent jurisdiction had passed a judicial decree that the capture was "good prize;" that, as the grant of one hundred thousand dollars can only be regarded as a mere gratuity to the persons therein enumerated, great injustice will be done to the collateral heirs of Commodore Decatur; that to them, and to them only, in whose veins flows the Decatur blood, as he died without children, should the Government extend its bounty; and on this ground the bill is opposed. It would seem that human ingenuity has been most severely taxed in conjuring up objections to the bill now under the consideration of the committee, and it would seem that they do not well agree one with another. There seems to be no congruity, no fitness existing between the various objections which have heretofore been urged to this measure.

From some, objections have been made to the right and title of the captors of the Philadelphia, that, as the intent was not to capture and retain as prize, it cannot be regarded as prize. From others, objections have been made against the right, on the ground that no capture can be considered "good prize" until it has been so adjudged by a court of admiralty. By some it has been treated as "good prize," but that nothing can be due to the captors, the Government having fully remunerated and rewarded them for the achievement and the capture. By others the claim is resisted, not that it is wrong in itself, not on the ground that no rights were acquired by the capture, but merely because Decatur himself suffered it to remain uncalled for during his eventful life; and because his widow, as the representative of her husband, now presumes to assert it, and to claim, at the hands of his Government, that justice which was withheld from the captors of the Philadelphia during his life.

And now, Mr. Chairman, what do we hear urged as a further objection to this bill? That it is a gratuity, and, as such, should not go to the widow of Decatur; but, as he left no lineal descendants, the gratuity should be bestowed upon his collateral heirs.

Let us suppose, for argument, that there is no legal right in this claim of the captors of the Philadelphia, and that Congress is disposed, in the superabundance of its liberality, to give to them the sum named in the bill. In such a case, would it be in accordance with the general usage of the Government, would it be in accordance with the principle of common justice, to take from the widow and to give to the brothers and to the sisters? What being on this earth, who survives Commodores Preble and Decatur, can stand in such near and dear relations to them as their widows? who sorrowed with them in adversity; who rejoiced with them in prosperity; whose honor was their honor, and whose glory was their glory; who shared with them every vicissitude of fortune to which humanity is subject; and who are now doomed to mourn their loss, to submit to all the sadness of a widowed life—to all the wretchedness of pecuniary want; and, what is still more trying to their sensibility, to their pride, to their feelings, to hear it gravely asserted in the Hall of Congress, by the representatives of a free and intelligent people, where, and by whom, every thing touching the honor of those distinguished officers they had a right to expect would be met at once and effectually answered—to hear it said there, and by them, that there are still in human life beings for whom Preble and Decatur (if now living) would cherish a deeper attachment, a stronger affection, than they would for the wives of their bosoms.

If, Mr. Chairman, Decatur were in full life, and the gratuity bill, as it is called, were about to pass, his distributive share would be given to him. No person would think of trammelling the gift by any conditions; no person would think of connecting with the gift any contingent remainder or future expectancy: it would be free and unconditional. No man would dishonor himself so much as to suggest any subsequent and eventual disposition of his distributive share. And may I not ask, sir, to whom he would give all he held in possession or expectancy? to whom the very share would be given if he had received it? On that point we are not at liberty to entertain a single doubt. There exists too much evidence, in connexion with this case, to leave a suspicion as to what Decatur would have done with his portion if he had received it in his life-time.

Then, sir, I contend that this objection is not tenable; because, regarding, for argument, the bill as a mere gratuity, we are bound to dispose of the distributive share of Commodore Decatur as he himself would wish to have it disposed of. It is regarded by those who urge this objection as a gift; but it is a gift to Decatur—a donation to him for his brilliant service for his country. It is not a reward to his widow; but a gift to her, in his right, for his true valor displayed in the capture of the Philadelphia. And with the evidence which we have, it would be as unjust and as wrong for Congress to give Decatur's share to his brothers and to his sisters, as it would (were he living) to make such a disposition of the gratuity designed for him. There would be no justice, no equity, no good conscience in such a course of proceeding. Yet there would be as much justice, as much equity, and as much good conscience in that course of proceeding, as there would, with all the lights we have, for Congress now to take Decatur's share of the gift from his widow, and to give it to his brothers and to his sisters. The idea is founded in error: it is at war with every principle of right—with every portion of the evidence. Regard this bill, then, as you may, whether as a mere gratuity, without any legal consideration, or whether as a grant, founded on the principles of eternal justice—whether as a gift, or the discharge of a long-neglected, but strictly honest claim, on no ground can the share which is intended for Decatur be withheld from his widow. As a matter of right it was his; as matter of law, it has become hers. If it is to be considered as a gift, a present for great sacrifice, and for meritorious service, the gift which would have been his should now be extended to her. In any view, therefore, which I have taken, or which I can take, of this subject, I can bring my mind to no other conclusion than that what was his, or intended to be his, in possession or in expectency—whether acquired by law, purchase, or obtained by free gift—should be hers, and hers alone.

Mr. Chairman, independent of many other considerations, we have some legislative light, in reference to subjects of this character, which will guide and conduct us to a very safe and proper result. I purpose to consider the bill in relation to the case of Decatur, not being at all conversant with the facts touching the case of Preble; more especially, as the objections which have been urged, from the commencement to the present period, have been made with reference to the claim and rights of Mrs. Decatur, the widow and legal representative of one of the captors of the Philadephia.

And, sir, before I proceed further, I must take occasion to deny, most distinctly, the truth of the position that this bill can only be regarded as a gratuity. I have so considered it in argument, and have endeavored to show that, if it is so considered and treated as a mere gratuity, even in that case the gift should go to the widow, and not to the collateral heirs of Decatur. But, sir, it is no gift. It is a claim of right, acquired by virtue of public law, and taken away by force of public authority, to promote the purposes of public policy—a right obtained at the hazard of life and of liberty—a title purchased in the way of duty, and in the view of danger. I so regard the case of the captors of the Philadelphia. Without, then, stopping to inquire into the last act of Decatur—the testamentary bequest—I say that we are not without much legislative light touching this matter.

In March, 1829, Congress passed an act, of which the following is a literal transcript of the second section:

"That, whenever any revolutionary pensioner shall die, the Secretary of War shall cause to be paid the arrears of pension due to the said pensioner at the time of his death; and all payments under this act shall be made to the widow of the deceased pensioner, or to her attorney; or, if he left no widow, or she be dead, to the children of the pensioner, or to their guardian, or his attorney; and, if no child or children, then to the legal representatives of the deceased."

In conformity with the provisions of this act, the widows, of all invalid pensioners, of all pensioners under the act of March, 1818, and the widows of all annuitants under the act of May, 1823, have been entitled to claim and receive the arrears due to their husbands at the time of their decease.

And such are, substantially, the provisions of the act of June 7, 1832. It is there provided that the amount of pay which shall be due to the annuitant, at the time of his death, shall be paid "to his widow, or, if he leave no widow, to his children." These are general enactments of Congress, and from them we learn what has been the governing policy, and the prevailing practice of the Government; and that is, in all grants, of whatever character, preference has been decidedly given to widows, to the exclusion of children; that we have often provided, by our legislation, for widows, the half pay of their husbands who were slain in battle; and, in all private and special grants, a marked distinction has been made to their advantage. To the widow of Commodore Perry an annuity was given by law to treble the amount of the annuities of his children. And, in all the acts of Congress, no case is recollected where any provision has been, by direct legislation, in the first instance, made for the brothers and sisters of any distinguished and deceased individual, for whose deeds of valor, or of virtue, Congress had appropriated a sum as a token of their sense of his conduct.

I am well persuaded that no instance can be cited, going further in recognition of the rights of children, than in the proceedings of Congress in relation to the officers and crew of the sloop of war Wasp, in 1816, commanded by Captain Blakely, and which was accidentally lost after she had captured certain British armed vessels. And, in the second section of that act, which is subjoined, a most manifest regard is had to the rights of the widow, and the proper security of those rights.

"Sec. 2. *And be it further enacted*, That the distribution of said wages and compensation shall be as follows: One-third to the widow, and two-third parts to the children of the deceased; and in case there be no child, the whole to the widow; and if there be no widow, then to the child or children; and if there be neither widow nor child, then to the parent or parents; and if there be no parent, then to the brothers and sisters; and if there be neither brother nor sister, then such share or shares, not claimed as aforesaid, shall be and remain part of the navy pension fund; and the sums aforesaid shall be paid out of any moneys in the treasury not otherwise appropriated: *Provided*, That, in all cases in which there shall be only one child, the widow shall have an equal share with the child."

It would seem then, Mr. Chairman, that, independent of every other consideration, Congress had determined, by its own legislation, that, whenever grants or annuities have been given to individuals, the widows, and not the children, of those individuals, should take to their exclusive use any arrears of such grants and annuities, due at the decease of the grantees or annuitants. And it would seem further that, in the special and particular case of the Wasp, in case there were no children of any deceased officer or private, the whole share of such officer or private should go to his widow; or if but one child, in that case the widow should share equally with the child.

Apply the decisions and the precedents to the case under consideration, and it follows, most conclusively, that the widow of Commodore Decatur takes, and must take, his whole distributive share of the prize to her exclusive use. He died, leaving no children; he died, leaving a widowed wife to survive him. To whom, then, in accordance with the uniform proceedings of Congress, belongs his share in the prize Philadelphia? I say to her, and to her alone; that, had he been an annuitant, any arrear of his annuity would descend to her, to the exclusion of his children. Had he been slain in battle, his half pay would have been continued to her, to the exclusion of his children. Had he captured a prize, and the same had been adjudicated as "good prize," with the evidence before us, his whole distributive part would have gone to her. Had he captured a prize, and the same had been taken from him, by order of his Government, for public use, Congress is bound to carry into full effect his wish and his will. There cannot be, then, with reference to the case before us, two opinions; for, if any regard or reliance is to be given to the precedents and authorities which have been cited, it must follow that, in order to carry out the policy and the uniform practice of the Government, we are bound to extend to her sole use his whole interest in the capture of the Philadelphia.

Mr. Chairman, it has been my fortune to know, and to know well, a surviving brother of Commodore Decatur: and, sir, I could not speak more in his praise than to say, he was a true brother—that he was through life distinguished for that regard to principle—for that love of honor—for that contemptuous distaste for every thing mean, low, ungenerous, and unjust. Sir, it was in the session of Congress of 1829 and 1830, when a bill like unto this now under consideration, was in the course of debate. He well understood its provision? He was then well aware of the efforts made in behalf of certain nieces of Commodore Decatur, the children of Mrs. McKnight; and then he hesitated not to say that the claim set up was unworthy of them--that to the widow of his brother belonged his share--that she, and she alone, was entitled to it; and that, feeling as he did, (then struggling hard with adversity,) he should despise himself by seeking to embarrass her claim, by pretending to set up his right. He, in whose veins flowed the pure blood, and whose soul was animated with the genuine spirit of Decatur, would never debase that blood, or degrade that spirit, by asking a portion of that which, of right, belonged to another.

Sir, this was the sentiment--this was the feeling--this was the principle of the only brother who survived Commodore Decatur. It was a sentiment--a feeling--a principle in all respects worthy of him. And I have adverted to the circumstance to show that only those collaterals who are removed beyond the degree of brother and sister, can be found to put forth a claim to any portion in the share which of right, and in justice, and not against law, pertains to the widow. But if it were possible for a single member of this committee, after all this showing, to entertain a doubt on this point, I would refer him, in order to produce entire conviction, to the last will and testament of Commodore Decatur himself.

The will bears date on the 22d of March, 1820, and contains the following clauses:

"I give and devise to my beloved wife, Susan Decatur, and her heirs, all my estate, real, personal, and mixed, wheresoever situated; and I appoint my friends, Littleton Waller Tazewell, of Norfolk, Robert G. Harper, of Baltimore, and George Bomford, of the city of Washington, together with Mrs. Decatur, my wife, to be executors of this my will."

He lived for his country, and his country's honor: he died to preserve untarnished his well-earned fame.

Sir, I never shall forget the feelings which pervaded my own section when the news of his death reached New England. It was then most truly and most feelingly said that "The pride of his country is no more." "Mourn, Columbia, for one of thy brightest stars is set; without fear, and without reproach—in the freshness of his fame—in the prime of his usefulness, has descended to the tomb."

Sir, it is a fact which should be borne in mind, that this will bears date the same day on which his spirit took flight. It was the last deliberate act he did on earth: it was written with his own hand, and literally sealed with his own blood. And in that sacred instrument he tells you who had his confidence--his love--his whole heart. By that instrument he tells you who was to have his estate, real and personal—in possession and in expectancy. He, in whom was concentrated all her hopes—whose fame was her fame—whose fortune was her fortune, had, by this last and most solemn act, declared to those who should come after him, that unto her, and unto her alone, was given all he possessed in this world.

May I not, then, Mr. Chairman, ask, with some little confidence, why it is that this bill is resisted on the ground which I have stated; when, from the authorities cited—from the will of Decatur—from all the evidence in the case, it is most manifest that the bill before us is not only in accordance with public policy, and the uniform practice of the Government, but also carries into full effect the intent and purpose of Decatur himself, declared by his last will and testament? Sir, there is no soundness in the objection: it is equally untenable with every other which has been taken.

I may be permitted to advert in this place to one fact in connexion with Commodore Decatur's will; and that is, he thereby appointed, among his executors, two learned and distinguished counsellors--one of whom had given his written opinion in relation to the very claim now before the committee. And how will any one account for the extraordinary fact that Mr. Tazewell, of Norfolk, and Mr. Harper, of Baltimore, should have been selected to co-operate with Colonel Bomford and Mrs. Decatur, in the execution of an instrument which contained but a single bequest, not difficult to comprehend or to explain? Sir, it resulted from the circumstance, that one and probably both of those gentlemen well knew and well understood the claim which he had against this Government--a claim which they, his legal representatives, would not fail to assert, and to enforce by every consideration in their power. It was this which induced Decatur, on the last day of his life—at a moment when he could not tell whether he should survive the going down of the sun, and when he was disposed to do all he could for her, who might soon be left alone in the world--to bring to her aid his confidential friends and advisers, in looking after, and in procuring to her use, and for her sole benefit, all and singular his estate. Sir, I doubt not that considerations of this character induced the appointment of Mr. Tazewell and of Mr. Harper, as two of his executors.

Another objection is made to this bill, equally extraordinary in its character with those which have been noticed; and that is: it is said that the $100,000 is not distributed according to the letter of the prize act of April, 1800. Well, sir, this is true, regarding the officers and men then composing the crew of the Intrepid as the captors; it is true that the money, now proposed to be divided as prize money, is not parcelled out in exact conformity with the provisions of the act. But, sir, would that be right in itself? Is there nothing due to the distinguished officer who first conceived this enterprise?--by whom it was planned, and to whose entire self-possession, united with uncommon courage and skill, is to be attributed the ultimate success of that plan. Are not the peculiar circumstances under which this achievement was accomplished to be taken into consideration?

Sir, all this ought to be considered—all these facts and particulars should be regarded in executing the prize act, so far as it relates to a just and equitable distribution, among the captors, of the prize money. And for one, sir, I am entirely satisfied—I am content with the manner in which this has been done. I am disposed, for one, to carry into full effect the report of the Committee on Naval Affairs, by adopting, without change, this part of the bill. And, sir, in coming to this conclusion, I have not been driven to the necessity of proceeding arbitrarily on this point. I find my opinion warranted by principle and sustained by policy.

Sir, it should be remembered that the capture of the Philadelphia could have only been accomplished by stratagem; it could have been effected in no other way or manner than in the way and manner it was effected. It is a case standing alone--a case "*sui generis.*" For no one will pretend that, with all the physical means then under the control of the Bashaw of Tripoli—with all the armed fortifications surrounding the harbor, and with all the guns then on board the Philadelphia and the other vessels of war, it would have been judicious for the Intrepid to have made any offensive attack. It would have been worse than rashness; it would have been madness itself.

Then, sir, this capture is not to be regarded as an ordinary capture. It was most extraordinary in its conception and in its execution. And Congress, in the exercise of a sound discretion, should distribute the value of this prize among the captors, without doing injustice to any class; and by doing full and plenary justice to that single individual to whom alone his country and the world are indebted for that brilliant exploit.

There is a spirit in man which should never be humbled or mortified. It was that same lofty and patriotic spirit which filled the soul of Decatur on that memorable occasion--which urged him onward, and which crowned his efforts with triumph. Let us then beware, Mr. Chairman, in our zeal to do justice to others, not to break down that high-minded spirit which sustains the patriot in "the day of his country's danger."

But, Mr. Chairman, I would here remark, that this objection is made, not by those who are the real friends of the measure, but, to say the least, are to be found among its opposers. And, sir, the gentleman from Kentucky, [MR. CHILTON,] who sits behind me, and who has urged this among other objections, would not give to this bill his support, if this objection were obviated. The gentleman signifies his assent to my remark. And, sir, go forward and make this bill, in all its details, conformable to the views of the individuals who now put forth their objections, my word on it, you will not thereby gain any considerable accession to the friends of this bill. This is a legitimate mode of attack; it is common in every warfare; break down the outer posts, bear upon the weaker points of the fortress, when you cannot with any prospect of success, directly attack the main citadel. If, by this sort of skirmishing; if here and there you can carry a point, the enemy may, in that mode, so weaken our force, and so impair our works, as not to leave us power sufficient to hold out to the end, or which would compel us to abandon the ground, to give up the measure, having nothing left worth contending for. Sir, I have said that, in adopting this mode of distribution, I had not assumed any rule which would not lead hereafter to the same result in any similar case. Now, sir, there is a fact connected with the proceeding of Congress in relation to this subject, which would have some influence upon our legislation. In 1829, a bill, in every respect similar to the one before the committee, passed the Senate; and while the subject was under consideration in that body, a correspondence took place between the chairman of the Naval Committee of the Senate and the Navy Commissioners, and the result of that correspondence was, "that the distribution was calculated and recommended by them, as being, in their opinion, the most equitable that could be applied to the case; it preserves the same disparity of proportion for the different grades of officers and men that prevails under the prize act, when applied to a regular crew." I would, then, attach much confidence to this fact, a fact which goes to show the opinion of one of the board at this time, who had the good fortune, individually, to share in all the glory of that enterprise: I allude to Commodore Morris. I would give to the official opinions of this board as much confidence as I would to the official opinions of any of the executive departments of our Government. That there may be no mistake as to the principle which governed the board in recommending this distribution, I shall here take the liberty of reading the correspondence which passed between General Hayne and the Navy Commissioners; it has produced conviction on my mind that the distribution made by this bill is in conformity to the equity of this particular case, and is no departure from any principle of ordinary justice.

As reference is made in the letter of General Hayne to a former letter of the Navy Board, I have thought proper to make an extract from Commodore Rodgers's letter to Mrs. Decatur, which imbodies the then opinion of the Navy Board as to the mode of distribution which ought to be made of the prize money among the captors of the Philadelphia, and which important communication led to the subsequent correspondence between the Naval Committee of the Senate and the Navy Board.

"WASHINGTON, *November* 15, 1827.

"DEAR MADAM: I have received your communication of the 9th instant, wherein you request my opinion in regard to the provisions contained in the bill reported by the Naval Committee during the last session of Congress, to compensate yourself, as the widow and representative of Captain Stephen Decatur, and the officers and crew of the United States ketch Intrepid, for the capture and destruction of the Tripolitan frigate, late the United States frigate Philadelphia.

"With respectful deference for the opinions of the honorable gentleman who reported that bill, as well as the opinions of other gentlemen who have expressed to you their views upon the same subject, I would take the liberty to suggest a principle of distribution which to my mind would have been equally equitable, and at the same time more likely, I conceive, to have met the views and wishes of the claimants generally. The mode I would suggest is as follows:

"If the sum appropriated by Congress should be $100,000, I would recommend setting apart $5,000, as the proper sum for remunerating the heirs of the commanding officer of the squadron, and then divide among the officers and crew of the Intrepid exclusively, the remaining $95,000, apportioning to each class of the claimants the same relative share as they would have been entitled to receive had the actual number of officers and men on board the Intrepid at the time she destroyed the Philadelphia been precisely the same as is known to have been on board that ship at the time of her capture by the Tripolitans."

"Washington, *January* 5, 1828.

"Gentlemen: I enclose you a letter of the Secretary of the Navy, transmitted to the House of Representatives on the 8th December, 1826, covering Commodore Decatur's original list of the officers and crew of the ketch Intrepid, at the time of the capture of the frigate Philadelphia; which list, I presume, was not before you at the time your statement was made out, which is annexed to Mrs. Decatur's memorial. I am directed by the Naval Committee of the Senate to request that you will be so good as to make out a statement of the distribution of $100,000 among the officers and crew of the Intrepid, in conformity with the documents enclosed, (introducing, at the same time, the name of S. Catalano, the pilot, in the fifth class,) according to the principles recommended by you; that is to say, to allow to the commanding officer of the squadron the sum of $5,000, one-twentieth of the whole, and to divide the residue among the officers and men, in the same relative proportions which each would receive if the crew of the Intrepid had consisted of the same number as that of the frigate Philadelphia, at the time of her capture by the Tripolitans.

"I am, gentlemen, very respectfully, your most obedient servant,

"ROBERT Y. HAYNE,
Chairman of the Naval Committee of the Senate.

"To Commodores Rodgers and Warrington,
Navy Commissioners."

"Navy Commissioners' Office,
January 7, 1828.

"Sir: The Commissioners of the Navy have had the honor to receive your letter of the 5th instant.

"The statement to which you refer was unofficial, and made in reply to a private communication from Mrs. Decatur, more with a view to express an opinion as to the principle of distribution applicable to the case, than with any expectation of minute accuracy in the calculation, as affecting the interests of the individuals concerned; for, in truth, they had not, at that time, a correct list of the crew of the ketch Intrepid.

"Having now received a correct list from you, they have had the paper, herewith transmitted, and marked A, prepared, upon the principle stated in the caption, including (agreeably to your request) the name of S. Catalano in the fifth class; a copy of the list of the crew, marked B, showing the classes to which they belong, is also transmitted.

"I have the honor to be, sir, very respectfully, your most obedient servant,

"JOHN RODGERS.

"Hon. Robert Y. Hayne."

The paper marked A, referred to in the communication of the Navy Board, is subjoined; that marked B cannot be in any way necessary in illustrating the principle assumed, and which is believed to be correct.

The sum of $100,000, distributed among the crew of the ketch Intrepid, upon the following principle, viz: Considering each person of each class to share as a crew equal in number, &c. to that of the frigate Philadelphia, cruizing independently of any superior command; then reserve one-twentieth of the whole sum for the officer who commanded the squadron to which the Intrepid belonged, and divide the remainder among the crew of the Intrepid, in the same relative proportions first assumed.

The crew of the Philadelphia would have shared as follows:

1st class		1	3-20ths				$15,000 00
2d	"	5	2	"	at 2,000 00	-	10,000 00
3d	"	7	2	"	1,428 57	-	10,000 00
4th	"	27	3½	"	648 14	-	17,500 00
5th	"	26	2½	"	480 76	-	12,500 00
6th	"	241	7	"	145 22	-	35,000 00
		307	20				$100,000 00

The following exhibit shows the number of each class of persons supposed to have constituted the crew of the ketch Intrepid, and the distribution of $100,000, upon the principle above stated.

1st class		1	-	-	-	$31,412 42
2d	"	3	at 4,183 32	-	-	12,564 96
3d	"	5	at 2,991 65	-	-	14,958 28
4th	"	9	at 1,357 32	-	-	12,215 93
5th	"	11	at 1,006 80	-	-	11,074 89
6th	"	42	at 304 13	-	-	12,773 50
		71				$95,000 00
Leaving for the commodore						5,000 00
						$100,000 00

In concluding my remarks in reference to the objection made to the distribution, as specified in the bill, I would say that I am not so tenacious of my own opinion that I would not yield it to the opinions of a majority of the friends this measure. I believe, however, with the committee who reported the bill, that the distribution is right in itself, securing the rights of all, by doing no injustice to any.

It is further objected, that this bill ought not to find favor, because it does not provide for the officers and the men constituting the crew of the brig Syren, then under the command of Lieutenant Stewart. Of all the objections to this measure which have been suggested by the force of human ingenuity, this appears to me to deserve the least consideration. I have hardly been able to comprehend on what ground it is contended that the crew of the Syren are entitled to a share in the estimated value of the Philadelphia, at the time of her capture.

I have before said that this capture was one of an extraordinary character, and made under extraordinary circumstances—that it was not the result of a naval engagement, between vessels of equal force. It was the result of a plan the most consummate—a plan conceived in great wisdom, and executed in great prudence.

From no quarter has it been said that the Syren entered the harbor of Tripoli in the night following the 16th of February, 1804--from no quarter has it been said that the Syren, directly or indirectly, aided the Intrepid in the premeditated attack upon the Philadelphia, in the execution of that plan which led to the ultimate capture of that vessel.

It would certainly be matter of justice to look, in the first place, to the orders of the superior officer; and to ascertain, from a careful and critical inspection of those orders, whether, on any ground, either in law or in equity, the crew of the Syren can have any claim whatever to any portion of the one hundred thousand dollars named in the bill—the estimated value of the captured prize. Certain the fact is, that the Syren was not set apart to engage in that controversy. Certain the fact is, that Commodore Stewart then well understood the course and conduct of Decatur, preceding the detachment of the Intrepid and Syren from our squadron in the Mediterranean. Certain the fact is, that it was well known among our officers at Syracuse, that Decatur had voluntarily applied to be sent in command on that expedition. Certain the fact is, that unto him was committed the whole charge of the enterprise; and to him was attached the sole and exclusive responsibility for the result of the exploit.

I have already inserted in this argument, at length, the order of Commodore Preble to Decatur; and it would seem to be wholly unnecessary again to refer to it, for the purpose of showing that it never entered the head of the superior officer, that Lieutenant Stewart was to take any part in that conflict. If it had been so intended, the command would have been given to him and not to Decatur, as he was Decatur's senior, and as he also had volunteered his services.

In the order to Lieutenant Stewart, nothing could be more fully and distinctly expressed than the sentiment that Decatur was exclusively to direct and to govern that expedition. In the order of Commodore Preble, referred to, will be found the following language:

"I conceive the object in view can be best effected in the night. You will, therefore, keep at a distance from Tripoli until the evening, but not so far but that you can reach the harbor by midnight. The Intrepid, being rigged in a manner peculiar to the Mediterranean, probably will not be suspected by the enemy; of course, it will be most advisable to send her ahead, in order that she may stand into the harbor, and board the frigate.

I have no doubt but Lieutenant Decatur, with the officers and men under his command, will be able to take possession of and destroy her. As soon as the Intrepid has entered the harbor, you will stand in, and anchor in such a position as you, in your judgment, may think best calculated to afford her assistance in the execution of the main object, cover her retreat, or destroy any of the enemy's cruisers that may be in the harbor, by sending your boats for that purpose."

And the official return of Stewart to Commodore Preble, made immediately subsequent to the capture of the Philadelphia, leaves the mind unembarrassed with doubt in relation to this matter; and shows, most conclusively, that the crew of the Syren, upon no legal or equitable principle, can make claim to any portion of the value of the capture. In this communication he unequivocally asserts, after tendering his congratulations at the result of the enterprise, that, "I only have to lament that a junction had not been formed with the Intrepid by the boats of the Syren, under the command of Lieutenant Caldwell, as I make no doubt that they would have been able to carry and destroy one or both of the cruisers lying near the frigate. You will observe, by my notes, that the boats were despatched in due season, to meet the Intrepid, agreeably to our arrangements; but circumstances rendering it advisable for Lieutenant Commandant Decatur to enter upon the enterprise much earlier than was intended, the junction was consequently defeated, until after the ship was on fire, and the ketch retreating out of the harbor."

The language of Decatur himself, in his account, goes to confirm (were confirmation necessary) this view of the subject. He says, "I boarded with sixty men and officers. I had not a man killed in this affair, and but one slightly wounded. Every support that could be given, I received from my officers."

A single extract from the official despatches of Commodore Preble himself, shows his view, touching the conception, and also the execution of the plan, and to whom his country stands indebted for that brilliant achievement.

"I enclose you copies of my orders on this occasion, which have been executed in the most gallant and officer-like manner by Lieutenant Commandant Decatur, assisted by the brave officers and crew of the little ketch Intrepid, under his command. Their conduct in the performance of the dangerous service assigned them, cannot be sufficiently estimated. It is beyond all praise."

But, sir, the resolution of Congress, passed in November, 1804, puts down, most effectually, the objection to this bill, that it does not provide for the crew of the Syren. It will be found that Decatur and his men are only particularized in that resolution; and the two extra months' pay, thereby granted to the officers and crew of the ketch Intrepid, was "for attacking, in the harbor of Tripoli, and destroying a Tripolitan frigate of forty-four guns."

In this resolution, no notice whatever is taken of the crew of the Syren. And it should be borne in mind that, so far from the commodore ever having preferred any claim for himself, or for the other officers and men of the Syren, to a participation of the prize money, with the captors of the Philadelphia, you find Stewart, in his correspondence, holding language worthy of his high honor, and in keeping with his pure patriotism.

He remarked, that "the destruction of the Philadelphia was effected by Decatur at great hazard, not only of life and liberty, but of reputation."

"The recollection of the difficulties and dangers he had to encounter in that expedition, excites more and more of my admiration of his gallantry and enterprise. And although the result shed a lustre thoughout Europe, over the American character, and excited an unparalleled emulation in the squadron, in our country alone is where it has never been duly estimated or properly understood."

"Courage and great force alone, could not have effected it. It was necessary, not only to put the smallest possible force to the hazard, but its success depended upon a very small force being used."

"The genius and mental resources of the executive officer, could alone compensate for the want of force and numbers." To these demands, Commodore Decatur "was found fully adequate." The frigate was completely destroyed in the midst of the enemy, and his retreat effected without the loss of a man.

This is the language, and these are the generous and disinterested sentiments of that officer who was on the spot, an eye-witness to the then passing events; and he would mete out a full measure of justice to Decatur, to whom justice is due. There cannot, then, be any substantial ground on which to rest this objection. It has not been well taken; the history of those times clearly show that this objection, like the others which have been considered, ought not to influence the action of Congress in relation to the bill now under the consideration of the committee.

Mr. Chairman, I have already trespassed too long upon the indulgence of the committee. I have now said all that I have to say. I have endeavored, honestly and fairly, to answer the various objections which have been urged against this measure. If I have thrown any light upon this subject—if I have been able to present any view which will tend to aid a single member of this committee in his conclusions, I shall rejoice; I shall feel myself richly compensated for my feeble efforts. For when I bring to mind that this is the only case of the kind which has not received the favorable action of Congress; when I have made myself believe that the stern language of the law does not oppose the passage of this bill; that no good reason does exist or can exist for withholding this just claim longer from those entitled to it; that every consideration of common equity calls loudly for decisive action—I could not fail to exert my best energies in favor of the object.

This is a case, Mr. Chairman, which addresses itself so strongly to our sense of justice, to our feelings, to our pride, to our honor, to our patriotism, that I cannot but cherish the hope, and feel the confidence, that no further delay will be had, that the bill will now be passed, and that the measure will not fail to receive the sanction of the republic.

When Mr. HUBBARD had concluded his speech, amendments to the bill were offered by Mr. PARKER, and Mr. HARPER, of New Hampshire, both of which were rejected.

The bill was then laid aside, and another, for the relief of the representatives of Richard W. Meade, was taken up.

Mr. POLK gave a brief history of the claim, and its former fate in the House; and gave notice that he should oppose the bill.

Mr. HARDIN took the same ground, and hoped the bill would not go out of committee till it had been discussed thoroughly. [The bill involves a claim to the amount of $490,000.]

Mr. ARCHER preferred taking up the case in the House to discussing it now.

The committee rose and reported progress on both bills, and had leave to sit again.

The House then adjourned.

MONDAY, APRIL 21.

GARDINER (ME.) MEMORIAL.

The first question that came up this morning was the motion of Mr. EVANS, of Maine, that the memorial presented by him on last Monday be referred to the Committee of Ways and Means, with instructions "to report two resolutions—one declaring that the reasons of the Secretary of the Treasury for the removal of the public money from the Bank of the United States are insufficient and unsatisfactory; and the other declaring that a bank, created by authority of Congress, is necessary, expedient, and ought to be established."

Mr. EVANS then rose and addressed the House as follows, in support of his motion:

Mr. E. said he should not have sought to give the memorial which he presented several days ago any different destination from what various others now lying upon the table had received, if the House had been permitted at any time to express its opinion upon the questions involved in the resolutions which he had moved. One of these resolutions respected the sufficiency of the reasons assigned by the Secretary of the Treasury for the removal of the public funds from the Bank of the United States; and the other presented the broad, plain, unembarrassed question, whether any bank, under any circumstances, and with any limitations and modifications that Congress might deem suitable, ought to be established. It must be obvious to every one, sir, that the House has not yet declared its opinion upon these topics. At the commencement of the present session the President informed us that, "since the last adjournment of Congress, the Secretary of the Treasury has directed the money of the United States to be deposited in certain State banks designated by him, and he will immediately lay before you his reasons for this direction."

The Secretary subsequently communicated his reasons for this proceeding. The question then arose—and, I may say, the obvious, natural, and sole question—are these reasons sufficient and satisfactory? Is the Secretary justified for his conduct upon the ground on which he has placed himself? If so, it is unquestionably the duty of Congress thus to declare; if not, in the judgment of the House, it is no less plain that the House ought to pronounce its opinion clearly and directly. These questions demand an answer, distinct and explicit, affirmative or negative; and the country has a just right to know whether or not the Secretary of the Treasury has proceeded upon good and substantial reasons, in a matter so essentially connected with the prosperity and happiness of the people.

I do not think, sir, that we can shun this question fairly, and with a just regard to our own responsibility. The reasons are submitted for our judgment. How can we properly refuse to pronounce it? But it is evident that we have hitherto declined to express any sentiment, either of approval or disapproval. Whatever we may say or think, the country will be very apt to believe that we have evaded this question; that we have not dared to meet it face to face; that we have quietly looked on and permitted an officer of the Government to exercise very great, if not doubtful, powers, upon a matter touching the interests and welfare of the people most sensibly, for reasons which we cannot approve, but which we want firmness enough to declare unsatisfactory and insufficient. Every effort to procure a direct expression of the sentiments of the House upon this subject has failed. The Committee of Ways and Means have argued very elaborately in vindication of the Secretary, but they have not ventured to submit the force of their reasoning to the judgment of the House. They do not propose to take its opinion upon the sufficiency of the reasons which he has assigned. They have taken care not to introduce any thing in justification or approval of the Secretary's course, which may become the subject of action by the House. All their recommendations are prospective; they look not at what has been done, but only at what is to be done in the present emergency. Expressing no opinion of the past, they declare opinions of what ought to be for the future. That I am correct in saying that the resolutions reported by the Committee of Ways and Means do not regard at all the sufficiency of the Secretary's reasons, let me advert to them, and permit me also to show with what ingenuity the committee have secreted the question of their sufficiency behind various others which they have presented, but with which they have, at most, a very remote connexion.

The first resolution reported by the committee, and adopted by the House, simply declares that the Bank of the United States ought not to be rechartered. If it be so, it by no means follows that the public money ought to have been removed from its custody before the expiration of the present charter, and before Congress had provided for its future safe-keeping and transmission. The committee adopt the fact assigned by the Secretary as one of his reasons, but they studiously avoid saying that the fact was a sufficient reason. They agree with the Secretary, that the bank ought not to be rechartered; but they do not agree with him that this was a good cause for the removal of the money from its custody—at least, their resolutions do not speak any such language—the House has not expressed any such opinion.

The second resolution declares "that the public deposites ought not to be restored to the Bank of the United States. This is a very different question from that presented by the Secretary. He has removed the public money from the place appointed by law as its depository, and he inquires, "Are the reasons for this act satisfactory?" And we reply, "It ought not to be restored."

Does not every body perceive that this is no answer to the question? Ought the act to have been done?—is one thing; ought it to be undone?—is another; and, in the minds of many gentlemen, within Congress and without, is a totally different one. In my own judgment, if it ought never to have been done, it ought, in the shortest practicable time, to be undone. If the money ought not to have been removed, it ought to be restored. But others, many others, think differently. It has been declared in debate, and by prominent supporters of the administration too, that they did not approve the act of the Secretary; that the removal was against their judgment; that the reasons were not sufficient. Nevertheless, the same persons are opposed to a restoration. They believe that, as the charter of the bank is near its expiration, it must, at no distant day, commence the process of closing its affairs; that a return of the public money to its custody would be but temporary; that a withdrawal of it hereafter would be attended with some degree of inconvenience and embarrassment; that the process has now been completed, the evils experienced; and, upon the whole, that it is better for the community not to undergo another experiment of transferring large amounts of money from place to place, but to settle down under the present arrangement as soon and as quietly as is practicable. Viewing the subject in this light, they are quite prepared to agree that the deposites ought not to be restored, and to agree also to the third resolution of the committee, that State banks ought to be employed hereafter as the depositories of the public money: and yet they would by no means concede that the reasons of the Secretary are sufficient, or that his conduct was justifiable. They hold that he has abused his power; that he has, without reason, violated a solemn engagement of the United States; that he has acted vindictively and oppressively towards an institution in which the Government is largely interested; and that he has asserted for himself, and for the President, powers not belonging to them, and whose exercise is an encroachment on the powers of Congress, and dangerous to the liberty of the people. They hold, or they may hold, all these strong opinions, and yet, under the peculiar exigency of the times, may concur in the resolutions reported by the committee, that the deposites ought not to be restored. It is quite apparent why the committee have thus put forward other questions, instead of that which stood plainly and palpably before us, upon the reasons of the Secretary. They have selected their strong positions. They cover up the claims to unlimited power, the violations of contract, the vindictive persecution, the assumption of facts which do not exist, and the inferences which such assumptions do not warrant, in other general propositions, so framed as to draw to them support which the naked question could never receive.

I have said that the committee were ingenious in secreting the true question. They, first, made the question, "ought the deposites to have been removed upon the reasons which have been assigned;" in other words, "are the reasons sufficient," identical with another, viz: 'ought they to be restored?" I have already shown that these are by no means equivalent questions. The answer to one is no answer to the other. They then make that other to depend upon a third, with which it has no just connexion, "ought the bank to be rechartered?" In order to arrive at the foregone conclusion, they start from these premises: 1st. The bank ought not to be rechartered. 2d. The deposites ought not to be restored. And the inference is to be set down as fair and legitimate; therefore, the reasons of the Secretary are sufficient and satisfactory. *Quod erat demonstrandum.*

Aware of the constitutional objections which prevail pretty extensively, in one quarter, to every institution of this character established by Congress, the committee felt quite safe in their major proposition; and, for the reasons already suggested, scarcely less so in the minor. But they thought, doubtless, it was not altogether prudent to trust their conclusion to the judgment of the House. They leave that to be drawn by every one for himself.

In the last place, the committee recommend an investigation; or, as the honorable chairman said in his speech, "a sifting inquiry" into the affairs of the bank. For what? To determine whether it shall be rechartered? No; that has been settled already. To enable us to decide whether the public money shall be restored to its custody? No; that also has been settled. For what? Why, to ascertain the causes of the present distresses of the country. Indeed! To find new grounds of accusation and complaint against the bank--to seek for some show of justification for the arbitrary act of the Executive--to avert, if possible, the just indignation of an injured people from the author of their wrongs and their grievances. Are not these very desirable ends, sir? In my judgment, the committee have directly reversed the whole order of proceeding which should have been adopted. Investigation, if necessary at all, should precede action. If the affairs of the bank required investigation, that should have been the very first step to be taken. The results of such inquiry and scrutiny would have enabled us to judge of the sufficiency of the Secretary's reasons, so far as they depended upon facts assumed to exist. We should also have been better prepared to determine whether the deposites ought to be restored; and should at last have reached that point from which the committee took their departure, and have met the question with our eyes open: ought the Bank of the United States to be rechartered? For one, I am not sensible that any investigation is at this time necessary or proper; but, to those who are of that opinion, it seems to me that, if expedient at all, it was expedient before the adoption of the resolutions reported by the Committee of Ways and Means. Suppose this investigation to result, as the friends of the bank confidently anticipate it will. Suppose that the facts assumed by the Secretary and by the committee do not exist--that it has made no unnecessary or unjust curtailments; that the existing distress is not attributable, in any degree, to its conduct, but rather to the want of such an institution in full and proper operation and vigor; that it has not corrupted the press or the people; that it has not interfered in elections; does not aim at political power; and, in short, that all the charges against it, both definite and indefinite, are unfounded; the inference would seem most just and inevitable, that the reasons of the Secretary are not sufficient. It might also follow, that the opinion of the House would be, that the deposites ought to be restored; and it might happen that the sentiments of gentlemen would be so far changed, as the bank itself would be rechartered. If an investigation is to have any influence upon the decision of these questions, it might happen that all these conclusions would be reached. But having settled as definitively as the committee could settle these points, depending in a considerable degree upon the results of an investigation, they gravely propose to go in search of the very facts necessary to lead them to just conclusions upon the points themselves--necessary for those who deem an inquiry essential at any period. To those who regard the Secretary's reasons, upon his own assumptions and statements, insufficient, no inquiry can be necessary.

The committee have also been very careful to keep from the action of the House another important topic, intimately connected with the general subject of the currency, and which has been pressed upon their attention in numerous memorials. They have not trusted the House with the question, whether a national bank of any kind be necessary or expedient? They have indeed argued the question in their report, but they do not submit it to our decision. We know that public opinion differs widely upon this subject. Many are hostile to the continuance of the existing bank; but they call loudly for the establishment of another, with other limitations and other powers. Memorials were presented to the last Congress, as well as to the present, praying for a new bank. Why have the committee not presented this subject for the action of the House? Is there to be a non-committal upon it? Do they fear to express an opinion either for or against the project? If they should decide in favor of a new bank, do they fear that all those who are opposed to any and every bank might be induced to regard the question as simply one between the present and a new bank, and who might, in that view of it, very much prefer the continuance of the present? If they decide against any bank whatever, do they apprehend that those who are desirous of some bank, when all hopes of another are destroyed, would come to the support of the existing institution? The difficulty in which gentlemen who support the administration are placed is quite apparent, and they have chosen to extricate themselves from it by profound silence. The entire hostility to the existing bank, comes from two classes: from those who desire a new one, and from those who desire none. If, therefore, the committee, or the administration, should pronounce against all banks, the hostility of the former would be very apt to cease. If they pronounce in favor of a new one, that of the latter would almost necessarily terminate. In order, therefore, to retain the support of both parties, we are left in uttter ignorance of the policy of the Government upon this important topic. I know, indeed, that the President purposes to try the experiment of the State banks, until he thinks it has failed, and then probably even he would not consider himself committed against a national institution properly limited. There is great anxiety in the community to know the sentiments of Congress, and of this House, upon the subject. What is to be the future regulation of the currency? What control is Congress to exert through the medium of a national institution? In what way are the fiscal operations of the Government to be carried on hereafter? Upon these questions depend great interests of the people of this country. They have a right to know our judgment, and to have our answer to their inquiries. We have yet made no response. The resolutions adopted by the House steer wide of the subject. All those who voted for them may to-morrow vote for a new bank or against it without inconsistency. They may also vote that the reasons of the Secretary for the removal of the deposites are insufficient, and yet successfully defend themselves against a similar charge. It is, therefore, to procure, if possible, the solemn and deliberate judgment of the House upon these questions, which have not yet been decided, that I have moved the resolutions under consideration. I hope that they may be met directly, and that they may receive a distinct and unequivocal opinion of the House. They may be evaded, I know, by being laid upon the table. Gentlemen who do not wish to commit themselves, if such there are, can escape in this mode. For myself, I desire no such cover upon this or any other subject, behind which to retreat.

The reasons of the Secretary have already been very amply discussed, and my observations upon them shall be brief. Some of the grounds assumed by him, seem to me to have been abandoned by the committee, and by other gentlemen who have sustained his general course. The Secretary claims "*ex virtute officia,*" the control of the public money—the rightful, exclusive possession of it—the unlimited, unrestricted power which the bank charter does not impair, to direct the place for its deposite and safe keeping. These are positions which do not seem to have found much favor in the House.

The resolution of the honorable member from Alabama asserts the expediency of designating by law the future depository of the public money; and of defining by law all contracts for its safe keeping and transmission.

So, also, in the resolutions of the honorable member from Georgia, [Mr. Gilmer,] the control of the public money is a trust delegated to Government—the right of Congress to fix by law the places of deposite, and the duty of Congress to designate their places by law, and to prescribe terms and restrictions, are positions distinctly asserted.

The third resolution of the Committee of Ways and Means declares "that it is expedient for Congress to make further provision by law, prescribing the mode of selection, the sureties to be taken, and the manner and terms on which the State banks are to be employed as places of deposite.

If the claims of the Secretary be well founded, a claim put forth more strongly and tangibly in the anomalous paper lately transmitted by the Executive to another branch of the Government, whence the necessity or the utility of any law? The assumption is, that the custody of the public money belongs, and must remain, despite the legislative power, in the Executive department.

"Congress cannot, therefore, take out of the hands of the Executive department the custody of the public property or money, without an assumption of executive power, and a subversion of the first principles of the constitution." This is the language of the President, and is sufficiently distinct and intelligible. There can be no misunderstanding of its terms and meaning.

It is somewhat variant in terms and forms of expression, but not in substance or spirit, from the claims put forth by the Secretary in his letter. The legislative power over the money of the people, is curtailed, limited, denied, almost annihilated, in these monstrous assumptions of executive power. If they be well founded, whence the necessity of any law? Yet gentlemen propose "to make provision by law"—"to fix by law,"—"to designate by law." Are not these propositions a rebuke of the executive claims; an abandonment of the Secretary's assumptions? Whence have gentlemen discovered the necessity of "provided by law?" Do they perceive that the powers claimed, and exercised too, by the Executive, are so repugnant to the whole spirit of our institutions, so unwarranted by the constitution and the laws, so dangerous to the liberty of the country, as to require to be checked and restrained? Do they perceive that the people will not acquiesce in the prostration of the legitimate power of their representatives, and the union of the most dangerous powers of the Government in the hands of the President? Do they perceive that legislation is necessary to restore confidence, and to rescue the country from impending danger? But, sir, upon the principles of the committee, where is the necessity of any law? of what avail is it to enact new provisions? Have we not a law now in existence, requiring the public money to be deposited in the Bank of the United States? I know the answer which has been given, to show that the Secretary has not violated this law; and allow me to say that the same answer will apply when he violates the new law by which you may attempt to restrain him. What new regulation will you frame? Will you allow the Secretary any discretion, any control, any provisional power? How then will he meet your complaints of violations of duty, and abuse of power, when he chooses to disregard your law? He would doubtless contend, as he might upon the principles asserted by the committee, that the law "grants no new power" to him—"on the contrary, as far as it operates at all, it is a reservation of the power which before existed"—and that "being a reservation and not a grant of power, he retained all the powers over the public money which he before possessed"—he would argue from the practice referred to by the committee; of the first Secretary of the Treasury, and all his successors in that office, of directing where the public money should be kept; and of "uniform usages," that it is placed by law "under the exclusive power of the Secretary, subject to the supervision of the President." Then comes in the oath of the President, to execute the laws faithfully, "as he understands them;" and where are the new restraints that you propose to throw around him? Sir, these are the ingenious arguments, which are now used to justify the palpable evasion and abuse of the existing law, and will they not be equally efficient hereafter? Fortified, too, by that new doctrine which has been just promulgated, that Congress cannot, without usurpation, take the custody of the public money from the Executive, how confidently might the Secretary set your proposed law at defiance? If, therefore, gentlemen are serious, as I trust they are, in desiring some regulations by law, which shall be respected and efficacious, let them assert the supremacy and the majesty of the law, by rebuking evasions and violations of it whenever they occur. Let them vindicate the authority of the law, and maintain it, against executive encroachments. Let them restore the constitution, the supreme law, to its ancient foundations. Let them not, when the legislative power is usurped, and annihilated, let them not attempt to avert the arm of encroachment, by new provisions, which go to recognise the justice of that usurpation. Sir, we must vindicate the law as it is, before we can expect that any new legislation will provide new securities. If the Secretary and the President be right in these claims to unlimited power over the treasury—if they have always existed, whence the necessity now, for the first time, to regulate and control it by law? Have not the public funds hitherto been safely kept—promptly transmitted, and honestly disbursed as occasion has required? What has occurred to open the eyes of gentlemen to the necessity of further legislative enactments? Is it, that the monstrous assumptions of power on the part of the Executive, and the flagrant abuses which have been permitted, require to be corrected? And how corrected? By law! Restrain arbitrary power by law? No, sir; we must take care that the present laws be faithfully executed, before we propose new ones as additional guards and restraints.

The power claimed by the Secretary is a power to repeal a law of Congress, whenever, in his judgment, it "would in any degree promote the public interest." The law, as it now stands, is imperative. The deposites must be made in the Bank of the United States, unless the Secretary shall otherwise order and direct, for reasons to be submitted to Congress. Now he says, I have the exclusive power over the deposites; I can dispense with this law, provided I assign "reasons" for it—any reasons, good or bad. The only condition imposed upon me is, that I shall not vacate a law without giving reasons. Is it not evident, if this be the construction of the law, that the Secretary may at any moment dispense with it? Reasons he can always give; and these, he intimates, may be that, in his judgment, the public convenience, in some degree, would be promoted. Suppose the Secretary to remove the deposites, and to assign this simple reason: In my opinion, public convenience, in some degree, is promoted by it. Would that satisfy any body? Yet it is a reason; and the Secretary distinctly asserts that, in such a case, it would not merely be his right, but his "duty," to make the change. This is, in his opinion, a sufficient reason. This extraordinary claim to vacate a law is rendered still more extraordinary, coupled as it is with a denial to Congress of any power or control over the place of deposite of the public moneys, during the continuance of the present bank. However imperiously the public interest may demand it, however unsafe the public funds may be, however the bank may have violated its duty to the Government and the country, in the opinion of Congress, unless the Secretary shall order and direct, the public treasure must remain, he says, in the custody of the bank, until the last moment of its existence.

In this view the Secretary is supported by the majority of the Committee of Ways and Means, but not, I trust, by a majority of the House. Among others, the honorable member from Georgia, [Mr. GILMER,] who always addresses the House with great force and ability, repudiates these doctrines. His resolution asserts that Congress did not, by the charter of the bank, "relinquish its right of controlling the deposites of the money of the United States, whenever the public interest should require its exercise." The gentleman finds himself at issue with the Secretary and with the committee. This claim of power, by the Secretary, to himself, and the denial of it to Congress, however it may be acquiesced in by the House, is not destined to meet with much favor, I apprehend, from the people. They are not yet prepared to dispense with their representatives. They have some confidence that the legislative department—that those chosen immediately by themselves, and responsible to them, are quite as safe guardians of their interests as any officer appointed by the Executive, and responsible to him. They believe that ours is a popular Government, in which their rule, expressed through their representatives, is to prevail. The features of our constitution which most commended it to favor, and secured its adoption, are its popular features. The people have not forgotten the jealousies which existed at the time of its formation, in relation to the extent of the executive power, nor the arguments with which these jealousies were encountered and removed. And, knowing this, they are not ready to surrender the popular branch of the Government to the Executive. They do not desire to see it limited or curtailed of any power which it possesses; for its rights are their rights, its powers their powers.

In relation to the reasons of the Secretary, it is worthy of remark that not one of them respects his official connexion with the bank, or is founded upon his official control over the finances of the country, unless it be that which relates to the time of the expiration of the charter, and the inconveniences apprehended from withdrawing suddenly so large an amount as might be expected to be in deposite at that period.

The time at which the bank would cease to exist was well known to Congress when its charter was granted. No necessity was perceived for stipulating that it should cease to enjoy the full benefits of its charter, at any period prior to its extinction. It was not to lose its franchises by degrees. The Secretary assumes to amend or revoke an act of Congress, for reasons perfectly known to Congress when the act passed, and which it did not deem of sufficient importance to make the ground of any provisional arrangement. As to the inconvenience anticipated by the Secretary, from a sudden withdrawal of the deposites at the extinction of the charter, there seems to be no well-founded belief that any will be experienced. For, although he says in his letter, "judging from the past, it is highly probable that they will always amount to several millions of dollars," yet, in his annual statement of the finances of the country, at the commencement of the session, he estimates the balance in the treasury, 31st December, 1834, at 2,981,796 dollars. He also says, "under the act of last session, the receipts of 1835 will be less than those of 1834," and recommends great economy in the appropriations, as otherwise the treasury will not be able to meet the expenditures. The idea, therefore, of "several millions" being in deposite at the close of the charter, is abandoned by the Secretary himself. Is he serious in the belief, "that the ability of the bank to be prompt in its payment to the Government," at that time, may well be doubted? It has already been conclusively demonstrated, that the public moneys remained in the former Bank of the United States until the last hour of its existence; that no inconvenience was felt then, although the amount was larger, in proportion to the capital of the bank, than may be expected to be in the present bank at the close of its charter. There is, therefore, no experience to warrant the idea of the Secretary. Upon his own showing, the amount remaining in the Treasury, at the close of 1835, must be very small—perhaps not sufficient to meet the appropriations for the support of Government.

As to the other reasons which the Secretary has assigned, if they furnish proper grounds for proceeding against the bank, they are proper for some other department of the Government; they do not regard his official duties. He is to see that the bank fulfils all its engagements, so far as the Treasury Department is concerned, that it shall keep the money safely; that it shall transmit it promptly, and without cost, wherever it is required. These duties, his official station necessarily requires, shall be under his supervision; but no further. He is not to inquire into violations of charter. The President may do that, by causing a legal investigation. Congress may inquire into alleged abuses. Sufficient power is reserved to both these departments, to meet all possible cases; and being reserved to these is sufficient ground to deny that the same power exists, by implication, in the Secretary. Errors, abuses, violations of charter on the part of the bank, were all proper to be anticipated, and to be guarded against; and, accordingly, the remedies for such evils are specially provided and designated. But it is not one of them, that the Secretary of the Treasury or the President may withdraw from the bank the public money which may be there deposited. No such power is given to any body, for any cause. Doubtless, if the bank were convicted, in due course of law, of a violation of its charter, or upon a violation, by either House of Congress, of gross misconduct, the Secretary would stand justified for the exercise of his authority. But he is not to judge, to convict, to sentence, out of the circle of his official relations. He may judge if the bank performs all the duties which he may require, but no further. He is not the general supervisor of the interests and "the morals of the people." It is admitted on all hands that the bank has faithfully, promptly, honorably, fulfilled all its engagements with the Government. It has performed all its duties, as a fiscal agent, to the satisfaction of every body. Can the Secretary of the Treasury, as Secretary of the Treasury, require any thing more? Can he, as such, know any thing more?

Now, sir, the reasons I am considering, step aside altogether from these official relations of the Secretary to the bank. He finds the bank performing, to the letter, every thing which he can require, and yet he thinks it has done some other things, which he cannot either forbid or require, and therefore he will punish it—without hearing--without trial. Where is the warrant for this? I ask where? The Secretary has received, in the execution of his duties, all the aids and facilities which the bank could render. He requires more--he demands that it should conform itself to his judgment--his, not as Secretary--not an official judgment, but his individual opinion. If he thinks it does not regulate its discounts properly; if its committees are not constituted as he thinks proper; if it loan more to-day and collect more to-morrow than he judges suitable; he claims the power to terminate its connexion with the Government, and to deprive it of its chartered rights. These claims are dangerous in the extreme. If admitted, the bank would become a mere instrument in the hands of the Secretary, and he confesses himself to be, what in his own case is too true, a mere instrument in the hands of the President. Sir, does any such power exist in the Secretary of the Treasury? Let us beware. Let us consider to what disastrous consequences it might lead.

It may be admitted that the Secretary has the power to order and direct that the deposites of the public money shall not be made in the Bank of the United States. That is the power given by the sixteenth section of the bank charter. But that is the only power. It is not an arbitrary, capricious, irresponsible power. It is to be exercised for reasons—good reasons—sufficient reasons; and of their sufficiency Congress is to judge. The Secretary has transcended the authority granted by the charter. He has not only ordered and directed that the money of the United States shall not be deposited in the Bank of the United States, but he has withdrawn the money already deposited there. Where is the authority for this? Not in the sixteenth section. That relates only to the place where future deposites shall be made—not to the withdrawal of deposites already made. Money thus deposited is in the Treasury; under the custody of the Treasurer, and to be taken out only in virtue of appropriations made by law, upon warrants duly authenticated by the several officers of the Treasury. The Secretary, then, in my judgment, has transcended the power given him, by withdrawing the money from the legal place of custody, and placing it in depositories selected by himself. He has abused the power given him, by ordering the future deposites to be made elsewhere than in the place selected by Congress, for frivolous and insufficient reasons; for reasons not connected with his official duties; and by his hasty and precipitate measures in anticipation of the legislative power: and he has claimed authority in himself not warranted by the constitution nor the laws of the land. I deem it of no light importance that his reasons shall receive a direct expression of the sentiments of the House. They ought to be subjected to this ordeal. He ought not to escape, nor to wish to escape, under cover of other and different questions. He ought to have the judgment of the House, be it of approval or disapproval. An evasion is, in itself, a rebuke. If his reasons are not pronounced to be satisfactory, the just inference is, they are unsatisfactory. Sir, I submit to the friends of the Secretary, as well as to the friends of the administration, whether they wish the matter to stand in this light before the country?

Dismissing, with these few remarks, the reasons of the Secretary, I come now to the other great topic of public interest, which the committee have studiously kept from the decision of the House. Numerous memorials, from various quarters of the country, call upon Congress to recharter the existing, or to establish another national bank. We have responded to the first proposition, and have declared that the present bank ought not to be rechartered. Will you establish another? Shall any institution exist, under the authority of Congress, and subject to the control of Congress? The country has a just right to our decision upon this question. The subject is one of deep and lasting importance, and concerns intimately the interests of the people.

I am well aware that formidable objections exist in the minds of many gentlemen to any such institution, established by Congress, however modified, limited, or controlled. The constitutional power of Congress is denied, and this presents one of the chief difficulties which, in the present exigency, the bank has to encounter. To those who entertain this objection, I have but a few words to address. What is a national bank? Is it merely an incorporation--an artificial person--whose objecct is to enable certain individuals to carry on banking operations for their own benefit and advantage? Is it simply a favor, a monopoly, to a few individuals, to administer the powers given by the charter, for their own ends? Is it a mere private institution? If this were all, the objection would be formidable, perhaps insurmountable. But the Bank of the United States is a very different thing. It was established for no private benefits--for no individual emolument. It was designed to be, and is, a fiscal agent of the Government; created to subserve the convenience of the Government, clothed with such powers as to enable it to fulfil the purposes of a fiscal agent of the Government. It is an instrument, formed and fashioned by the Government, to do certain acts essential to the operations of Government. Whoever will take the pains to recur to the history of the establishment of the present bank, and the various abortive efforts which were made prior to that time, will perceive that it was called into existence by the wants, necessities, and embarrassments of the Government and of the country. It was the instrument fabricated by the wisdom of Congress to relieve these wants and to restore the country from the very verge of ruin to its wonted state of high prosperity. True, it could not produce its purposed end without the aid and co-operation of private persons, nor without partaking the character of a commercial bank. They were invited to associate, and to come to the aid of the Government, and they were offered immunities and privileges to induce them to come. But the original, primary, leading purpose was, to provide a fiscal agent for the Government, and not to confer upon individuals special benefits and favors. The Secretary asserts this: "The bank (he says) was incorporated in order to create a useful and convenient public agent, to assist the Government in its fiscal operations." I wish now to inquire if any fiscal agent, of any character or description, be necessary? This will be denied by nobody. Nobody is weak enough to suppose that the operations of the Government can be conducted without some fiscal agent. The President, and the Secretary of the Treasury, and the Committee of Ways and Means, all agree in this, and they are now zealously engaged, I doubt not, in providing a scheme of such agency, through the medium of State banks, leagued and connected together, so as to resemble, as far as practicable, one institution, with various branches. If, then, it be agreed upon all sides, the Government must have a fiscal agent of some sort, who shall determine of what sort that agent shall be? The constitution is silent. It neither prescribes nor forbids what fiscal agent shall be employed. Does it not then belong to the legislative power to determine, in its judgment and discretion, what agencies it will provide to carry on the functions of the Government? Some it must have. None are furnished by the constitution. How, then, shall Government go on, unless it furnish itself with the means of executing its just powers? It does furnish itself—the proposition of the Executive at this moment is, that it shall furnish itself, by employing State banks. It belongs, therefore, to the legislative power; and Congress is under no constitutional restraints in the exercise of its wisdom upon this subject. What constitutional authority is there for the appointment and employment of commissioners of loans—an office which was in existence until the establisment of the Bank of the United States? These were fiscal agents of the Government. Change the name; devise some other scheme of agency than by means of a corporation; does that affect the power? Where is the limitation in the constitution? Where is the authority to establish an agency of one sort,[but not of another? Gentlemen have said, and so says the resolution of the honorable member from Georgia, [Mr. Gilmer,] that Congress possesses no power to grant charters of incorporation; that a bank is an incorporation, and therefore Congress possesses no power to establish a bank.

With great deference I submit, that the objection mistakes the means for the end. "Incorporation" is but the means deemed suitable to attain an end, which all admit to be within the power of Congress. The end to be gained is, the establishment of a fiscal agent. That is wanted and must be had. The Government does not grant an "incorporation"—to be a mere incorporation—for the purposes of a corporation. It uses this power, to reach other purposes, clearly within its power, and to which it is deemed essential. The report of the committee says, "The collection and disbursement of the revenue may be safely placed where the sages who framed the constitution left it. They did not deem a national bank essential, either to the existence of the Government they were forming, or to the successful administration of its finances." This is to carry the idea, I presume, although it is not directly asserted, that the framers of the constitution intended to give no authority for the establishment of a national bank. Let us see how the sages of that day understood the subject, and how they "left it." They anticipated, doubtless, the rapid increase of the business and population of this country. They saw the germs of its future greatness and power, and looked forward with exultation to its high and palmy state among the nations of the world. They foresaw that large revenues would necessarily be collected and disbursed, both in peace and in war. The experience of other nations was well known to them, and they had also the lights of their own experience. A national bank had been found necessary, and was established, even under the limited powers of the confederation. This they well knew, and they must have anticipated—it is folly to suppose otherwise—that some institution, under the authority of the General Government, would be indispensable to its proper operations. And how did they leave it? Did they provide for its establishment? Did they set bounds to the exercise of the legislative power? By no means. Clearly, then, they left it to the enlightened judgment, and the responsibility of those whom the people, the fountain of all power, should call to the legislative department. The principles of the constitution were quite as well understood by those who framed it, and their contemporaries, as by us in this day, fruitful as it is in constitutional learning. In two years after the adoption of the constitution, a national bank was established. It had the decided approval of one of the ablest defenders and expositors of the constitution, (Hamilton,) and was sanctioned by the President, (Washington,) who was also president of the convention which framed the constitution. In the Congress which incorporated this bank, were sixteen of the "sages of the constitution," of whom twelve voted for it; and my honorable friend from Ohio [Mr. Corwin] has pursued the inquiry farther, and has demonstrated that of thirty-nine, being the whole number of members who framed the constitution, thirty-two have, in one form or another, declared in favor of the constitutionality of a national bank. One of the most eminent, and most honored and beloved of these sages—whose broad, clear light, descending toward the western horizon—yet lingers above it, to guide our path, (Madison,) gave his sanction to the existing bank, by the approval of its charter. The honorable member from Georgia [Mr. Schley] says he regrets that Mr. Madison "should have taken such an erroneous view of the subject." He is "at a loss to conceive how so great a man could have fallen into so glaring an error," as to have regarded the constitutional power of Congress to establish a bank settled and defined.

Indeed! The honorable member may well be astonished, in finding Mr. Madison in error upon constitutional questions. But did it not occur to the honorable member that, by possibility, the error lay elsewhere? Did not the gentleman deem it of some little consequence, to revise his own preconceived opinions, to distrust in some degree his own judgment, when he had found it against such a weight of authority? But "authority," on constitutional questions, seems destined to have no respect. The judges of the Supreme Court of the United States have been supposed to know something of the constitutional powers of the Government. Their age, experience, legal acquirements, knowledge of the jurisprudence of the country, and official duties, have fitted them, we may well suppose, to decide questions of constitutional law upon sound and just principles. They have decided that the establishment of the Bank of the United States is a constitutional exercise of the powers of Congress. Is the question settled? Is it ever to be settled? Is the constitution always to be a thing to be contested, and never to be enjoyed? Mr. Madison thought, so long ago as 1815, that the constitutional question could no longer be raised. He considered it closed and settled then; and he remained of this opinion so lately as 1831, when, in a letter to Mr. Ingersoll, he re-affirmed his opinion that the constitutional power of Congress to establish a bank was settled, and to be hereafter admitted without question.

But learned men in wise legislatures have resolved otherwise. The cry is up: *Delenda est Carthago.* The bank must be destroyed. Precedent, judicial decisions, weight of name, force of argument, all and every thing which stands in the way, is to be thrown down, to enable the President "to achieve a victory;" a victory over the interests and prosperity of the people; a victory over one of the institutions of the Government, which all our experience has shown to be essential to its proper administrations.

Other objections to the existence of a national bank, independent of the constitutional questions, have been stated, to which I will briefly refer. They have been arrayed in every form against the existing institution, and are equally applicable to any other which may be devised. It is easy to accumulate epithets—to heap up general allegations—to decry the dangerous power and tendency of such institutions. A bank may be denounced as "a monster," "a tyrant," "a moneyed aristocracy," "an irresponsible corporation;" and accordingly, it has been assailed in every form of vocabulary known to our language. This proves nothing but the taste and the habit of mind of those who resort to the use of these epithets. After all, it is but a bank, with the powers of a bank. A moneyed corruption, a moneyed aristocracy, a moneyed monopoly. It ought to be a moneyed institution. It cannot subserve the purposes of its creation unless it be moneyed. "Irresponsible." This has been much dwelt upon and is often repeated. How irresponsible? Is it not responsible to the laws? Is it not limited by the charter, precisely to the extent, and restrained precisely in the degree in which the Legislature deemed it suitable to limit and restrain it. Is it not amenable to the inquisitorial power of Congress, and liable to be brought to the bar of the judiciary, at the will of the President or of Congress. If it transcends in the smallest degree the power given to it, are not the means to punish and restrain it ample and convenient? And if all this is not sufficient, may we not, in creating a new bank, or continuing the existence of the present, impose such new limitations, and provide such new responsibilities as may be deemed proper? What sort of responsibility do gentlemen desire? How will they restrain it, so as to leave it any power or vigor? Will they subject it to the executive control? Sir, in my judgment, the bank is as responsible as public good requires it to be, or as the wisdom of the Legislature which established it saw fit to provide. A monopoly! How a monopoly? Does not every State possess the power, and exercise it freely, to establish banks? The United States Bank is but one out of five hundred. If it be intended to say that the Government can establish no other during its existence, can we not modify that provision in a new charter? Can we not obviate the objection? Is it meant that the stockholders enjoy exclusive favors? Who are the stockholders? Any body who possesses the means may become one. The stock is constantly in the market—constantly changing hands. None enjoy the favor, who have not purchased and paid for it, under our laws and at our solicitation; and any may enjoy it upon the same terms. In the same way, the holders of your public debt are "monopolists." They hold your stock, and to them you pay interest. Will you never contract loans, because you are thereby granting exclusive favors to those who may become your creditors?

The bank has been treated as a great antagonist power, grown up against the Government, without the will of the Government; setting itself above law, and threatening to subvert the civil institutions of the country. Is this just? How did this gigantic power come into existence? I have already said it was the offspring of the wants and necessities of the Government and of the country.

Mr. Madison, in his message to Congress in 1815, called the attention of that body to the condition of the finances of the country, and remarked, "it is essential to every modification of the finances that the benefits of a uniform national currency should be restored to the community." And he further said, "if the operations of the State banks cannot produce this result, the probable operation of a national bank will merit consideration." It was an object of deep importance "to restore" a uniform national currency, which had been destroyed by the operation of various causes, and to do this, a national bank was one of the methods which deserved consideration. The then Secretary of the Treasury, Mr. Dallas, submitted at large his views to Congress, upon the deranged condition of the currency, and the various remedies which had been proposed; and he declared that "a recurrence to the national authority is indispensable for the restoration of a national currency." He discussed the subject of a specie circulation, and of State banks agency in restoring and preserving a sound currency, both of which he considered impracticable; and upon the subject of a national institution he used these words:

"The establishment of a national bank is regarded as the best, and, perhaps, the only adequate resource to relieve the country and the Government from the present embarrassment: authorized to issue notes which will be received in all payments to the United States, the circulation of its issues will be co-extensive with the Union, and there will exist a constant demand, bearing a just proportion to the annual amount of the duties and taxes to be collected, independent of the general circulation for commercial and social purposes. A national bank will, therefore, possess the means and the opportunity of supplying a circulating medium, of equal use and value in every State and in every district of every State. Established by the authority of the Government of the United States; accredited by the Government to the whole amount of its notes in circulation; and intrusted as the depository of the Government, with all the accumulations of the public treasure; the national bank, independent of its immediate capital, will enjoy every accommodation which can merit and secure the confidence of the public. Organized upon principles of responsibility, but of independence, the national bank will be retained within its legitimate sphere of action without just apprehension from the misconduct of its directors, or from the encroachments of the Government. Eminent in its resources and in its example, the national bank will conciliate, aid, and lead the State banks in all that is necessary for the restoration of credit, public and private; and, acting upon a compound capital, partly of stock and partly of gold and silver, the national bank will be the ready instrument to enhance the value of the public securities, and to restore the currency of the national coin."

Acting upon these suggestions, the Congress, the republican democratic Congress of that time, established the present Bank of the United States. The President, Mr. Madison, approved the charter. The people of the country, and especially the party which had sustained the late war, sanctioned the measure, and from that time until the present Executive, in his own language, began "to molest it," that institution has not merely had the acquiescence, but has enjoyed the confidence of the whole nation. All the predictions of Mr. Dallas were signally fulfilled. Such was the origin of this monstrous, irresponsible, moneyed corporation. Established by Government for its own purposes, and not for any individual advantage to the stockholders, admitting and inviting private persons into the co-partnership upon such terms, and such only as Government saw fit to offer; performing to the full extent every duty which devolved upon it, and fulfilling every purpose for which it was instituted, with what propriety, or justice, or truth, can it now be charged as a great, irresponsible, usurping tyrant, dangerous to the liberty of the people, and which must be prostrated, though it should lay beneath its ruins the commerce, the credit, the prosperity of the country. How is it dangerous to liberty? How does it corrupt the people? These are vague generalities, conveying no very definite ideas. The honorable member from Georgia [Mr. Schley] has undertaken to define the mode of operation, the particular danger to be apprehended. He says, "whenever it shall suit their purpose to join a corrupt or ambitious administration, if this nation should ever be cursed with such a one, to put down the liberties of the people, the great pecuniary power they possess, joined to the political power of their ally, will easily effect the object." A corrupt alliance between a corrupt administration of the Government, and a corrupt board of officers of the bank, seems to be the evil which haunts the mind of the gentleman. I will not say, sir, that such an event is not within the reach of possibility, but I submit to the honorable member if he believes it to be within the bounds of human probability. Before the people of this country will tolerate such an administration of their affairs, they must be corrupt themselves; and before the bank can have such a board of officers, it must have a corrupt list of stockholders. If, then, the people, the Government, the stockholders, and the bank are all corrupt, it matters not how soon "the liberties of the people are destroyed." They will be unworthy of liberty, unfit for liberty. But, sir, the very nature of such an institution forbids the vague apprehension which the gentleman has stated. The bank has nothing to gain by civil commotion, by political strife, but every thing to lose. It desires, of all things, calm, settled, tranquil prosperity; a time of peaceful pursuits, of active business in the community. Its greatest interest lies in preserving the liberty of the people, and of advancing their pursuits. What foundation exists for this apprehension? What experience? What practical proof? When have banks been found dangerous to liberty? Money has always been jealous of the hand of power. It never seeks the protection of power.

Does the gentleman imagine that it can ever happen that the stockholders and the directors of the bank, scattered as they must be over the whole country, embracing a large number of persons, of various interests and pursuits, and political tenets; stimulated, as all men are, more or less by their private interests, will lay down their wealth at the feet of a corrupt administration, with a view to prostrate the liberties of the country; to make themselves and their children slaves; to hazard their own property, and the hopes of their posterity? These apprehensions are wholly imaginary. If a bank be established on proper grounds, organized, as Mr. Dallas said, "upon principles of responsibility, but of independence," it cannot, in the very nature of its objects, become the ally of arbitrary power against popular rights. It must depend for its success upon maintaining popular rights, and securing public confidence and good will. Government, however arbitrary, cannot sustain such an institution without the confidence and support of the commercial, mercantile, and active portions of society; and these, certainly, will not become the allies and instruments for the destruction of their own liberties. But, sir, it is not difficult to conceive that a bank may be so organized as to be justly liable to these objections, one that might become dangerous, in the hands of the Government, to the liberties of the people. A bank, for instance, "founded on the revenues of the Government," under the exclusive control of the Government, such a one as seemed to be floating in the imagination of the President, when he began "to molest" the present bank; such a one as he says in his veto message he might have projected, if he had been consulted. Or, even the present institution might become dangerous, if all the schemes which have been meditated and attempted to secure the control of it should be carried into execution. Make it subject to the general supervision claimed by the Secretary; permit him to manage its concerns; to direct when and to whom it shall discount, and to whom it shall not; when it shall contract, and when expand its business; put into its board of directors "Government agents," instruments and creatures of executive will, to do his bidding; authorize the Secretary of the Treasury to prescribe who shall be, or who shall not be officers of its various branches, as was attempted not many years ago, in relation to the branch at Portsmouth; and what is the bank but a mere creature and instrument in the hands of the President, an ally to aid his ambitious designs? These powers have been claimed, and, as far as lay in the Executive, have been exercised, but they have been resisted; and because they have been resisted, why, forsooth, the bank possesses too much power, is dangerous to liberty. The power to resist encroachment upon itself is too much power. Liberty is never safe but under the exclusive guardianship of the executive power. The rights of the people are not to be trusted in the hands of the representatives of the people. Sir, these are the monstrous absurdities which are now put forth as true republican doctrines.

We have already seen that one of the chief inducements to the establishment of the present bank was the restoration of a uniform national currency. The State banks had been found wholly inadequate to that object. Their issues had run to great excess, and, of consequence, were depreciated, and millions were lost to the people by the failure of several of these institutions. The history of that disastrous period is familiar to all, and is pregnant with instruction. Nations, however, are slow and reluctant learners, and seldom learn any thing from experience. Twice, in the course of our past history, we have been compelled to resort to a national bank to furnish a sound currency, and to conduct the fiscal operations of the Government; and, in both instances, these efforts have been entirely successful. Not satisfied with this, we are now trying "an experiment;" we are laying aside the lessons of experience, and forgetting the wisdom which we have acquired, to venture upon schemes which have always hitherto failed, and which, so far, have produced only ruin and distress over the whole country. A bank, established by national authority, and operating wherever the national authority extends, is indispensable to a national currency. We are one people, having a common language, a common Government, and bound together by common interests, carrying on a vast amount of internal and domestic commerce, throughout a wide-spread territory. Can any thing be more reasonable than that such a people should want a common currency, every where the same in value? Is it not as important to have a uniform standard of value as it is to have a uniform standard of weight or measure? Every body acknowledges its great importance, and the President does not himself lose sight of its consequence, but hopes to preserve it by other means than the agency of a national bank. He imagines that the State banks will be able to provide a uniform currency; and yet the State banks are not, and cannot be, subject to the supervision and control of the national authority. The Government of the United States possesses exclusive control over the commerce of the different States; and yet, if it establish no currency of its own, which it can regulate, it will commit the singular anomaly of leaving to twenty or thirty State sovereignties to provide, at their own uncontrolled will, that which is to furnish the medium of exchange and the currency by which this commerce is to be carried on. We know by experience that the Bank of the United States has furnished a sound and uniform circulating medium. Its bills have been every where current, every where sought for in preference to those of any local institution. The rates of exchange, between distant parts of the country, have been by its means reduced to a very low degree. The navigating and commercial interests, in particular, have been thereby largely increased and improved; but yet, we must try "the experiment."

The labor which devolved upon the bank, of restoring a sound currency, from the vitiated and deranged condition in which it was found, was difficult and onerous, and was attended with great embarrassment and loss to the bank itself. So great was the difficulty, that errors were undoubtedly committed in its early management. It has, however, recovered and redeemed itself from the effects of these errors, and, for a period of near fifteen years, has had the entire confidence of the people of the country, and, until late events, of the Government also. The bank not only furnishes a sound currency in its own emissions, but it preserves the soundness of the State institutions themselves. It is the tendency of all banks to run to excess in their circulation. This tendency is often restrained, or attempted to be restrained, by provisions of their charters, and by legal enactments. They have, however, not been found, in all cases, entirely efficacious. The power which an institution like the United States Bank possesses, to keep the State banks within safe limits, is of more value than all the restrictions which the wisdom of legislatures has adopted or discovered. When this warfare upon the bank commenced, it was one of the grounds of complaint, that its power over the State banks was too great, was dangerous to their existence; and they were appealed to to aid in prostrating it, in order to enable them to extend their issues, free from restraint.

The pretence at the present time is of a different character; it is to secure a sound currency by the destruction of all banks. The power of the United States Bank to restrain the excessive issues of local banks is to be dispensed with—and for what wise purpose? To bring in a specie circulation. Does not every body perceive that the moment the control over the State banks ceases, so far from a specie circulation, the bills of those institutions will be thrown out with a profuse hand? Specie will necessarily be driven out of circulation, and the currency of the country will be composed almost entirely of State bank notes. Is this the mode of producing a uniform currency—a sound currency? Have we no experience on this subject? Have we no testimony? The importance of a national bank has been attested by every Secretary of the Treasury except the present, since the organization of this Government; and there has been as wise men, skilful financiers, sound patriots, enlightened statesmen, true republicans, in that Department, as the world has ever seen. Is there nothing due to the judgment of such men, even though they have never waved a victorious banner on the field of battle, nor repelled an invading foe from our shores? Is all wisdom, and knowledge, and financial skill, to be learned only at the head of a conquering army?

Sir, I could readily cite the testimony of all these distinguished men, even down to him "now so fallen," who held that post under the administration which preceded the present; but I content myself with the very decisive expressions of Mr. Crawford, made so lately as 1831, in a letter to Mr. Ingersoll. He says: "I was Secretary of the Treasury more than eight years, and during that time I had ample evidence of the great utility of the Bank of the United States in managing the fiscal concerns of the Union. I am persuaded that no man, whatever his preconceived opinions may be, can preside over the Treasury one year without being deeply impressed with the expediency of the Bank of the United States, in conducting the finances of the Union." Mr. Crawford proceeds to declare his opinion "that a national bank is constitutional," and to give the reasons on which that opinion is founded. He speaks of the President's plan of a bank, which he condemns principally because the safety of the public deposites cannot be effected by it, and asserts that the advantage of this security to the public is incalculable.

It seems to me, sir, that no man can shut his eyes and close his ears, to testimony like this. A national bank has been found indispensable. It will again be found indispensable. About forty-five years have gone by since the adoption of our constitution, and during thirty-eight of these years we have had a national bank. Is it not incredible, that, with this experience, with a full knowledge of all that we have suffered for the want of a bank, in a time of high prosperity, when all our interests were successful, we should begin to "try an experiment?"—that we should put at hazard the comforts, the happiness, the welfare, of a whole nation, merely "to try an experiment?"

I think, sir, upon much consideration, that Congress has the constitutional power to establish a national bank as a fiscal agent of the Government, and as a mean to provide a uniform currency; that such an instiution is necessary and expedient, if not indispensable; and that the present institution is preferable to another to be established, for reasons which I will give in a word. The present is now in operation. Experience is necessary to the successful administration of such an institution. That experience has been acquired at much cost, and if a new bank be established, must again be acquired. Unavoidable embarrassment in the community, and a derangement of the currency must take place by the winding up of the concerns of the present, and the commencement of a new bank. These evils, though temporary, I choose to avoid. If the charter of the present bank needs amendment, amend it. If it ought to be restricted, restrict it. If it have too much power, curtail it. If foreigners ought not to hold stock, forbid it. If its capital ought to be subject to taxation by the States when it is employed, make it so. If it ought to pay a larger bonus, require it. In a word, make it what you please, and as you please, but if you have any bank at all, is it not better to retain that which is now in successful operation, prepared to fulfil every duty you can require of it, and thus avoid the embarrassments incident to the close of its concerns, and the commencement of another? Sir, the services which the present institution has rendered the country, ought not to be overlooked in estimating the importance of a national bank to the Government and to the people of the United States. It has collected and disbursed hundreds of millions of revenue without loss to the Government; it has transferred the funds in the treasury from place to place, wherever required, at its own cost and risk; it has taken upon itself the onerous and expensive labor of paying the pensioners of the country without reward; it has paid off the public debt at various times, and always with such regard to the commercial interests and the moneyed operations of the country, as to produce no pressure, no fluctuation; it has reduced exchanges, and in every particular fulfilled the most sanguine expectations of the wise and patriotic statesmen by whom it was established. It paid a large bonus to the Government, and took upon itself more than a million of dollars of depreciated, uncurrent State bank notes, lying useless in the treasury, for which it paid good and current money. Ought not these important services to shield it from the vague and indefinite charges which have been so lavishly brought against it, and to attest, in some degree, the importance of such an institution? I submit it to honorable men to judge of it by its fruits.

Sir, the memorial which I have had the honor to present, complains of severe pressure and embarrassment in the business of the country. At the present time, I imagine, this will hardly be questioned by any considerable number. The honorable member from Georgia, [Mr. SCHLEY,] however, and some others, have derided these representations of the people as "senseless clamors," and have attributed them to the dictation and influence of the bank. It is not among the least alarming signs of the times, abounding as they do in fearful omens, that efforts so persevering and apparently concerted, are made to break down that sacred column, the constitutional right of the people to petition for a redress of grievances, and to stifle the popular voice. The people who present themselves here are met with contumely, and reproach, and insult. Their prayers are unheeded and ridiculed. Sir, when the whigs of a former day laid their grievances at the foot of a throne, they were met with much the same reply. They were told of the gracious favor of their royal master; that their grievances were imaginary; that they were the dupes of restless and designing men, aiming at political power; and of declamatory orators, who stirred up sedition for selfish ends. The people were not quite satisfied with these answers. They supplicated for redress. They will not do so now. They will command, and we must obey. Gentlemen will not always find the voice of the people to be "senseless clamor," nor be allowed to turn a deaf ear to their complaints with impunity. We all profess to respect public opinion, to regard the Government as the imbodied sentiment of the nation; and yet in what spirit do we receive the evidence of that sentiment? If it do not accord with the mandates of the Executive power in every particular, it is set aside as factious. It comes no longer from the people. The people are not, in the new vocabulary which the present times have introduced, the free citizens of this whole country, who support its Government and are bound to fight its battles, but they are only those who belong to the democratic party; and this again consists of all those, and only those who believe the President of the United States the fountain of wisdom, inflexible, immaculate. That only is public sentiment, which emanates from party associations. That only is the voice of the people, which echoes back the voice of the President. No purity of life; no degree of patriotism; no services to the country; no force of talents or experience entitles their possessor to be one of the people, entitled to the privileges of a free citizen in the administration of public affairs, unless he think, and believe, and act in strict accordance with the will of the chief of the party. A despotism over opinion is practised, more relentless, more severe than any free state in any age of the world has either witnessed or tolerated. But to return. Is there no distress in the country? What evidence will satisfy gentlemen? So long ago as last October, the Secretary says: "Complaints of a pressure upon the money market were heard from every quarter." Again: "We shall be at no loss to perceive the cause of the pressure which existed in the commercial cities about the end of the month of September."

It was impossible that the commercial community could have sustained itself much longer under such a policy. "A wide-spread scene of ruin and bankruptcy must have followed." The Committee of Ways and Means repeat the same fact: "Before the 1st of October there was a pressure upon the money market, and serious apprehensions for the future." Such is the testimony of the Secretary himself and of the committee of this House, and because they attribute it to the conduct of the bank, gentlemen are satisfied to believe the fact itself. But when the people come with the same complaint, and tell us of distress, and embarrassment, and pressure, it is all "senseless clamor," "bank influence," "bank dictation." Has not the price of agricultural produce greatly declined? Have not the wages of labor been reduced? Have not manufactories suspended operations? Have not merchants and traders failed in every section of the country? Have not banks stopped payment, and are not others severely pressed? Sir, I could read to the House letters from intelligent gentlemen in every part of the State which I unworthily represent, from the seaboard and the interior, from the cities and the country, all speaking one language of distress and embarrassment; but if gentlemen are not satisfied with the evidence already before us, what will satisfy them? Is it "senseless clamor" that the Governor of New York has recommended, and the legislature has adopted that novel experiment of loaning the credit of the State to sustain the credit of the banks? Is it "senseless clamor" that the great and rich State of Pennsylvania could borrow no money upon its credit in this country, and has been obliged to resort for aid to foreign capital, so much deprecated by the President and his advisers? Is it "senseless clamor" which has induced the merchants and mechanics of New York to suspend their business for three days, and at the peril of their lives to exercise the high privileges of freemen, and to speak out in a voice which has brought consternation to these walls? Let not gentlemen deceive themselves, the country they cannot deceive. The distresses of the community are deep, severe, almost intolerable. It is our duty not to deny, but to mitigate and remove them, and to restore confidence, and credit, and prosperity, to a suffering people. But, sir, as to the causes of the present condition of the country. What has occasioned the embarrassments? The Secretary attributes them to the unnecessary curtailment by the Bank of the United States of its usual facilities to the commercial interests, and the consequent curtailment of accommodations by the State banks. He estimates the amount withdrawn from circulation in August and September last, at nine millions of dollars. The Committee of Ways and Means, and every gentleman who has advocated the course of the Secretary, has adopted the same view. It is of some importance to examine, in the first place, whether the fact of curtailment exist to the degree stated by the Secretary, and, in the next place, to see whether it was unnecessary and unjust. The reduction of the business of the bank from July 1st to October 1st, was something more than three millions of dollars, as appears by the report of a committee of the directors, made on the 8th of the present month. It appears from the same source, that this was occasioned by the natural course of the business of the country, the voluntary payment of bills of exchange arriving at maturity, and the voluntary payment of local accommodations. The operations of the bank for ten years past exhibit the same result in every year, and the reason is assigned by the committee in these words: "All who are familiar with our commerce know that, during the summer, in the interval between the old and the new crop, commercial operations and the loans founded on them, subside. There is not the same demand for bank accommodations at that period, and because of the voluntary payment to the bank of some three millions of dollars by its debtors, from July to October last, it is charged with "an oppressive policy," and unnecessary curtailment. The committee say, "Up to the 1st of October, 1833, no order had been given to curtail the loans."

The Secretary, perceiving doubtless from the weekly statements of the bank, that its business had diminished in those months, did not stop to inquire into the occasion of it, nor to inform himself whether it was the natural consequence of the commercial operations of the country during that period; but at once attributed it to an "oppressive policy" on the part of the bank, and to a forced curtailment of its loans. The effect, he supposed, would be a severe pressure upon the money market, and accordingly he asserts, that such pressure did in fact exist, and assigns this as one of the reasons for the sudden removal of the deposites. The bank asserts that it made no curtailment of its business; that the reduction was voluntary, and was the natural result of commercial operations. This position is fortified by the report of the Union Committee of the city of New York; which is understood to be the work of that accomplished financier, Albert Gallatin, who is now at the head of one of the local banks of that city, and of course conversant with the money operations of the country. The report also bears the signatures of several of the most intelligent merchants of that place--directors and stockholders in the city banks, and of great experience and knowledge of the subject. It says:

"The city of New York has had no reason to complain of the curtailments made here in its discounts by the Bank of the United States. Notwithstanding a decrease of more than $4,000,000 in the amount of the public and private deposites in the New York branch since the 1st August last, the loans and discounts here do not vary essentially from the amount allowed, either on the 1st of August, or the 1st of October, 1833."

In another place: "It is necessary to observe that the pressure which the Secretary states to have become so intense before the 1st of October, in the principal commercial cities, and the presumed curtailment by the State banks, had no existence in the city of New York."

The report proceeds to controvert other assumed facts of the Secretary; and to my mind this evidence is far more satisfactory than the unsupported opinions and conjectures upon which he relied. Every candid mind, I think, must be convinced, that the reduction of the business of the bank in August and September last, was not the result of an oppressive policy on its part, and that no pressure existed in consequence of it. From whom have these complaints come? From merchants, men of active business? From the local banks? From those who have experience in banking operations? Not at all. These all testify in favor of the liberal policy pursued by the bank. They come from the "large and respectable meetings of the democratic-republican supporters of the present venerable Chief Magistrate," in such a town, county, borough, or village, and generally from the interior of the country. Resolution upon resolution has been adopted at such meetings, in censure of the conduct of the bank. Little presses and great presses have caught up the same. Office-holders and office-seekers--flatterers and sycophants, have joined in the cry. Such is the evidence of the oppressive policy of the bank, relied upon by the Secretary to justify his hasty action in the removal of the deposites. If, then, prior to this removal, on the 1st of October last, there was no just ground of complaint against the bank for the reduction of its business, how has it been since that period? The public money was a basis upon which the bank was authorized to extend its business. It is so still, in the hands of selected banks; of consequence when it was withdrawn from the Bank of the United States, the business of the bank must have been proportionably diminished. From October 1 to December 1, deposites were withdrawn to the

amount of - - - - - -	$5,887,864
And the loans of the bank were reduced	5,641,098
From October to April, the deposites were reduced - - - - - -	7,778,403
While the reduction of loans was only -	5,057,527
Leaving for an excess of loans over the reduction of deposites, - - - -	$2,220,876

Does this, sir, exhibit evidence of an oppressive curtailment? Deprived of its accustomed means to the amount of near $8,000,000, it nevertheless diminishes its accommodations only to little more than $5,000,000; and this is called an oppressive policy. Sir, with the evidence of our senses before us, are we to believe these vague charges against the Bank of the United States, because, indeed it has pleased "democratic republican meetings" so to resolve?

If, then, the present embarrassed condition of the country is not attributable to an unjust policy on the part of the bank, to what is it to be ascribed? But one other cause has been assigned; and that is, the ill-timed and ill-judged measure of the Executive in removing the public money from its custody, and his vindictive warfare upon that institution. That such would be the effect of the measure, he had ample warning from the late Secretary of the Treasury, who nobly refused to be the supple instrument of executive usurpation. The consequences were foreseen and foretold, and it ought not now to be a matter of surprise that they have occurred. How has the removal occasioned this wide-spread distress? In what way has it been produced? It is said, that the same amount of money is in the country; that the place of its custody only is changed; that the selected banks can fill up the vacancy occasioned by the necessary curtailment of the United States Bank. All this may be true, and still the distress continues.

The Union Committee of New York have demonstrated "that, so far from any curtailment having taken place, the accommodations given by the banks there have, from the 1st October, 1833, to the 1st February, 1834, increased more than $5,000,000." This was in New York city alone; and yet in that very city the pressure has been, during that period, constantly augmenting. They say further in relation to the discounts by the banks: "The committee is confident that there has been no visible diminution since the 1st of October; that it could not, at any time, have amounted to six millions; that there has been a gradual increase since the 1st of December, and that the aggregate of bank discounts and loans, including the purchase by banks of bills of exchange through the United States, is at this time nearly, if not altogether equal to what it was on the 1st of August, 1833." If these views be correct, and they are entitled to great regard, it is not the diminution of the circulation of the country, nor of the bank accommodations, which has occasioned the present distress.

The committee proceed to demonstrate with great ability and clearness, that the present disorders are attributable to the shock given by the executive measure to credit and confidence—to the dangers apprehended from the hostile attitude of the Government toward the bank; and to the fixed belief of experienced men, "that without a national bank, the stability and safety of the whole monetary system of the country would be endangered." "The fatal injury inflicted by the executive measure was its effect on general confidence."

"It is private credit which has been most deeply affected, and the leading feature of the present distress is the consequent interruption, and in many cases cessation of business."

I forbear to read more extracts, though they are at hand; and I recommend this report to the careful attention of gentlemen who desire to understand how it is that the mere removal of the public money from one place of deposite to another can produce such devastating effects. The remedies suggested by the committee correspond to the nature of the evil to be remedied. They recommend measures to restore credit and confidence. One of them is, "some uniform plan for an increase of special deposites, bearing a moderate rate of interest, and not to be withdrawn before stated periods according to agreement."

Of this they say, "that the only effect would be to substitute for the private credit, which from want of confidence is now withdrawn, bank credit in the shape of certificates of deposite, which the holders might negotiate." The remedy looks to the evil to be remedied. Its aim is to restore confidence and credit. In a commercial community credit is indispensable.

Every nation, in modern times, does business upon credit, and whatever strikes down credit, strikes down general prosperity and active pursuits. It is the discovery of but one Solon, in our times, that "all who do business upon borrowed capital ought to break." The opinions of the Union Committee, in relation to the present embarrassments, coincide in the theory of a writer of some distinction on the subject of the currency, who says: "In countries whose trade and prosperity are in full vigor, circumstances sometimes occur which diminish the rapidity of circulation, and produce the effects of a scarcity of money for a considerable length of time, although the actual quantity of money remains the same. In such countries a very large portion of all the trade is carried on by credit, and when important changes arise either in the political state of the country or its commercial relations, credit is sometimes affected to such an extent as to produce a scarcity of money; the real scarcity is in such cases not so great as it appears to be; but the circulation is impeded, and bankers, merchants, manufacturers, and all kinds of dealers think it prudent to keep a larger supply than usual for their own wants, and are not disposed to extend to their customers the credits which they have been used to give."—*Yates on Currency.*

Such seems to be our present condition—an apparent scarcity of money, and a real pressure and distress, growing out of the prostration of confidence and credit. Business is suspended. Men are closing their affairs in anticipation of a general bankruptcy and ruin throughout the country. New engagements are not formed; and all this, unnecessary, unexpected—to gratify the vindictive passions of one man.

But, sir, if it were true that the bank has contracted its business, and has made the curtailments which have been charged upon it, ought the Government to complain? Was not this one of the objects which the Secretary sought to accomplish by the removal of the deposites? Did he not complete the withdrawal of the notes of the bank from circulation, and aim to render it gradual? Certainly this was a distinct and unequivocal purpose—plainly avowed in the letter of the Secretary, and maintained as sound policy. He wished to substitute other currency in lieu of the notes of the United States Bank, "by common consent," otherwise, he said, "it was easy to foresee the extent of the embarrassment which would be caused by the sudden derangement of the circulating medium. It would be too late at that time to provide a substitute which would ward off the evil." For the same end the Government directors of the bank, so long ago as August last, offered a resolution in the board, "for the gradual reduction of the business of the institution, throughout all sections of the country."

As these directors acted under the immediate instructions of the President, in their official conduct, and held themselves responsible to him for their proceedings, it is fair to presume that, in this particular, they obeyed his directions. The bank has therefore done no more than the Government desired it to do. Its conduct, in this particular, has conformed to the will of the President; and why, then, should it be held up to public censure, for the very thing which, of all others, it was the aim of the Secretary to accomplish? But, sir, if the bank had curtailed its operations to a greater degree than it has done, it would have been abundantly justified by the harsh and vindictive course of proceedings which the Executive has carried on against it, for a considerable period past. It would have been faithless to its highest duties, if it had not placed itself in a condition of entire strength and security. If it erred at all, it should have been on the side of safety. It never should have been left within the verge of possibility, that the Bank of the United States could fail. The disastrous effects of such a calamity upon the commerce, business, credit of the country, and upon every man's prosperity, cannot be estimated. And yet there is too much reason to believe that this has been an object ardently sought by the Chief Executive Magistrate of the country. Credit and commerce may perish, if in their ruins they bury the Bank of the United States. I will allude very briefly to the proceedings adopted by the President in relation to the bank, which in my judgment would have justified it in a still greater reduction of its business. I pass over the early manifestations of hostility towards it, displayed in his first two messages. They produced very little impression upon the public mind, and none upon the business of the country. Nobody, at that time, anticipated so persevering and vindictive a warfare as has since been witnessed. Even the veto of the President upon the bill to recharter the bank, had very little sensible effect upon the moneyed operations or the commerce of the nation.

It was hoped and believed that the objects of the President had been accomplished; that further displays of his hostility would not be made; that the bank would expire in peace, and that the wisdom of Congress would provide a substitute for the institution which was about to cease. But to the surprise of the nation, at the next session of Congress, the President was found impeaching the solvency of the institution, and suggesting an examination into the safety of the public funds in its keeping. The opinion, however, of the whole community, was so firmly established in favor of the solvency of the bank, that this assault was not felt in its operations, and was little heeded by the country. Congress were as well satisfied as the nation were of the perfect safety of the public money; and at the present moment, no man in his sober senses presumes to doubt it. But all this did not appease the executive wrath. The bank was still in existence, still successful in its operations, still in a condition to afford accommodations and facilities to the business of the country; or as the President prefers to have it, "in a condition to corrupt the people," and "bribe two-thirds of Congress." It must be brought as a suppliant to his feet; must owe its existence to his forbearance; must become another captive in the procession of his triumphs of victories. Hence, immediately after the adjournment of Congress, we find the Government directors, under the orders of the President, engaged in a secret investigation, the object of which was unknown to the bank. In a letter to the President of 22d April, they say: "We should not only feel more satisfaction ourselves, but be enabled to convey to you more full and correct information, were we to proceed in an investigation whose object was avowed, and if we were strengthened by that official sanction which we suggested." They were even ashamed themselves, of the work they had been selected to perform, and would feel more satisfaction to be permitted to own their object, and to be strengthened by an official sanction. It does not appear that the President acceded to this request. The inquisition was still to go on in secrecy and silence. What instructions were given to them, and what other reports made, we are ignorant of, as the Secretary has seen fit to communicate only one letter, which, however, refers to antecedent correspondence. Could the bank fail to have perceived, from the movements of these Government agents and informers, that it was still the object of executive warfare? Its suspicions were soon strengthened and confirmed. Soon it began to be rumored that an agent was to be appointed to visit the State banks, with a view to ascertain upon what terms they could be employed as fiscal agents of the Government. The leading presses in the support of the administration were perceived simultaneously calling upon the President to crush the monster at a blow, and preparing the people for the rash act then in contemplation. The bank was kept in utter ignorance of the nature of the blow meditated against it; but it must have been utterly blind not to have perceived that it was in some form to be the object of speedy attack. Had it then no occasion to fortify itself? To make itself impregnable at every point? With all these formidable preparations before its eyes, and all the blasts of denunciation sounding in its ears, ought it in common prudence to have made no effort to shield itself from the approaching tempest? How can we then say that it has transcended the bounds of a just prudence,-a wise discretion? How was it to determine the precise degree of vigilance required to meet a blow, the extent of which it had no means to estimate? Having forced the bank into a position of defence, it does not become the Government to complain that it has intrenched itself behind impregnable ramparts.

But, sir, it is said that the bank has an interest in promoting the embarrassments of the country. The resolution submitted by the honorable member from Georgia [Mr. Gilmer] speaks of "the great interest which the Bank of the United States has to increase that embarrassment and to occasion general distress throughout the country." For what object, I pray? To enforce a renewal of the charter, say gentlemen, in reply. And is this the way to attain it? An interest to make itself odious? An interest to alienate the feeling of its best friends and supporters? An interest to spread bankruptcy and ruin through the commercial portion of thecountry? To destroy those who are largely indebted to it; to expose itself to severe losses? How preposterous is the supposition! The stockholders of the bank have other interests besides their connexion with that institution. They have a stake in the country, in its prosperity, in its weal or its wo. Whatever afflicts the country afflicts them. They have other business--other property. And yet it is supposed that they are willing to see the bank treading down into the dust the prosperity and happiness of the country; to see their own property sacrificed, for the remote chance that thereby the bank will be enabled to force from Congress an extension of its charter; that they are willing to make large sacrifices, for the mere chance of small benefits. Whoever can seriously believe this, is beyond the reach of any argument which I can command. The bank has no interest—can have no interest—to increase the distress of the country. It will be the greatest sufferer in the losses and bankruptcies which are thickening around us. No, sir. The distress which pervades the country is the sole act of the Executive. He, alone, is responsible. It is his breath which has blasted the happiness and the prosperity of a generous, confiding people, who have trusted them to his keeping. By the judgment of that people and of posterity, let him stand or fall for the acts of his administration. Let him who shrinks from no responsibility take the responsibility. Sir, let us for a moment compare the present condition of the country with what it was when this administration came into power. In the first message of the President, and in others which have succeeded it, the President offered his joyful congratulations to Congress upon the highly prosperous condition of our affairs. The occasion has hitherto justified them. He found, upon his accession to office, the nation respected and honored abroad. At home, all the great branches of its industry were successful—all the leading pursuits of the people were highly prosperous. Commerce, agriculture, manufactures, navagation, were all thriving in a remarkable degree, and the country was advancing with a firm, steady, and resolute step.

But, sir, a change—sudden, unexpected, blighting—has come over the scene. Commerce is declining. A cold sweat stands on the brow of agriculture. Manufacture is stopping the shuttle; navigation is furling up its sails. Business is suspended. Men are looking to the future with fearful apprehensions; and all this, not from the hand of Providence, in withholding its bountiful means, not from foreign aggressions, but from the act of our own Government. A popular writer (Junius) has said:

"If we see the people obedient to the laws, prosperous in their industry, united at home, respected abroad, we may reasonably presume that their affairs are conducted by men of experience, ability, and virtue. If, on the contrary, we see a universal spirit of distrust and dissatisfaction, a rapid decay of trade, dissension in all the country, and a total loss of respect in the eyes of foreign powers, we may pronounce, without hesitation, that the Government of the country is weak, disturbed, and corrupt. The people in all countries are patient to a certain point. Ill usage may rouse their indignation, and hurry them into excesses; but the original fault is in the Government."

Is not this our present condition? Are our people prosperous in their industry? Are they satisfied with the operations of the Government? On the other hand, do we not perceive a growing distrust and dissatisfaction, not merely with the administration of our affairs, but extending, it is feared, to the form of the Government itself? Do not our people begin to be alarmed for the safety of liberty itself, and to apprehend that we now have, or soon may have, what the author of the Declaration of Independence said, we did not fight for "an elective despotism." Do we not witness scenes of violence and outrage, deterring men from the exercise of the elective franchise, and substituting lawless uproar for the calm and quiet expression of public opinion? The nation seems to have paused and to hold its breath in amazement. And how do foreign nations regard the present condition of our affairs, and the experiment upon our prosperity, which is to be tried out? Every respectable journal from abroad has spoken of it with astonishment. They have declared that the power exercised by our President would not be tolerated for an hour if attempted at the present day by the King of France or of England. They regard it as one of the most ominous signs of the decline of our institutions which has ever been witnessed. Is there union in the councils of the nation? So far as we know upon that subject, the cabinet are divided, widely separated upon the present state of our affairs, not acting in concert, with promptitude, vigor, and harmony, but with distrust and jealousy. For this condition of our affairs, who is responsible? Not the legislative department, for that has sanctioned none of the proceedings which have brought us almost to the brink of the precipice. The Executive department, and that alone, is responsible. But if we permit the present condition to remain, we must share the responsibility, and answer to the country not only for what we have done, but what we shall have left undone.

The signs of the times are portentous. We have reached a new era in our history. Doctrines have been promulgated, and powers assumed and exercised, which go far to change the form of our Government. The checks of the legislative department upon the Executive are broken down; and some of its most important powers are wrested from its hands. The custody of the public money and public property is claimed to be exclusively in the President, and beyond the power of Congress otherwise to dispose of it. The right to direct and control every officer of the Government, in the performance of duties imposed by law, is also distinctly claimed. Have we not a Treasurer of the United States, bound by oath faithfully to discharge his duties, and under bond to keep the public money safely? Yet the President assumes to be responsible for his conduct, and for that reason to have the right to control him, and to remove him if he do not keep the public money where he may direct; and where the Treasurer may think it wholly unsafe. The legislative will is not only set at defiance by the frequent exercise of the "veto" power, but the President claims the right to execute the laws "as he understands them," and to be bound by the constitution only "as he understands it." The judicial power to decide the construction of laws, treaties, and the constitution, is utterly repudiated. And what have we, then, but one mind, one will, one power, regulating, controlling, and dictating all the operations of Government? Where are "the checks and balances" founded by the wisdom of the framers of the constitution? Not only are the powers of the co-ordinate departments of the Government grasped by the Executive hand, but the existence and organization of the departments themselves are threatened. We already hear of an "irresponsible Senate." It is stigmatized as the aristocractic feature of our Government. Indications are gradually discovering themselves that the power and the tenure of office of this body must be changed. The same fate would await this House if it stood in the same attitude of resistance to executive usurpation. The President assumes a new attitude. "A new official character. He is now "the direct usurpation of the people." Whatever thwarts his will, thwarts the will of the people; and every thing which he may do must be sustained, and is, of itself, right, because it is the will of the people. In the name of the people, all the rights of the people and their liberties and prosperity are to be broken down. Sir, this appeal to the people is a stale artifice. Every age and every nation, where constitutional Government has been subverted, has presented champions for the rights of the people. It is a dangerous artifice--covering deep designs, and one which patriotism has no occasion to call to its aid. The people are not blind to the claims of their true friends, though they use no vaunting to set forth their merits. One of the ablest writers of our country (Hamilton) has said, "A dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people, than under the forbidding appearances of zeal for the firmness and efficiency of Government. History will teach us that the former has been found a more certain road to the introduction of despotism than the latter; and that of those men who have overturned the liberties of republics, the greatest number has begun their career by paying an obsequious court to the people, commencing demagogues and ending tyrants."

Sir, American liberty cost too much to be slightly perilled. It was not won in a day; nor without toil, and treasure, and blood. It is to be preserved by vigilance--unremitting, unceasing vigilance.

But we are told there is no danger from the Executive power--the President disclaims all designs hostile to our institutions--he is only solicitous to preserve them--he has perilled his life in defence of the country. The "battle of New Orleans"--the battle of New Orleans--that is the sovereign security against all apprehended dangers. Such is always the appeal of military leaders, and generally it is irresistible.

> "He hath brought many captives home to Rome,
> Whose ransoms did the general coffers fill—
> Did this in Cæsar seem ambitious?"

"The enduring memorials of that contest in which American liberty was purchased," which the President bears upon his person in vain, if he be now an object of suspicion. O yes, sir—

> "Poor—poor—dumb mouths;—bid them speak for me."

He is "not ambitious;" his gray hairs and decaying frame lead him to the contemplation of other worlds. Assuredly, sir,

> "Ambition should be made of sterner stuff."

He is not "venal;" he has no allurement from the path of duty. O! no:

> "I thrice presented him a kingly crown, which he did thrice refuse—
> Was this ambition?"

Sir, if the people of this country are prepared to sustain the Executive appeal which has been made to them; if they are ready to sanction the monstrous assumptions of power which we have witnessed; if they are willing to see the legislative department, their own department, humbled and prostrated before the Executive, doubtless they can do so, and upon them and their posterity be the consequences forever. The constitution is the work of their hands, and they can modify and change it as they will. But, sir, I trust in God that the time has not arrived when the free, intelligent, patriotic people of these States are ready to surrender the privileges of self-government, and to commit their happiness, prosperity, and liberty to the uncontrolled, unchecked, irresponsible power of one man. They cannot be so false to themselves--to the country for which their sires perilled so much, and suffered, so much--to the memory of those illustrious men--to the hopes of mankind--to the cause of liberty itself in all coming time.

When Mr. Evans had concluded,

Mr. WISE took the floor, and offered the following resolutions, which were accepted by Mr Evans as a modification of his motion, viz:

Resolved, That the custody and control of the moneys of the United States, not appropriated by law, and not disbursed under appropriations by law, are, by the constitution, placed under the order and direction of the Congress of the United States.

Resolved, That no change of the constitution of the United States is necessary to authorize the Congress of the United States to intrust the custody of the public money, not appropriated by law, to other agency than that of the Executive department, and that the custody of the public money must not be, necessarily, under the constitution, intrusted to the Executive department.

Resolved, That Congress can take out of the hands of the executive department the custody of the public property or money, without an assumption of executive power, or a subversion of the first principles of the constitution, by the repeal and enactment of such laws as may be necessary to that end.

Mr. W. said that he was induced again to press these resolutions on the House, by a deep conviction of their intrinsic importance. It had been said that the resolutions were nothing but a string of truisms, and that, therefore, there could be no great importance attached to their adoption. But they contained the very first principles on which our Government rested, and it was with serious alarm that he asked the question, could it be so, that they had been brought this day, in vindication of the rights of the people, to pass in that House, in the form of solemn resolutions, the merest truisms connected with the theory of our Government? He admitted that the resolutions he had offered were mere abstractions, and they contained positions concerning which no one had ever expressed a doubt, until the powers most clearly belonging to that Legislature were expressly claimed for the Executive department, in an official paper put forth by the Chief Magistrate of the country. And, Mr. W. said that he should consider himself and his fellow-members in that House as utterly unworthy of the trust that had been reposed in them if they failed to resist the pretensions thus put forth, and to declare their right to that power which, unless they did possess, the Government of this country could no longer be denominated free. If a claim like that which had been set up should successfully be established, it would be time for them to leave their seats; to refer the question of the powers of the department back to the people, and resolve the whole Government into its first principles. Mr. W. said that he would, before that House and the nation, without either fear or favor, make a candid confession of what had been his opinion. He had heretofore considered, and still did hold, that the custody of the public money and other property of the United States, being placed by the constitution under the control of Congress, that body had power to repose this custody in the hands of an executive officer, if they so thought fit. And, so long as it was in the hands of an executive officer, the President of the United States, as the head of the Executive department, had the right of superintending him in the exercise of this trust, within the provisions and under the directions of law. And when the enemies of the President of the United States, either in that House or out of it, charged upon him the design of arrogating to himself, and absorbing in his own person, all the powers of this Government, and represented him as claiming the entire control of the public money, beyond and against the will of the Legislature, he had looked upon it as the groundless accusation of prejudiced enemies, and, in his own feeble way, had honestly attempted to vindicate the President from the charge.

But when he now saw it openly and deliberately asserted in a public paper, coming from the President's own hand, that the control of the public treasury was and must be intrusted exclusively to the custody of the Executive department, it was impossible for him any longer to avoid the conclusion that such were the President's sentiments. The nature of the claim could not be mistaken; and when that paper capped the climax, by coming to the conclusion that Congress could not take this control out of the hands of that department, without an assumption of executive power—he should be reckless of his duty and recreant to his trust, if he omitted to do what in him lay, to vindicate the constitution, declare the just powers of Congress, and preserve the liberties of the people.

Mr. PEYTON now offered as a substitute to the resolutions adopted by Mr. Evans as part of his motion, the following:

Resolved, That the President of the United States, in the late executive proceedings in relation to the public revenue, has not assumed "upon himself authority and power not conferred by the constitution and laws," but that he has acted in conformity to both.

Resolved, That the Senate of the United States, in a late resolution passed by that body, in the words following, to wit: "*Resolved,* That the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both," have, by that resolution, not with a view to legislative action, but as a solemn censure upon the President, infringed upon the rightful and legitimate powers and prerogatives of the House of Representatives.

Resolved, That Congress have the power, by law, to select the places of depositing the public money, and providing for its safe keeping.

Mr. P. expressed himself as very unwilling that this House should join in the contest now maintained with the President by another branch of the Legislature. He considered it highly unbecoming in this body to occupy its time in any discussion, the object of which was to decide which of the parties was to be blamed, and which to be praised. The only effect of such a discussion must be to increase the excitement which, according to gentlemen, already existed in the country. Mr. P. heard gentlemen talking of resolving this Government into its first elements: talking of the existence of a revolutionary spirit, such as that which prevailed when the tea was thrown into Boston harbor in the days of the Revolution. Gentlemen commended this spirit. They spoke of it as being a good spirit, and declared with exultation that liberty lived in a storm. Mr. P. said that his blood recoiled at the mention of such sentiments. What! Must American liberty, constitutional liberty, live only in a storm? Must the people resolve their Government back into the original principles of a lawless, wild, and savage liberty, as the only way to preserve their rights? Where was the man who honestly thought so? As to the President, he asked the aid of no man, nor of any political body, to sustain him before the American people. Heaven knew that he had had but little of such aid.

All that Mr. P. asked was, that if these questions between the President and the Senate must be obtruded upon that House, if the House, though unwilling, must be forced into an issue upon them, let the question be presented fairly. The gentleman from Virginia admitted that his resolutions contained nothing but abstractions and truisms—and who wanted thousands of money, and weeks, perhaps months, of public time, spent in the discussion of such propositions? They tended to no legislation; their only design appeared to be, to cast a solemn censure upon the President. There was not a man upon earth who would look with more regret to any course which was calculated to involve that House in the existing controversy between the Senate and the President, than he should. He considered it as unprecedented, inexpedient, and unjust, to both the co-ordinate branches of Government, that that House should undertake to pass votes in praise or in censure of either of them. The gentleman from Virginia had alluded to a paper sent to the Senate, and he spoke of it as an Executive document. This had satisfied Mr. P. that the gentleman must allude to a protest sent to the Senate by the President. As the gentleman had been permitted thus to refer to what was passing in the other branch of the Legislature, Mr. P. presumed he should be indulged in the same liberty. If he must be compelled to take sides in that controversy, he had no difficulty in making up his mind as to where he should take his stand. He had already given a vote which indicated this, and he should stand by it as long as he lived. He had seen nor heard nothing to produce conviction or conversion since he had given it. He remembered that when a document had been read to the House, purporting to be the copy of a paper read by the President to his cabinet, it had been pronounced by the gentleman from Virginia to be outrageous. It had on that occasion been contended by him that the House had nothing to do with the paper, and that unless it had been sent there by the President, the House had no more right to discuss it than they had to extracts from the President's private accounts. Had this protest been sent to the House? Did it call for any legislative action? Gentlemen must be blind who could not see that this was a contest with which the House had nothing to do. It was a question between the President and the Senate, and, as such, let it go to the people. The people were just and wise enough to decide upon it. Surely it would be most unjust that the House, like the Senate, should arraign the President, and try him without notice.

Let gentlemen look at what the President was encountering. He was struggling against an institution which would long since have crushed any other man. He was struggling almost singly against a combined faction, such as the world never saw; and now, for mere party purposes, the House of Representatives were invited to rush into the arena, and join itself with the Senate and the Bank in running the President down. He would have no part nor lot in such a combination. He would not be one of a pack to be hissed on by any man. He would "sooner be a dog, and bay the moon." He was the representative of free and independent citizens, who had sent him to that House for very different objects. He had not come there to involve the House in an angry controversy between different departments of Government, or to resolve the whole system back into its elements, so that each individual might carve himself out some place and distinction in the general confusion. Mr. P. said he could not but observe the most extraordinary latitude of debate which had been permitted throughout the whole session. He had been astonished at the language which gentlemen had been permitted to use against the President. He had heard upon that floor language which he should have been ashamed to use. He had heard a man called gallant for making a personal attack upon the President; the gentleman that eulogized him is now in his seat, [Mr. Pinckney, of South Carolina.] Gentlemen had spoken of the gallant Randolph. Mr. P. knew not how gallantry might be estimated by that gentleman, but when an individual had approached a man, who extended his hand to him with the welcome of a friend, and gave that man a dagger, he deserved to be called any thing but gallant. The assailant of a revolutionary soldier deserved infamy, and not praise.

The CHAIR here reminded Mr. Peyton that references of this kind were not in order.

Mr. P. replied that he was a very young member; that he was not well acquainted with the rules of order, but such a wide range had been allowed to calumny against the President, he might be pardoned for concluding that some indulgence would be extended to his defenders. If the House must go into this question, and decide it, Mr. P. wanted to have his resolutions read; he wanted both sides to be heard; he wanted no special pleading; no unfair advantage taken. If the question was which side the House was to take in this dispute, he wanted the question presented fairly.

The resolutions offered by Mr. Peyton were again read at the Clerk's table.

Mr. WISE now observed that he should not have said a word more in behalf of the amendment which the gentleman from Maine [Mr. Evans] had so kindly consented to adopt; but as his friend from Tennessee, [Mr. Peyton,] for he still hoped he might call him his friend, had made some animadversions upon the course he had pursued, he must be allowed a few words by way of vindication. He could assure his friend from Tennessee, that he was very far from having introduced these resolutions for the purpose of producing excitement. It was true, too true, that those resolutions had originally been begotten by excitement in his own mind. But excitement against whom? Against one whom he had from the beginning zealously supported as a candidate for the presidency. He had spoken for him; he had written for him; every feeling of his heart, every prejudice of his mind, was in favor of that individual. His resolutions were neither intended to produce excitement, nor to take part between the President and the Senate. With any controversy between them, Mr. W. had nothing to do. He could appeal to God when he declared that his object, his only object, in bringing forward these resolutions, was to take the part of the legitimate powers of Congress, to vindicate the rights of the legislative body from that destruction which seemed to await every thing in the struggle for power between the President and Senate. If there was to be a controversy between the Executive and the Senate, let them fight it out between themselves. Such a state of things must be deprecated by every patriot in the land. Mr. W. did not know which of the parties he should prefer. If it was in order for him to speak of the other branch of the Legislature, he should say that he did not approve of the Senate's resolution, yet, on the other hand, while the President thought fit to enter his protest against these resolutions, Mr. W. would not consent that he should assert his right, uncontradicted, to those powers which the constitution had conferred, not upon him, but upon Congress. It was not his design, as his friend from Tennessee seemed to suppose, to take sides with the Senate against the President, much less had it been his purpose to favor either of the parties in that House. He claimed the glorious privilege to be independent of both. Whom was he to favor? The advocates of consolidation, on the one side, or the advocates of the opposite extreme on the other? No: he stood between the fires; he was in favor of neither. Nor was it pleasant to him to become in any sense the instrument of casting censure upon the Executive. Would that he could have gone home to his constituents, and carried with him a shadow of excuse for the President against the accusation of his enemies. The removal of the deposites he had never considered as a usurpation of power, although it was certainly an abuse of power. But now he was left no ground of defence upon which he could stand. He had heard interpretations put on the President's conduct, as involving a claim to absolute control over the public moneys, but he had always repelled it until now, when the President himself had avowed the very thing with which he had been charged. What was now left for his friends to do? Still to defend? Still to apologize, against light, against the President's own principles, against his own declarations? He would return the declaration of his friend from Tennessee, and say to him, that, sooner than do this, he would be a dog, and bay the moon. Too true it was, that, after some of the President's friends had strenuously denied and resisted a construction put upon the President's words by those who were opposed to him, no sooner did the President come out and expressly avow that very construction, than those same friends immediately turned about and justified it. This was the truth. He announced it in the face of the whole nation, and a lamentable truth it was.

Mr. W. was now told that the President had recanted his former position, and quite explained away the claim he had advanced. It might be so; but, after the words he had employed, admitting them to have been loosely used, it was time that the Legislature should speak out plainly and firmly.

The gentleman from Tennessee had said that the President's protest had never been communicated officially to that House, and quoted Mr. W.'s remarks, when another paper of the President's, purporting to be an argument read to his cabinet, had been read in the House of Representatives. It was true that Mr. W. had objected to it, but the case was not in point. That paper was of a private character. It had been read in his own council chamber, and addressed to the cabinet, but the protest had been addressed to a branch of Congress, and read in open Senate; it did, therefore, belong to the House, though not addressed to it; and the doctrines it contained did intimately concern every member of Congress. Mr. W., however, had not referred in his resolutions to any document of any kind. He had merely laid down certain abstract positions; positions which were admitted to be so true that they had been called truisms. Now, if the doctrines which these resolutions went to deny were not contained in the President's protest, nor advanced by him, and the resolutions were admitted to be true, what objection could gentlemen have to adopting them? Had things really come to that pass, that the House of Representatives of the United States were afraid to adopt a set of resolutions declaring the first and simplest principles of their own Government, lest, forsooth, they might possibly be thereby casting some censure on the President of the United States? He had always thought that it was the duty of that House to maintain with watchful jealousy, and strictly to maintain, its own constitutional powers.

Mr. W. said he was fully aware of the difficult and delicate situation in which he was placed. He could not but regret to find himself separated from his friend from Tennessee, [Mr. Peyton.] That gentleman knew him too well not to be satisfied that he was in favor of no political party now opposing the President. If he knew any thing of his own motives, he must be permitted to say, and in this case he could say it with truth, that they were of the very highest character. He had, though reluctantly, renounced his party attachments to the President, but he went for no party of his opposers. Weak or strong, whether he was or was not worth having, he could say this, that no one man of those who seemed to be prominent candidates for the presidential chair was, in his opinion, worthy of the trust. In thus leaving, and, as he supposed, forever, the friends with whom he had hitherto acted, he acted from no view of producing excitement, or of favoring their opponents. He did it with the deepest and most sincere regret. He had been a zealous supporter of the President, and he might, therefore, claim the better right to differ from him whenever he attempted to usurp the powers which belonged to the other departments of the Government. It was a trite remark, and but too true, that the assertion of a claim to power not possessed, was, in general, quickly followed by an attempt to exercise it. Yet, still hoping that the President's administration might prove what he had ever wished it to be, prosperous, glorious, and happy, he would still believe that the President had never intended to advance such a claim as his words conveyed, and that the recent measure was rather that of his friends than his own. Yet there stood the words, and he would submit it to any twelve men, whether language could be plainer, or more distinctly avow a claim to power. It was there expressly said, that the custody and control of the public money belonged of right to the Executive department, and that it would be usurpation in Congress to attempt to take it out of the hands of that department. For illustration sake, Mr. W. would put this case to the House: Suppose Congress were to abolish, for a time, the offices of Treasurer and Comptroller, and the whole Treasury Department; they must have, of course, some other agents appointed to succeed those offices. In the interval, before the appointment of a successor, to whom would the custody of the public money revert? Would any gentleman say, to the Executive? It must, if the custody belonged of right to him; but Mr. W. contended that it would revert to Congress. Nay, he went further: if they should grow distrustful of the Treasurer, and could get two-thirds of both Houses, they might take the money out of the treasury, and pour it down at the feet of the Clerk of that House, and order him to take care of it. Was the Clerk an executive officer? And could the President, in such a case, come there and demand the money? The doctrine of the protest went that length. It was certainly true, that if the House, by its own act, constituted the officer who was to have the custody of the public money an executive officer, the President would have authority both to appoint and dismiss him. But might not the House create an officer of its own, and invest that officer with the custody and control of the public funds? And could the President control such an officer? Such was the issue joined with the protest. If the President, however, did not intend to take this ground, he should rejoice. Yet, lest it might be his meaning, as it certainly was his language, Mr. W. deemed it his duty to offer these resolutions; they guarded against a danger which he had never so much as dreamed of till the protest was actually offered, and he had seen what it contained; but, when he had seen it with his own eyes, he could be no longer in doubt. Mr. W. here quoted the protest. When language was so strong as this, were they to have it spliced up with a salvo, and be told that it meant nothing?

Mr. W. believed the President to be as honest a man as God ever made, and he would still trust him personally with his own liberty or life, as far as he would trust any man, though he would trust none; but he feared it was too true that there were those who had access to his councils who were not to be trusted. It was also true he carried upon his body the honorable scars which he had received in his country's service. Mr. W. revered the man. It had long been the habit of his mind to revere him, and from almost his boyhood he had sustained him. But if Washington himself had come from the grave, and claimed as his prerogative the control of the public money, Mr. W. would have said to him, Power, power has seduced even you. Mr. W. had never believed that Andrew Jackson was inclined to usurp powers, until he had entered the Capitol on last Friday morning, and discovered what sort of a paper had been presented to the Senate, and he now appealed to those around him to say, what wise man of that House, what political leader, what experienced tactician had put in into the mind of this youthful boy to offer such a resolution. Not one of them could answer in the affirmative. If there was any credit or discredit in the resolutions, they belonged to him alone. Yet although this claim of power on the part of the President had compelled him to separate, and, he supposed, finally to separate from many of those friends with whom he had hitherto acted, yet under no circumstances did he contemplate any thing like a revolutionary struggle. Never, till things came to the very worst; not till he felt the manacles upon his hands, would he resort to that last resort of liberty. He would continue to hope against hope; nor did he doubt or fear the final issue. There was a redeeming spirit in the constitution which would "remain unhurt in the midst of the conflagration!"

After some questions of order, the memorial offered by Mr. Evans, together with the instructions appended thereto, as well as the resolutions offered by Mr. Peyton as a substitute, were all laid upon the table by a vote taken by yeas and nays, in which the yeas were 107, and the nays 91.

Tuesday, April 22.

RELIEF TO POLISH EXILES.

Mr. CAMBRELENG rose to ask the unanimous consent of the House to present a memorial. He felt assured that gentlemen would, with one accord, grant him leave, when he stated that it was the petition of the Polish exiles.

Leave being unanimously granted—

Mr. C. said he took great pleasure in presenting to the representatives of a free people, the memorial of the Polish exiles. Driven from their native land, these pilgrims of liberty come to worship at our altars. The memorialists are but a small portion of some 100,000 Poles who have been exiled from their country. Some few found refuge in Europe; but most of them were banished to the wilds of Siberia. I trust, sir, we shall never violate those rules of public law, so necessary to protect the rights of nations, and to preserve the peace of the world —which prohibit us from interfering with the political affairs of other countries. But I know of no national obligation to prevent us from extending to these exiles our hospitality and our sympathy. Nor can the rigid rules of public law restrain the friends of freedom, in every land, from taking a deep interest in the struggles of patriots, wherever they may occur. Though the cause of unhappy Poland may not be the cause of nations, it is intimately associated with the cause of mankind.

[The SPEAKER stated that it was not in order to go further into the question than to state the contents and object of the memorial.]

Sir, said Mr. C., I am aware that it is not in order, without the consent of the House; but I would not, in such a case, insult their patriotism, by deeming it necessary to ask leave to submit a few brief remarks, in presenting the memorial. I repeat, sir, the cause of Poland is closely associated with the cause of mankind. Liberty mourns over her fate, and the children of every enlightened land learn her story, and weep over her calamities. Public law cannot blind us to the actual condition of the political world. The social elements of civilized nations are in commotion--antagonist principles are in active and general war. The history of the last twenty years--the fundamental changes in the Governments of Great Britain, France, and Spain, prove that a spirit of reform is silently revolutionizing the plan and form of ancient Governments. Western Europe is animated with this spirit; and absolute monarchies are giving way to constitutional and representative Governments. It must be evident that the eastern and western portions of that continent cannot long remain in peace--the conflict between antagonist principles of Government must come on. Yes, sir, the question must sooner or later be determined, whether all who contend for the rights of man, shall be banished to our free land, or whether the white eagle of Poland is destined to wave triumphantly over the battlements of Warsaw.

I am sure, Mr. Speaker, it is not necessary for me to recount the sufferings of the Polish exiles, to excite the sympathies, or to solicit the favor of the House. There is, there can be, but one sentiment from the Canadian to the Mexican frontier. The voice of the nation, from the ocean to the wilderness, will welcome them to our shores, and proclaim their right to demand our hospitality. The countrymen of a Kosciusko, and of a Pulaski, will find an eloquent advocate in the heart of every American. A debt of gratitude can never be cancelled. The claim of the memorialists is also sustained by the laws of hospitality and the usage of nations. They ask for a grant of land, that they may end their days in peace and security. Let us grant an asylum to these exiles, and while they mourn over the fate of the unhappy land of their nativity, may they be consoled with the reflection, that the brave Pole can never be an exile in a land of liberty.

It has been usual heretofore to refer memorials of this character to the Committee on Public Lands. It was my wish in this case to ask for a select committee; but I know the members of the former would contend for the honor of favorably considering it, and I cannot deprive them of the opportunity of doing so.

The memorial was read, ordered to be printed, and referred to the Committee on Public Lands.

DISTRICT OF COLUMBIA BANKS.

Mr. JARVIS moved the suspension of the rules, in order to call up for consideration the following resolution, with Mr. Hardin's amendment, which he had adopted as a modification, which he offered last week:

Resolved, That a committee be appointed to investigate the situation of the Bank of Washington, the Farmers and Mechanics' Bank of Georgetown, the Patriotic Bank, and the Bank of Alexandria, situated in the District of Columbia, and to inquire into the causes which have led to the recent suspension of specie payments by the aforesaid banks, with power to send for persons and papers, and that the committee be directed to report the result of their proceedings to this House.

And Mr. Hardin's amendment to the resolution, to be added after the last clause:

"And to inquire into the present condition of the Bank of the Metropolis; and also what is the amount of its debts and obligations, and the means it has to pay them; and particularly the species of property it possesses, and what amount is due to the bank from its officers or any of them."

The question being on the adoption of the resolution—

Mr. EWING said he had no objection to having the probe applied to the state of these broken banks; for he declared, before Heaven, his purpose to leave even his own body to the dissecting knife of the surgeons for the good of his fellow men. But he was persuaded they had talked long enough of the existing evils: it was now time to talk about a remedy.

He therefore moved "that Mr. Jarvis's resolution, together with the programmes, memorials, and other documents, in relation to the establishment of a uniform national currency, now lying upon the table, with a portion of the President's annual message at the opening of the twenty-first Congress, wherein he submitted the idea of a national bank to furnish a uniform and safe currency, free of constitutional difficulties, and securing all the advantages of the present bank; also the declaration of the President to Mr. Duane, late Secretary of the Treasury, on the 20th of July last, 'that the State banks might not agree to the only plan he thought safe, that of mutual guaranty,' and the opinion of the same Chief Magistrate expressed in the instructions to his agent of bank inquiry, dated July 23d, 'that hereafter, as heretofore, bank agency will be found convenient in managing the fiscal operations of the Government,' be all referred to a select committee of one member from each State, with instructions to investigate the subject-matter, and report upon the propriety and expediency of creating a national institution, under equitable control, to serve as the place of deposite of the public money, and to emit a currency of general and uniform value; such an institution as seems to be emphatically called for at present, to promote the public welfare, sustain the agricultural, manufacturing, and commercial interests of the Union; afford increased security to the public treasure; and found to be clearly within the purview of our constitutional power to create and establish."

The CHAIR decided such a motion to be out of order.

Mr. BEARDSLEY made some remarks, suggesting that though the House possessed authority to examine into the affairs of the banks in the District, it was only in case they should suspend specie payments. As the Bank of the Metropolis had not done this, he denied the right of the House to make the proposed examination. He called for some evidence of the authority, if it existed. He knew that rumor would justify them in suspecting the solvency of that bank: but such baseless rumor he passed by as unworthy of regard, and much more of being made the ground of legislation. He had good reason to believe that the directors of that bank had no objection whatever to having its affairs investigated; but the House had no cognizance of the subject.

He regarded as mere idle clamor the cry that, because a bank had been selected to receive a deposite of the public money, that therefore it was to be considered as unsafe, and requiring investigation. He believed the affairs of this bank were conducted with the greatest care, diligence, and fidelity. And he would not, by his vote, associate it in the same resolution with banks which had stopped payment. He would not thus further the designs of another intitution, in behalf of which he had no doubt these banks had, by preconcert, suspended specie payments: a measure which he thought it highly probable they were paid, or to be paid, for adopting. He would not put the Metropolis Bank alongside of worthless local banks which did not pay specie. He was sorry the gentleman from Maine [Mr. Jarvis] had accepted such a modification of his resolution; he had heard no reason urged in favor of it, nor could there be, save that the bank aimed at, was one of the deposite banks selected by the Treasury. The gentleman from Kentucky [Mr. Allan] had, to be sure, pledged himself to prove that the deposite banks were unable to meet the demands of the Government: but when called upon for his proof, it turned out to be his own word, which was not to be questioned. Mr. B. should lend himself to no such design, to gratify the party feelings of any of those who surrounded the Capitol. What must be the effect of adopting a measure of this kind? The world was shrewd and observing: and when they saw that House order an examination of the affairs of the Metropolis Bank, they would naturally conclude the House must have some ground for suspicion; and the credit of the bank would necessarily be injured. Did gentlemen wish to break the bank by clamor? Mr. B. believed it to be perfectly safe and solvent; otherwise that most excellent and valuable, but much abused, officer at the head of the Treasury Department would not have selected it as a depository of the public funds. But the party opposed to the administration had been, for these six months past, busily and zealously engaged all over the country, in breaking down the credit of all banking institutions, and laboring to prepare the people for revolution. To bring about revolution had for months past been the ruling motive of the press and of the party opposed to the administration. He would lend himself to no such design.

Mr. LANE expressed his regret at differing from his friend from New York, [Mr. Beardsley.] He could assure the House that no one had more unlimited confidence in the Secretary of the Treasury than he had; but he should be constrained to vote for this resolution: nor would he stop to inquire whether the House had, by an express contract, authority to examine into the affairs of these banks; and of that bank in particular to which the remarks of the gentleman had had reference. Mr. L. would say this, in his place, that any bank which was unwilling to submit to the fullest and most minute examination into its condition, should not hold the public deposites one moment longer, if his vote could prevent it. He believed the bank in question to be perfectly solvent; but it was possible it might not be: and the reasons advanced by the gentleman from New York [Mr. Beardsley] were the very reasons which would induce him to vote for the resolution. That gentleman thought the adoption of such a resolution would increase the prevailing panic. Mr. L. thought directly the reverse; that it would be the most effectual means of allaying it. If the bank was not ready for an examination, and to examine it would only increase the distress and dismay, that would, with Mr. L., be the strongest of reasons for adopting the resolution. If there was the slightest ground to suspect the solvency of the institution, the Secretary, he was well assured, would instantly remove the public money from its custody. But if, by the authority of a committee of that House, the bank was pronounced to be sound and solvent, this must remove suspicion and allay the panic.

Mr. HARDIN said that the argument of the gentleman from New York [Mr. Beardsley] had been directed against that part of the resolution which had been adopted at Mr. H.'s instance: he would therefore say a word or two in reply. He very much approved of the sentiments expressed by the gentleman from Indiana, [Mr. Lane,] and entirely agreed with him that no bank should continue to be the depository of the public money, which would not permit its concerns to be fully investigated. The contract contained in their charters required this; but, if it were otherwise, the House would have power; for they were incoporated by Congress, and were located in the District over which Congress had exclusive and complete legislative power.

Mr. H. then read extracts from the reports of the Metropolis Bank. When he came to the article of "stocks" owned by the bank, he said he presumed most of these "stocks" were shares in the Chesapeake and Ohio Canal Company, a most valuable stock, indeed. Another item consisted of "real estate." Every body knew what was the present condition of real estate in the District of Columbia, as a resource to be calculated on for raising cash. From comparing the items in the return, (which we are unable to give with accuracy, and therefore shall not attempt to give at all,) he inferred that the means of this bank were much below its liabilities; unless it counted upon the notes under discount, which were in its possession. Now, if these were to be admitted as an element of calculation in estimating the solvency of a banking institution, then all the banks in the District were perfectly solvent. But who were the drawers of these notes under discount? They were gentlemen in the District who, somehow or other, were not all of them very certainly to be counted on as able to meet their engagements. These notes, at all events, could not easily be converted into specie: and, if their amount was substracted from the account, it would appear that not a bank in the District was able to meet the demands upon it.

Let this Bank of the Metropolis pay what she owed, and she would not be able to meet the demands of the Government. And were matters come to this, that banks should be selected for the keeping of the public money, and Congress was to be denied the power of examining into their affairs!—banks where deposites to the amount of twenty and thirty millions were made in the course of a year! The gentleman did not want his bank put into bad company. Mr. H. could only say that, if the other banks of the District were to be considered as bad company, this Metropolis Bank had been, as he was told and believed, no better than any of them, until it had been selected by the Secretary as one of his pets. Before that it had not more than fifteen or twenty thousand dollars of specie in its vaults. Its present condition certainly called for inquiry. Why it had been selected he could not tell: it may have been rather the best in the District, but he believed they were all pretty much alike; they all had large amounts of paper afloat, and but little specie to meet it. He thought the House owed it to themselves, and to their public trust, to insist upon their right of examining the affairs of every bank where the public treasure was kept.

On motion of Mr. BOON, the House now proceeded to the orders of the day.

DEPOSITE BANK BILL.

Mr. POLK, from the Committee of Ways and Means, made a report, accompanied by a bill regulating the deposites of the moneys of the United States in certain local banks.

Mr. REED and Mr. VANCE called for the reading of the bill; when it was read twice.

Mr. POLK moved that it be committed to a Committee of the Whole on the state of the Union.

Mr. EWING inquired whether it would be in order to recommit the bill, with instructions.

The SPEAKER replied in the negative. The motion was to commit the bill to a Committee of the Whole on the state of the Union.

Mr. ADAMS inquired whether the Chair meant to be understood as having decided that it would not be in order to move to refer the bill to a select committee?

The CHAIR said that the question must first be put on sending the bill to a Committee of the Whole on the state of the Union.

Mr. ADAMS demanded to know by what rule of the House this was required? He understood it to be in order, when a bill had been reported, to move its commitment to a Committee of the Whole on the state of the Union; to a Committee of the Whole; or to a select committee. All these motions might be made, and would not be out of order until one of them had been adopted.

The CHAIR replied that there were half a dozen different motions which might be made, and all which would be in order; but it was not in order now to discuss any other than the motion to commit the bill to a Committee of the Whole on the state of the Union.

Mr. EWING then moved to commit the bill to a select committee, together with certain plans and programmes of a national bank, which he had formerly introduced.

Mr. BURGES inquired whether it would be in order to move an amendment of the bill?

The CHAIR replied in the negative.

Mr. EWING claimed the floor in support of the motion he had made; which was admitted by the Speaker; and Mr. E. commenced speaking, but had proceeded but a short time, when

Mr. POLK made a question of order, insisting that Mr. Ewing's motion was not in order.

The CHAIR decided it to be in order, and said Mr. Ewing had a right to proceed.

Mr. POLK then appealed to Mr. Ewing, not now to insist upon his right.

Mr. EWING replied that he would withdraw his motion, if Mr. P. would pledge himself immediately to bring forward the bill for the Cumberland road.

Mr. POLK assenting, Mr. Ewing withdrew his motion.

Mr. BURGES then moved that the bill be recommitted with certain instructions, which were read at the Clerk's table.

Mr. POLK requested Mr. Burges to modify his motion, so as to put it into the form of an inquiry into the expediency, &c.

Mr. BURGES refused. He observed that, from hearing the bill read, he perceived that the proposed deposite banks (the pet banks) were to have the public moneys without interest, until they should have paid out the eight millions of dollars. Now, the Bank of the United States had paid an interest on this amount of nearly four per cent. The bonus paid by that institution was as a compensation for the privilege of loaning out the money. But if a bank paid no bonus, nor any substitute for one, it had no right to loan the money. Did gentlemen really mean that nothing was to be paid by these deposite banks for the custody and use of the public treasure? He hoped it was not intended to establish by law the existing state of commercial and pecuniary embarrassment.

Mr. PARKER suggested that it would be better for Mr. Burges to move the substance of his instructions as an amendment to the bill.

Mr. BURGES replied that the Chair had pronounced an amendment not in order.

Mr. REED insisted that the banks ought to pay something. If three per cent. was too much, put it at two and a half per cent. When District banks whose resources were better than the Metropolis Bank (the Government pet) were breaking before the face of gentlemen, could they intend to sanction by law the retaining of the public money in private banks, without interest?

Mr. BURGES now modified his motion, so as to leave the rate of interest to be paid by the banks in blank.

Mr. PARKER said he was against the motion. The object was good; but this was the wrong place and time; the bill had not yet been considered. It had been read through but once. He demanded the yeas and nays; which were ordered.

Mr. BINNEY said that the House were not in possession of adequate knowledge on which to act. The bill had been heard but once, and was very imperfectly understood by the House. Mr. B. had himself heard it but once before, when it was read in the committee. It appeared to be intended to carry out the plan of the Secretary of the Treasury; but to know how it was to be carried into effect, it was necessary to know the plan, in all its parts. He had formed an opinion upon the subject from previous consideration; but, nevertheless, before acting upon it, he wished to see the whole plan. Would it not be better to let the bill lie on the table until it could be printed? He was against the amendment proposed by the gentleman from Rhode Island, because it left the committee no discretion. It was an imperative order in all things save the rate of interest, which was left blank. He hoped the gentleman, having given the House notice of his purpose, would not farther press the amendment at this time. If he did, Mr. B. should be forced to vote against it: not because he was opposed to its principle, but because he desired the committee to be left untrammelled. If the bill was recommitted the committee should have a discretion allowed them.

Mr. BURGES replied. He had thought it fundamental that, if these banks were to have the deposites, they should pay the nation for the use of them. He presumed that this would be admitted by every one: he did not suppose that any one could doubt it. As to the particular amount that was left in blank, whether the banks were to pay a certain sum per annum, or were to advance a gross sum at once, was a subordinate question. But he hoped every one would agree that they should not have the public money unless they paid for it. The principle, he presumed, was at least to be settled; that the people of the United States might be assured they were to get something for the use of their money. The motion needed no discussion: he would say not a word more about it: not a syllable. He was sorry to hear the gentleman from Pennsylvania [Mr. Binney] say that he wanted light: he could assure that gentleman he would get none from the bill.

He was desirous the people should know whether these favored banks were to pay any thing for the use of the public treasure. For his own part he did not believe they would ever get a penny for it. He must not however be understood, in offering this amendment, as giving any sanction on his part to this bill. He would sooner suffer his arm to be cut off at the elbow-joint than lift it in favor of such a measure. Every gentleman must know that the bill never could become a law.

Mr. SELDEN said he did not understand precisely what the amendment was: but he agreed with the gentleman from Pennsylvania [Mr. Binney] that the committee ought to be left untrammelled. He did not say that he was opposed to the deposite banks paying a fair sum for the possession of the deposites: but it was possible that the bill might yet be so remodelled as to establish a Bank of the United States, or the present bank itself. This would be prevented by positive instructions, such as were now proposed. He hoped no instructions would be given which would compel the committee to report a bill in substance such as that which they had just reported.

Mr. BURGES withdrew his motion to instruct the committee.

Whereupon the bill was committed to a Committee of the Whole on the state of the Union.

GENERAL APPROPRIATION BILL.

The House then resolved itself into Committee of the Whole on the state of the Union, Mr. Hubbard in the Chair, and resumed the consideration of the general appropriation bill.

The question on the amendments submitted by Mr. Vance, viz. to reduce the salary and compensation to be paid to the commissioner of the land office, the collector, inspector, and other officers of the customs, the clerks, &c., in the post office, the compensation to be given to the next President of the United States, to the clerks in the House of Representatives, and the pay, &c., of members, were severally put and negatived.

The item for clerks, machinist, and messenger in the patent office, $5,400. Agreed to.

The question being on the item for incidental and contingent expenses of the Department of State, including the expense of publishing and distributing the laws, $25,000.

Mr. McKAY proposed an amendment thereto, substantially to prevent any payments being made by the Departments, for extra clerical service, out of the contingent fund, except for recording and settling the papers therein. This practice of employing extra clerks, and of paying out of the contingent fund, he considered ought not to be permitted.

Mr. POLK remarked that part of the expense which had been incurred on the head of extra clerical service, was in consequence of a resolution of the Senate calling on the Department to furnish various returns and statements of the comparative increase per centum of the white population, of slaves, of aliens, and of the militia throughout the United States. He was not aware that these returns had been completed, but, for the present, he would not object to the amendment.

Mr. HARDIN objected, as this was already a question which had been decided by the House.

Mr. J. Q. ADAMS wished to have the expense of distributing the laws accurately known, and presented separate from the incidental and other expenses of the Department.

Mr. POLK said that the expense of distribution varied according to the length of the session, and from other causes; it was impossible to be precise in the expense to be incurred. The amount expended in 1831, was $14,900, in 1832, $19,300; whilst in 1833 it was but $11,477. This showed a variance of $8,000, but which might be attributed to the discontinuance of the practice used formerly of employing special agents for the distribution. The conveyance by mail was now used for this purpose. The same objection, on the score of principle, might be used for the fuel, and they might be called on to specify the quantity used for years past, and to appropriate, *pro rata*, for each Department. The practice would be seen to prove inconvenient, and he should hope, as the appropriation was the usual one, the member from Massachusetts would be satisfied.

Mr. ADAMS pressed his amendment so as to grant $5,000 for incidental expenses, &c., and $20,000 for expense of distributing the laws.

After some remarks from Mr. McKay, Mr. Adams, and Mr. Foot—

Mr. POLK said the House could not know whether the precise amounts designated would be sufficient for the objects contemplated for each.

The question on the amendment of Mr. Adams was then put and negatived: Ayes 43, noes 63. No quorum.

The CHAIRMAN having ascertained there were only 111 members present,

Mr. J. Q. ADAMS moved that the committee do rise and report the fact to the House. The motion was rejected.

Mr. POLK desired to have a call of the House.

The CHAIRMAN informed the committee that, although they had refused the motion to rise, yet, that no business could be transacted until a quorum was in attendance.

Some members having, in the interim, come into the hall,

Mr. H. EVERETT rose and advocated the amendment.

And, after some explanatory remarks from Mr. Archer and Mr. Polk, the question was a second time put, and the amendment was rejected: Ayes 50, noes 74.

The question recurring on the amendment proposed by Mr. McKay,

Mr. WATMOUGH opposed it, as not sufficiently coming up to the professions of those who claimed to belong to the old Jefferson school.

Mr. CHILTON rose to propose an amendment to the amendment; viz: to strike out "the exception in favor of clerks for arranging the records." He would oppose the practice that prevailed of giving any power to the heads of Departments, at their pleasure to employ extra clerks for any purpose, in addition to the number which was fixed by law. If the clerks were encouraged in this instance, they would look for extra service in every other case to help them in duties they were themselves capable of performing, as naturally as a horse would look to find corn in the trough out of which he was accustomed to feed.

The amendment was further opposed by Mr. Harper of Pennsylvania, and Mr. Grennell.

Mr. McKAY defended the propriety of his amendment, and advocated its necessity, as fixing some limits to the employment of the contingent fund, and rendering it imperative in the Secretary of State to cause the archives in his office to be put in order.

After some remarks from Messrs. Sheppard, Hardin, and Hall of North Carolina, in which the propriety of supplying the clerks in the Department with newspapers, Niles's Register, and other papers, was incidentally discussed—

Mr. ADAMS explained that it had been the usual practice to have fifty copies of Niles's Register supplied for the use of ministers abroad.

Mr. BATES complained of the increased expenses to which the Department was subjected, and inquired for information, in relation to them from the chairman of the Committee of Expenditures in the Department of State. The expense for hardware and furniture was enormous.

Mr. SHEPPERD replied, that it was his intention, he could assure the gentleman, to wade through all these matters, which were the subject of complaint.

Mr. FULLER, of New York, desired to have some information on the subject of the unexpended balances of salaries to the clerks.

Mr. ARCHER explained.

The amendment proposed by Mr. Chilton was rejected: Ayes 55, noes 81.

After some remarks from Mr. Adams, of Massachusetts, and Mr. McKay,

Mr. BURD said that, in his opinion, the clerks should labor, and labor faithfully; that, in summer, they should go to their work at 6 o'clock in the morning, and labor till breakfast, at 8 o'clock; and again from 9 till 2, and at 3 return to their offices and work till 6. He was in favor of paying them amply for their services, if faithfully performed.

The question being taken on Mr. McKay's amendment, it was rejected.

Mr. McKAY moved to strike out $1,300, in the thirty-second line, and insert $650, which was rejected.

The following clause being under consideration—

"For the Documentary History of the American Revolution, per act of March 2, 1833, $35,000."

Mr. McKAY said that, in duty to his country, he must oppose this provision, and he would show the House that it might involve the country in an expenditure of a million of dollars. If the House was disposed to listen to the facts regarding the contract with the late Secretary, he would show that he had exceeded his authority in making the contract, and, as the hour was late, he moved that the committee rise. Rejected.

Mr. McKAY went into some statements on the subject, and moved that the item be stricken out; when

Mr. EVANS moved that the commitee do now rise. Lost—72 to 84.

The amendment proposed by Mr. McKay was negatived.

Mr. ARCHER moved an amendment, appropriating $25,000 for the purchase of the original correspondence and other papers of General Washington.

After some remarks from Mr. HALL, of North Carolina, the report from the Committee on Foreign Relations, recommending the purchase, was read, and several documents were also read with respect to the value of the paper, and some conversation took place, in which Messrs. ADAMS, CAMBRELENG, and HALL, took part.

Mr. ARCHER then withdrew the amendment with a view to offer it again, in another form, hereafter.

Mr. FOOT moved to strike out the item appropriating $750 for additional watchmen, and an increase of the compensation of watchmen of the northeast Executive building, in addition to the usual appropriation.

Mr. VINTON moved that the committee rise. Rejected--62 to 82.

The question being taken on the motion to strike out, it was determined in the negative.

Mr. FOOT moved to amend the bill, by striking out the item reimbursing the fund for the contingent expenses of the northeast Executive building, &c. Mr. F. spoke against the clause, and in favor of specific appropriations. The motion was negatived.

Mr. ADAMS, of Massachusetts, moved to amend the item making appropriations for two additional clerks in the Third Auditor's office, by striking out a portion as surplusage. Agreed to.

Mr. DICKSON moved that the committee rise. Lost--yeas 54, nays 80.

The item for supplying bookcases and forebays for the purpose of placing the title papers, &c. in a place of security in case of fire, was, on motion of Mr. POLK, struck out.

The item for the contingent expense of the office of the Commissary General was reduced from 2,600 to $2,500.

The other items preceding these having been gone through--

Mr. POLK moved to strike out of the item for additional clerk hire, the words "for the first half of," so as to make it read for 1834, in order to carry into effect the act of the 7th January, 1832, granting revolutionary pensioners $5,000.

Mr. J. Q. ADAMS inquired how this became necessary.

Mr. POLK explained.

Mr. EVANS thought as this was an item that would require more discussion than could be given to it in either House, he would move that the committee rise.

Mr. POLK said, the subject could be fully examined into when the bill should be before the House.

Mr. EVANS said he was perfectly aware of the gentleman's anxiety to get the subject into the House. He also knew, when it was there, how soon his anxiety for the public service would induce him to take means to get it passed there.

Mr. POLK said if the gentleman would be so courteous as to permit him to answer him, he would make the motion for the rising of the committee.

Mr. EVANS declined.

The motion for the committee to rise was negatived: Ayes 37, noes 78. No quorum.

The CHAIRMAN thereupon rose and reported that fact to the House.

Mr. EVANS moved an adjournment.

Mr. POLK called for the yeas and nays. Ordered.

Mr. CHILTON hoped the hour of six o'clock would be inserted.

The motion to adjourn was negatived: Yeas 53, nays 87.

The House went again into committee.

Mr. ADAMS said, as the subjects to arise were of high importance, he would move that the committee rise, with a view to have a call of the House.

Mr. POLK said he had no objection to the committee rising, if the honorable member from Massachusetts would agree to take up the bill to-morrow and go through with it, without wasting further time.

On the motion that the committee rise, the votes stood, yeas 26, nays 80. No quorum.

The CHAIRMAN rose and reported the fact to the House.

Mr. J. Q. ADAMS moved an adjournment; on which motion,

Mr. BEARDSLEY demanded the yeas and nays.

The motion was rejected—yeas 39, nays 86.

So the House refused to adjourn.

Mr. J. Q. ADAMS rose to move a call of the House.

Mr. SPEIGHT, Speaker pro tem. decided that he had no right to receive the motion.

Mr. ADAMS appealed from this decision.

Mr. SPEIGHT, considering that there was a quorum in the House, his duty was to resign, and the House were to resolve itself into Committee of the Whole on the state of the Union, in which condition they had been when the committee rose to report the fact that there was not a quorum in attendance.

The House accordingly went again into committee, Mr. HUBBARD in the chair.

Mr. MOORE rose to a point of order; he considered it was the duty of the Speaker to have put the question on the motion made by the member from Massachusetts.

Mr. SPEIGHT (in the House) explained, and maintained that his decision had been in strict conformity to the former practice of the House. That a committee having reported that a quorum was not in attendance, and it having, in the interim, been ascertained that a quorum was present, then it was the duty of the Speaker to vacate his seat, and reinstate the committee.

Mr. ADAMS denied that this was the practice of the House, and insisted upon his right, as well as that of every other member, to have the question put to the House upon any motion they should present.

Mr. WILLIAMS moved that the committee rise.

The motion was rejected: Yeas 59, nays 72.

The item for additional clerk hire, with the amendment proposed by Mr. POLK, so as to make it read for 1834 to carry into effect the act of the 7th January, 1832, granting revolutionary pensioners 5,000 dollars, was then agreed to.

After some other items were gone through,

Mr. CHILTON ALLAN appealed to the House not to persist, at so late an hour, (then half past seven o'clock,) in proceeding with a bill of this importance, and which contained appropriations of an increased amount, beyond that of former years. He moved that the committee rise.

The vote on this motion stood, yeas 37, nays 61. No quorum.

The CHAIRMAN rose and reported the fact to the House; after which,

Mr. EVANS moved an adjournment, which prevailed; and

The House adjourned.

WEDNESDAY, APRIL 23.

GENERAL APPROPRIATION BILL.

The journal having been read,

Mr. JOHN Q. ADAMS rose to move a correction of it, in the proceedings of the House on yesterday. The journal, as it had been read, did not state correctly the facts which, on the day before, had occurred within that Hall; he would not say in that House; for he did not consider the House as having been in session; but held the whole proceeding, from the point of time in which the Committee of the Whole discovered itself to be without a quorum, as irregular and disorderly.

In the first place, the journal did not state that, when

the fact of there being no quorum had been reported by the chairman of the Committee of the Whole, the Speaker of the House was not in the chair, which was the case.

The CHAIR here reminded Mr. Adams that he must submit his amendment in writing.

Mr. A. thereupon moved that the following clause of the journal be stricken out:

"It was found that a quorum was not present: whereupon the committee rose, and Mr. Hubbard, the chairman, reported the fact to the House;"

And that the following words be inserted in lieu thereof:

"The Speaker resumed the chair, and Mr. Hubbard reported that the committee had, according to order, had the said bill under consideration, and, finding itself without a quorum, had risen, and directed him to report that fact to the House."

Mr. A. desired this paragraph to be inserted, not because it stated the fact as it was, but as it ought to have been. According to the rules of the House, when such a case occurred as had taken place the day before, when a Committee of the Whole found itself to be without a quorum, the proper course was, that the committee should rise; that its chairman should report to the House the fact, and that measures should then be taken in the House to procure the attendance of a quorum of members: among which measures, the first and most proper would be a call of the House. It was not the practice of the House that, under such circumstances, the chairman of the committee should, as of course, resume the chair immediately on its being ascertained that a quorum was in attendance. The practice, as he understood it, was, that the House, having been re-constituted, on discovering that the committee was without a quorum, and having, by yeas and nays, or in any other mode, ascertained a quorum to be present, must resolve itself into a Committee of the Whole, if such should be its pleasure. That such had been the practice, would appear by referring to the journals of the first session of the last Congress, where, in the proceedings of the House on the twentieth of June, 1832, the following entry would be found:

"The House resolved itself into the Committee of the Whole House on the state of the Union, and proceeded to the consideration of the bill No. 584; and, after some time spent in committee, the Speaker resumed the chair, and Mr. Speight reported that the committee had, according to order, again had the said bill under consideration, and, finding itself without a quorum, had risen, and directed him to report that fact to the House."

In this case, a call of the House had intervened, and then, so far from stating that the chairman of the Committee of the Whole resumed the chair, the entry was that "the House again resolved itself into Committee of the Whole." It was the action of the House; and for the chairman of the committee to resume the chair, unless such an act of the House had intervened, was, in Mr. A.'s opinion, a usurpation of the Chair. It was evident why the form of the entry, in the present case, had been changed. The journal went upon the theory that, when the House had been re-constituted, the mere appearance of a quorum put it back into Committee of the Whole—which was not the fact. But this had not been the only instance in the last Congress. In the minutes of the day following the extract he had read, the same thing occurred again. In this case, there had been no call of the House, but simply a motion to adjourn, which being negatived, and a quorum appearing, it was again stated that the House resolved itself into Committee of the Whole. And how could this be done without a motion to that effect? What right had the chairman of the Committee of the Whole, which had risen and reported, to take the chair of the House? The Speaker was in the chair, and he might at pleasure change the chairman of the committee, and appoint some other gentleman in his place. On these grounds, he desired the entry to be corrected in the manner he had proposed.

But there was another statement which Mr. A. was desirous should also appear upon the journal, and that was, that, at the time this had taken place, the Speaker had not been in the chair, nor any person named by him to the House. The 6th rule declared, and Mr. A. was sorry it did so declare, that the Speaker "shall have a right "to *name* any member to perform the duties of the Chair, "but such substitution shall not extend beyond an adjournment."

This rule had been the source of some of the greatest disorder which Mr. A. had ever witnessed, both in the last Congress and in the present. It declared that the Speaker should have a right to name his substitute. In this case, he had not done so; and the individual who took the chair had been named by the chairman of the Committee of the Whole.

The language of the rule showed that it was an indulgence, and it should therefore be construed in the strictest manner. When the Speaker named a member to take his place, that member was known to the House, and the Speaker was responsible for his conduct in the Chair; and although the functions of the presiding officer were such as ought not to be performed by proxy, yet, in such a case, the House had some hold upon the individual occupying the chair for the propriety of his conduct. But here the person had been named by the chairman of the committee, who had no right to do any such thing. There were other cases during the last Congress of a similar kind—twice successively, on the 6th of July, and again on the 7th; and, in every case, the entry was in the same identical form: "The House resolved *itself* into Committee of the Whole." It was the action of the House, and not any concert or conspiracy between the chairman of the committee and an individual member of the House. On these two grounds, Mr. A. desired that the journal should be corrected.

If, however, this whole affair were a mere matter of form—if it had not led to the grossest disorders, and did not tend to others still greater—Mr. A. would have passed it over as one of those disorderly incidents which might very naturally occur in a House consisting of members whose minds and bodies were exhausted by five or six hours' patient, unceasing attention to public business. But the incidents to which he alluded had been connected with a disposition manifested by a part of that House to drive through, at all hazards, and without due time for consideration, one of the most important bills which ever came before that House—no less than the general appropriation bill for the support of Government. It had been evident that a certain portion of the members had been resolved to drive through the bill, and not permit it to be amended. Not only had such a disposition been manifested, but it had even gone to that length that the chairman of the Committee of Ways and Means had formally proposed to Mr. A. a bargain. It was true that the chairman of the Committee of the Whole had arrested the gentleman, and had told him that he was out of order.

Mr. BOON here rose to order, and inquired of the Chair whether it was in order that any member should be permitted to charge a portion of that House with an endeavor to drive through a bill at all hazards, and without due consideration?

The SPEAKER replied in the negative, and admonished Mr. A. to that effect.

Mr. ADAMS said that he spoke historically. He spoke of what was past. At that late hour of the day, when there had been a bare quorum in the House, and members constantly coming in and going out, for a portion of the House to endeavor to compel the residue———

Here Mr. A. was called to order by several members.

Mr. ADAMS: Am I not as much at liberty to speak of what took place last evening, as I am of what happened last session?

The **CHAIR** replied that Mr. Adams was not in order.

Mr. ADAMS: Is it not in order to speak the truth?

Here the calls to order were loud and frequent from different parts of the House.

The **CHAIR** again declared Mr. Adams not to be in order. It was not in order to say that the chairman of the Committee of Ways and Means had offered him a bargain.

Here **Mr. POLK** interposed, exclaiming, It is not correct; I offered him no bargain.

The **CHAIR** again called to order, and ordered Mr. Adams to take his seat, which he did. Much confusion prevailed.

Mr. VINTON called upon the Chair to state the disorderly words spoken by the gentleman from Massachusetts.

The **CHAIR** referred to what Mr. Adams had said respecting the chairman of the Committee of Ways and Means.

Mr. VINTON appealed, and asked the Chair whether a member had not a right, in his place, to accuse another member of improper conduct?

The **CHAIR** replied, Certainly; but not on a motion to amend the Journal.

The **CHAIR** proceeded to read the rule which forbids personalities in debate, and stated that he had called the gentleman from Massachusetts to order for not confining himself to the question under discussion, and for making a personal attack upon another member. The gentleman had taken his seat, and it was for the House to say whether he should proceed or not.

Mr. WILLIAMS moved that Mr. Adams be permitted to proceed.

[Cries of no! no! proceed! proceed!]

Mr. VINTON withdrew his appeal.

Mr. WATMOUGH wanted to know what the charge against the member was. He had heard none.

The **CHAIR** repeated the ground on which he had called Mr. Adams to order.

Mr. WATMOUGH declared his intention to appeal, and was proceeding, in the midst of much excitement in the House, when

Mr. ADAMS asked leave to explain.

Leave being granted he proceeded:

He disclaimed any intention of making an injurious charge against the chairman of the Committee of Ways and Means. He had used the word "bargain." The gentleman denied having offered any. Mr. A. would state what had taken place; there were fifty members now present who had witnessed it all, and who would know whether his statement was correct.

In the course of the efforts which had been made, first to obtain an adjournment and then a call of the House, the chairman of the Committee of Ways and Means had risen, and looking toward Mr. A., and being understood to address him, had said that he would agree to the adjournment if Mr. A. would pledge himself that the House should be permitted the next day to go through with the bill; at which point the chairman of the Committee of the Whole had interposed and declared the gentleman to be out of order. Such were the facts.

Mr. A. said that it was the offer of a bargain, but if the gentleman did not so understand it, then Mr. A. had used an improper word; that was all. If he had been permitted at the time to proceed, he should have answered the gentleman that he could speak for but one member of the House, and that was himself. Although that gentleman might be conscious that he could control the majority of the House by lifting his finger. Mr. A. neither possessed nor pretended to any such power. If the offer of the gentleman did not amount to a bargain, then he had used an improper word.

Mr. POLK here asked leave to explain.

The **CHAIR** replied that he should have an opportunity to do so, but that he felt it due to the House and to himself as its presiding officer, to give an explanation in reference to what had taken place the day before.

He said he owed it to himself to explain the circumstances under which he had been in the habit of appointing the Speaker *pro tem.* to preside in his absence. He did not consider, by the rule, that he was bound to nominate by name to the House, the individual whom he selected. It was not a fact that the chairman of the committee had nominated Mr. Speight in his absence. It was a fact that he was nominated by himself, and, having been suffering under some indisposition, he had, previous to his leaving the House, who were then in committee, informed the Clerk the person whom he had named. After referring to the practice and usage of the British Parliament, on the matters involved, he concluded by saying it was competent for the House to express their decision on them.

Mr. POLK now rose to explain, but Mr. Adams claimed the floor.

The **SPEAKER** decided that it belonged to Mr. Polk.

From this decision Mr. Williams appealed, insisting that if a member had been called to order, and had given a satisfactory explanation, he was entitled to resume the floor, and could not be deprived of it. The gentleman from Massachusetts had explained in a manner he believed quite satisfactory, and was therefore still entitled to the floor.

The **CHAIR** replied that Mr. Adams had taken his seat, and that then the gentleman from Tennessee had risen.

Mr. WILLIAMS replied that Mr. Adams had taken his seat by order of the Chair, and, having since explained, was entitled to proceed. But if he now relinquished the floor, Mr. W. had nothing more to say.

Mr. ADAMS declared that he had not relinquished the floor, neither did he relinquish it.

He was thereupon permitted to proceed.

Mr. A. then recapitulated what had taken place on the evening before. When the chairman of the Committee of the Whole had reportd that there was no quorum, the yeas and nays had been called: from which it appearing that a quorum was present, a motion had been made to adjourn, which motion the person acting as Speaker had refused to entertain, but immediately left the chair, which was resumed by the chairman of the committee. It had been questioned by many whether this was in order, but the formal question had not been made. It had struck Mr. A. as a most extraordinary proceeding.

A quorum again having failed in committee the same person again resumed the chair, when Mr. A. moved a call of the House. The motion had been refused. Mr. A. then moved to adjourn. This motion was also refused. Mr. A. had thereupon appealed, and the appeal was refused. He now asked of the House and of the nation, what was the condition of the House of Representatives when, with a bare quorum present, but the House fluctuating between a quorum in the House and no quorum in committee, the members were refused the liberty either to adjourn or to order a call of the House. It was then near dark. Mr. A. had been sitting in his place from 11 o'clock in the morning. He had been willing to continue sitting there all night, and till the present moment, if nature would permit and the House so determined. All he asked was, that when a bill of the very utmost importance was under debate, the House should be permitted either to adjourn, or, by a call of the House, to compel the attendance of its members. But by such an operation as he had referred to, (he would not say what he thought it was,) between the person filling the chair and the chairman of the committee, the House had been effectually deprived of its right both to adjourn and to call its members. This was the reason why Mr. A. had felt it his duty to call up the subject again this morning, that the American people might understand what was the present condition of that House. Had the majority consented to a call of the House, Mr. A. would have been content to sit there *impransus*, without food or sleep, till that day, or till that time to-morrow, if his frame would sustain it. He was now done. All he wished was that the Journal should be made conformable to the rules of the House.

As to the authorities which the Speaker had read, instead of supporting the position he had taken, they were directly against it. The passage contained not a particle of authority, not one word of sanction for the doctrine the Speaker had advanced.

What it did not prove was, that, after a quorum had failed in Committee of the Whole, and this had been reported to the House, a quorum being obtained in the House, it proceeded with its business. What proceeded? Manifestly the House, and not the committee. There was not one particle of evidence about going back into committee. No such thing: not such a word in the whole passage, nor in the rule of the House. The Speaker had asserted that he had used this privilege of appointing a substitute less frequently than any of his predecessors. Of that, Mr. A. knew nothing. One thing he did know, that he wished the Speaker would use it more seldom.

The Speaker was responsible to the House; the person substituted by him was not. The House had never voted to put him in the chair. Their confidence in the Speaker was a personal thing, and not transferable at the Speaker's pleasure to every man he might choose to put in his place. [Mr. A. hoped that this would not be understood as any reflection on the gentleman who had filled the Chair yesterday.]

Often as Mr. A. had chanced to differ from the Speaker in that House, he believed that, if that gentleman had been in the chair, he would not have refused the motions which had been referred to; that he would not have refused to receive the motion for a call of the House; still less that he would have refused to entertain an appeal from his own decision to the judgment of the House.

But those motions had been made, and had, by his substitute, been refused, as more than one hundred members then present could testify.

Mr. POLK said he should not detain the House long from proceeding in the business before it. He should not follow the example of the gentleman from Massachusetts, who had, in a very impassioned and intemperate strain, and in terms of severe censure, animadverted upon the conduct of the House; and had, in the course of his remarks, been pleased to have particular allusion to himself. It was to repel a part of what had fallen from the gentleman, that he had risen. And what was the substance of what the gentleman had said, and what the substance of his complaint? The gentleman complained that a majority of the House had, on the preceding day, refused to adjourn at the hour at which the gentleman, and those who act with him, desired to adjourn; and because the majority did thus refuse, and manifested a desire to proceed with the appropriation bill, the gentleman now charges that majority with an attempt to drive through the House a very important bill, with unnecessary haste, and in an improper manner. Mr. P. denied it to be a fact. And as frequent allusion had been made by the gentleman to "the chairman of the Committee of Ways and Means," he would state, in vindication of his alleged offence, which consisted in voting with the majority against adjournment, the facts as they were known to exist by every member of the House. The annual appropriation bill had been before the House for many days, and had already occupied an unusual portion of time, and yet they had made no progress. And why? They had constantly been interrupted and embarrassed in their progress by the objections and attacks of those opposed to the administration. He did not complain of discussion, or of the severest scrutiny into the various items of appropriation contained in this bill; for he was satisfied they would bear the test of impartial examination. They were, in fact, the usual appropriations of every year; but it had been threatened elsewhere, and more than insinuated upon that floor, that the usual supplies were to be arrested, and the annual appropriations for the support of Government withheld, unless the deposites should be restored to the Bank of the United States. This was the intimation distinctly given. Many days had already been consumed in debating this bill; and, under the circumstances, Mr. P. had felt it to be his duty, as he supposed those with whom he acted had felt it to be theirs, to act upon the bill without further unnecessary delay; to press it upon the House until the discussion should be concluded. Not to rush the bill through the House without consideration or debate, but to continue to sit early and late, till it should be fully examined and brought out of committee into the House. On the day alluded to by the gentleman, Mr. P. said he was free to admit, so far as he was concerned, that he came to the House resolved not to consent, by his vote, to the rising of the committee, till they should have gone over all the items of the bill, and reported it to the House. What the gentleman from Massachusetts complained of was, in fact, that the minority could not restrain and control the majority of the House. The gentleman had said that the committee had not been full on the preceding day; and was that his (Mr. P.'s) fault? He had, for himself, remained in his seat; and those who acted with him, and who preferred their public duty to their personal ease and indulgence, had remained at their post with him, and had thus given evidence of their desire to sit out all opposition to the bill; for in that, and no other way, did it seem probable that a decision could be had; at all events, within any reasonable time. If the gentleman from Massachusetts could have induced the committee to rise at four o'clock, or about that hour; (as the gentleman was in the habit of voting;) if, at that hour, he could have carried off the House with him, and thus keep the bill in committee, it may be, for six weeks longer, perhaps the purpose which some had in view might be accomplished.

[Here Mr. ADAMS called Mr. Polk to order. He said the gentleman had charged him with an undue and improper attempt to induce the House to adjourn; and had said that thereby he might think to carry his purpose; which the gentleman had declared to be to defeat the bill and stop the supplies of Government.]

The CHAIR said he had not so understood the member from Tennessee. He had not made any charge against the member from Massachusetts.

Mr. POLK said he had not made any personal charge upon the gentleman from Massachusetts. He had not said that it was *his* design to defeat the appropriation bill. He had said that such a purpose had been more than insinuated here and elsewhere.

Mr. ADAMS said he was satisfied with the gentleman's disavowal as to that point; but in respect to endeavoring to get the House to adjourn at four o'clock, Mr. A. insisted that he was as little liable to a charge of that kind as any member of the House.

Mr. POLK said that he had no explanation to make, in regard to what he had said of the gentleman's vote for early adjournments of the House. That was a matter which lay between the gentleman and his own constituents.

Mr. ADAMS said that, as the gentleman had not retracted that part of the charge, he again called him to order.

Mr. POLK said he should make no apology to the gentleman's constituents. That he left to the gentleman himself.

Mr. ADAMS said he did not wish the gentleman to apologize to his constituents. That gentleman was the last man he should desire to interfere between him and his constituents; and he again called him to order, and demanded that the Chair should decide.

Mr. PATTON inquired of the Chair whether it was in order for a member to charge a portion of that House with a design to defeat a bill by indirection?

The CHAIR replied that it was not.

Mr. PATTON asked, on the other hand, whether it was in order to charge any member with an attempt to dictate to a majority, or force a bill through the House? He thought both of the gentlemen had transgressed the rules of order, and he hoped the Chair would interfere to restore the order of the House.

The CHAIR said he had interposed, and called the gentleman from Massachusetts to order. If the House were now satisfied, he should permit the gentleman from Tennessee to proceed.

Mr. POLK resumed—and observed that the gentleman from Massachusetts had consumed already, in the present discussion, more time than would have been necessary, according to the usual practice of the House, to have passed the appropriation bill. And as to the remark of the gentleman, that the chairman of the Committee of Ways and Means had, in debate on the preceding day, proposed to him a bargain, the gentleman had explained that he meant nothing offensive in the use of the term. He (Mr. P.) made no bargains. He had, it was true, expressed his desire that the House should proceed, and get through the bill. In the course of the debate, and after many unsuccessful efforts on the part of the gentleman and his friends to induce the committee to rise, and when loud complaints were made because the majority refused to yield to the minority, and agree to rise, he (Mr. P.) had suggested that, so far as he was concerned, he might be willing to yield his assent, if there could be any assurance that, on the next day, the prospect of getting through with the bill would be any better than it then was; if there could be any certainty that another day would not be consumed in what he considered unprofitable debate, without making any progress in the measure before them. This he had said at the moment when the gentleman from Massachusetts had been voting and using all his power to procure the rising of the committee, and the adjournment of the House.

Here Mr. ADAMS again called Mr. POLK to order.

The CHAIR reminded Mr. POLK that Mr. ADAMS had explained, and he must not reply to what had already been the subject of explanation.

Mr. POLK said he should not do so. The gentleman having first stated, and afterwards, it was true, explained what he meant by the term bargain, he had felt it to be due to himself to state the facts as they had occurred the day before, precisely as they were. Standing as he did before the public and the House, and holding the relation which he and the committee of which he was a member did to the appropriation bills, and feeling that some responsibility for their success rested upon himself and the committee of which he was a member, if he could be proved guilty of no greater offence than adhering to his seat, and urging the action of the House upon measures of such great public importance, he trusted he should be acquitted before the country, as he knew he should before his own conscience.

Mr. P. said he repelled the charge that he, as one of the majority of the House, had endeavored to drive through the bill with unnecessary haste, or in a manner to preclude examination or debate. His purpose had been to avoid unnecessary delay.

Mr. ADAMS again called Mr. POLK to order. There was not a majority of the House, nor any thing like it present, who were in favor of the bill.

Mr. POLK said he would now relieve the House. He regretted that he had detained them; nor should he, had he not been so often interrupted by the gentleman from Massachusetts. He repeated, if he should never be guilty of a greater offence than refusing to adjourn when a minority of a quorum present desired it, it was an offence which he hoped both he and a majority of the House should continue to commit; certainly he should not be deterred from what he believed to be his duty on that floor, by complaints that he had refused to adjourn. The bill before us was one of great public importance. The public service was suffering for want of the appropriations which it contained; and, for himself, he believed it to be our solemn duty to act upon it without further unnecessary delay.

Mr. HUBBARD remarked that he wished to offer a word or two in relation to this matter. His course and conduct, while presiding in the Committee of the Whole on the state of the Union, had been somewhat impugned by the gentleman from Massachusetts. He, therefore, felt himself called upon to make a brief explanation. After the very full, and, he trusted, very satisfactory remarks of the Speaker, he did not deem it necessary to trouble the House with his views at large, as they had been anticipated by the honorable Speaker; but there was one part of his conduct which had been made the subject of complaint, and which he was in duty bound to notice. It had been stated that he had called upon the gentleman from North Carolina [Mr. SPEIGHT] to take the chair, in the absence of the Speaker. The circumstances in relation to the selection of the gentleman from North Carolina [Mr. SPEIGHT] had been fully explained by the Speaker. He would, however, add, that the fact of the selection of the gentleman from North Carolina to take the chair in consequence of the necessary absence of the Speaker, was expressly made known to him: of the propriety of that proceeding under the rule and practice of the House, he entertained no doubt; and when it was found necessary for the committee to rise, in consequence of there being no quorum in attendance, he found at that moment, the gentleman from North Carolina engaged, and he did speak his name, not for the purpose of calling him to the chair; he never considered that any such power belonged to him; but merely for the purpose of calling his attention to the fact that the committee was about to rise, presuming that the gentleman well knew, and would readily perform the duties assigned him by the Speaker of the House. This is the explanation which he felt himself called upon to make, touching this charge against him, as made by the gentleman from Massachusetts. On a former day it had been communicated to him while he was in the chair, that on the rising of the committee the Speaker had selected the gentleman from Connecticut [Mr. FOOT] to officiate in his stead. This was done, and he had heard no complaint on that occasion.

He had been, through the kindness of the Speaker, selected as chairman of the Committee of the Whole on the state of the Union; and for a number of days past he had presided in that committee. And he assured the House that it had been his aim and object to do the duty devolving upon him, with the most strict impartiality and fairness; and to do entire justice to all. It did so happen that, in the course of the session yesterday, the committee were repeatedly found without a quorum; and on one occasion, he did receive a motion to rise, and it was put and decided in the negative. But immediately after a count took place, and it was ascertained that a quorum of the House was in attendance; and the committee then proceeded with the business before them.

At an after time it was found that the committee were again without a quorum; and, on reflection, it occurred to him that no further business could be transacted, until a quorum was in attendance. And on inquiry of the Clerk, and recurring to what had been the practice before, under such circumstances, he considered that it was not only in accordance with the former practice of the House, but in itself strictly proper, for the committee to rise at once, and for him as their chairman to report the fact, that no quorum was present, to the House; this was done, and this was all that was done. He had a distinct recollection of the proceedings of the committee at the time alluded to by the gentleman from Massachusetts, when Mr. Davis was called to the chair, and presided in the committee; and he felt an entire confidence that the proceedings then were in all respects like what they were yesterday. There was no vote in committee for the committee to rise. There was no vote in the House for the House to resolve itself again into committee; but the moment a quorum was ascertained to be present, Mr. Davis was, without the formality of a vote of the House, reinstated in his office as chairman.

He had nothing more to say. He owed it to himself, to the gentleman from North Carolina, to the Speaker of the House, and to the House itself, to have said thus much; and he submitted, therefore, the whole matter to the House.

Mr. REED regretted the course this subject had taken; he could not allow that the Speaker had the right to leave the chair, or appoint a successor, unless by leave from the House. He was opposed to the course taken by the presiding officer.

Mr. FOOT supported the course taken, as strictly within the rule. It was always understood that the moment a committee rose, in consequence of there not being a quorum, when it was ascertained that there was one, the committee were from that moment reinstated in their former condition.

Mr. SPEIGHT justified his course when in the chair, as that which was according to the former usage of the House. He denied that he had any unkind feeling to the member from Massachusetts, and would, therefore, forbear noticing further the spirit with which he conducted this discussion.

After a remark or two from Mr. Briggs,

Mr. BINNEY said that, in his judgment, the proceedings of the previous day involved a question of the greatest importance in regard to the power of the House; and although he had not distinctly heard the amendment proposed by the gentleman from Massachusetts, he would address a few remarks to the House, that, if the amendment already proposed did not spread the whole case upon the minutes, it might be modified or extended to that effect. He had been a patient, though at times rather a suffering observer of the scene of the previous day. His recollection of the occurrences was, he thought, perfectly distinct. He hoped that a statement of them, with a very few remarks, would satisfy the House that the like could not and ought not to be permitted to occur again.

On the first occasion that it was ascertained there was no quorum in the committee, a motion to rise and report that fact was rejected, upon a division. The incongruity of the decision appeared to strike the committee; and, shortly after, a new count having shown the same fact, the committee rose by general consent, and reported it to the House. A motion to adjourn, which was lost, showed that there was a quorum, and the temporary Speaker then left the chair, and the chairman of the committee resumed it. A question in the committee again disclosed the want of a quorum; and then the chairman, saying that he had previously misapprehended the proper course, left the chair without taking the sense of the committee, and reported the want of a quorum to the House. The yeas and nays, on a motion to adjourn, resulted, as before, in a quorum, and the House returned to committee, to come out of it again in the same manner, and for the same cause. After a motion in the House to adjourn was again lost, and again showed a quorum in the House, the gentleman from Massachusetts moved a call of the House. The Speaker said the motion was out of order, and refused to entertain it. The same gentleman then appealed from the decision of the Chair. The Speaker said he had nothing to do with the appeal, refused to admit it, and the chairman of the committee resumed his seat. The committee shortly afterwards rose, and the House adjourned. These were the occurrences of the evening.

It was a misapprehension to suppose that any impatience of the minority, or a disposition manifested on their part to prolong useless debate, excused these proceedings. There was nothing of the kind. So far as debate had arisen, it proceeded from objections by a member usually acting with the majority. While a quorum remained in committee, the disposition of the minority both to give attention and to spare debate was conspicuous, and he would have remained with the gentleman from Massachusetts to day dawn, had it been necessary, rather than attempt to frustrate the committee by such a course as had been attributed to the minority.

But this was not the material question, which was one of order, of power in the House, indispensable to their operations as well as to their dignity; and he could not suffer the occasion to pass without expressing his opinion upon it. He understood the honorable Speaker to say, that when a Committee of the Whole reported to the House the fact that a quorum was not present, and it was ascertained in the House that a quorum was present, the House was, *ipso facto*, restored to committee without motion; and the authority to make a call of the House was confined to the case in which a quorum did not appear in the House. This doctrine was to him incomprehensible. If it was the law of Parliament, it was one of the few instances in which that law did not commend itself to the understanding. He did not admit it to be the law. What was sometimes done by general assent, when no motion to the contrary existed, was a different matter. Such cases did not constitute the law. He held it to be manifestly contrary to reason, to the interests of the House and of the country, to decide that, when the committee rose and reported a want of quorum to the House, the House, if a quorum was present, was not a House for any and every purpose. It was undoubtedly so, as much as upon any other occasion. Was it competent to the House to adjourn? It could not be denied; and yet, if in the very act of agreeing to an adjournment the yeas and nays disclosed a quorum, it would follow from the law, as it had been stated, that the House, *ipso facto*, became a committee after agreeing to adjourn. The right to adjourn belonged to the House, as one of its ordinary powers; and if this power existed, all other powers of the House, if a quorum was present, were in full vigor, to be exercised at the pleasure of the House. If the principle asserted was true, the House possessed no power but to count its own members, and, upon finding a quorum present, there existed an invincible necessity of returning into committee. He could not possibly admit this to be the law of Parliament.

The House undoubtedly possessed the power to compel the attendance of its own members; and if they failed to attend when their presence was essential to the transaction of business, it was its duty to compel attendance; but if the House, on the appearance of a quorum, was *ipso facto* resolved into a Committee of the Whole, gentlemen ought to consider the consequences of the law which had been stated. He had understood the Speaker to say that the power to call the House existed, in such a case, only when a quorum was not found. He wished to know whether he had understood the Speaker correctly.

[The Speaker said that such had been the practice.]

The practice could not be regarded as showing the law. Under such a rule, the instant that the general competency of the House was shown by a quorum, it would follow that its power over absent members was gone. The existence of a quorum in the House, upon this principle, destroyed the power of the House. Its strength made it imbecile. Its perfect organization disorganized it. The House must go back to committee, whatever might be its wishes; and if it happened that a quorum disappeared then, and again appeared in the House, upon rising to report the fact, there was no alternative but to pass and repass between a committee without a quorum and a House with one, in a state of hopeless incapacity to compel the attendance of a single absentee, or even to adjourn.

Another consequence ought to startle gentlemen who hold the law to be as it had been stated. The minority might constitute an accidental majority, in the House as well as in committee. Members might be accidentally absent, and under a mistake as to the continuance of the body in session. Such a rule as had been stated would not only give that majority the power of preventing a call, which they doubtless had, but it would prevent them from agreeing to it. They must go back into committee, and they would have the sanction of the law for going back, and for overruling the will of the real majority of the House, by the accidental advantage. Refusing a call, for the purpose of securing that advantage, was what could not occur without discredit, if a call was authorized; but if a call could not be made, the advantage became legal, and it was the duty of the minority to use it. Such a principle could not belong to the *lex parliamentaria.* The House must be at all times competent to make a call; and when competent for this, it was for every other purpose. It might go back to committee if it pleased, without making a motion, or claiming to exercise any power. General assent would, of course, dispense with forms; but if this assent was not given, but a motion was made to do any thing whatever in the House, the House had all its faculties as a House, as much in the case of having risen from committee for want of a quorum as in any other case.

But the most extraordinary act of the Chair had been in rejecting an appeal from its decision that the motion for a call was out of order. He took the clear law to be, that an appeal was in every case matter of right. Whether the decision of the Speaker was right or wrong, and whether the appeal was reasonable or absurd, the appeal could not be refused by the Chair. If the Speaker could refuse it in the case which had occurred, he could do it in every case. His will must be the law. On the contrary, the Speaker was but the mouth of the House. The rules of order, as he stated them, were not his rules, but the rules of the House. The power of interpreting and applying them belonged ultimately to the House, and the Speaker, consequently, had no authority to intercept an appeal to the House, from any and every decision pronounced by him on a point of order. He had never heard any thing from the Chair that conflicted with this right, until the decision of their temporary Speaker. It concerned the dignity of the House to assert that the Speaker could not, against its will or without its consent, abdicate the chair, and insist upon returning into committee. It concerns its authority to assert its right to call on the members who were absent, to take part in the responsibility as well as the labor of legislation, and to afford to those who did attend the benefit of their counsel and support. This was a fundamental power. The House had none without it. He submitted for the consideration of the Speaker, whether any principle in opposition to this could be found in the *lex parliamentaria?* He felt confident that the Speaker could not differ with him on this head. He regarded it, in the parliamentary sense, as disorderly in the temporary Speaker to refuse the appeal; and although there might be some excuse for this in the excitement and impatience incident to a protracted sitting, yet nothing should induce the House to pass unnoticed the assertion of a principle which so materially impaired its own essential authority. As to the case which had been cited, of the Speaker's taking the chair to receive a message presented while the House was in committee, if this was otherwise than a matter of universal assent at the time, it must be regarded as an anomalous case, forming no precedent for that of an actual dissolution of the committee by a report to the House that a quorum did not attend.

Mr. B. concluded by saying that he hoped the Journal would be so amended as to show that the motion for a call of the House, and the appeal also, had been rejected. He regarded such an amendment as indispensable. The Journal would not be correct without it; and if the correction should be made, it would then present an opportunity to the House to assert its authority, by allowing and sustaining the appeal.

Mr. MERCER suggested that, after all, this might be a question of fact, and not of order. He had been informed by the gentleman who was in the chair when the member from Massachusetts made his motion and appeal, that he did not entertain them because he was in the act of surrendering or had surrendered the chair to the chairman of the Committee of the Whole.

Mr. WAYNE suggested the expediency, with a view to enable the House to get rid of the question, of appointing a committee to examine the facts, and correct the Journal accordingly.

Mr. SUTHERLAND said he had never known the question to be put on returning into the Committee of the Whole, when a quorum was ascertained to be present in the House. He considered the question as unimportant, and was anxious that the House should dispose of it in one way or other.

Mr. McKINLEY considered it as a matter of importance that the Journal should be made to speak the facts as to the proceedings in the House. He contended, in regard to the second proposition of the gentleman from Massachusetts, that the House was necessarily obliged to return into the committee, when it was ascertained that there was a quorum, as when a message is received, while the House is in Committee of the Whole, the Speaker takes the chair to enable the House to receive the message, after which the House immediately returns to the committee.

Mr. CHILTON supported the amendment.

Mr. BOON believing, he said, that nothing was to be gained by a continuance of this debate, and wishing to enable the House to proceed to more important business, moved to lay the amendment on the table.

Mr. ADAMS asked the yeas and nays on the question, and they were ordered.

The question being taken on the motion, it was decided in the affirmative: Yeas 100, nays 89.

Mr. ADAMS then moved the following amendment to the Journal:

"Mr. J. Q. Adams moved that there be a call of the House. The Speaker refused to put the question; upon which, Mr. Adams appealed from the decision of the Speaker, who refused to entertain the motion, and left the chair, which was immediately resumed by Mr. Hubbard, as chairman of the Committee of the Whole."

Mr. BOON moved to lay the motion on the table, upon which the yeas and nays were ordered.

The question being taken, it was decided in the negative: Yeas 94, nays 95.

Mr. ADAMS thanked the House for their determination to entertain the proposition, which, of the two he had offered, was infinitely the more important. He hoped the House would now suffer the Journal to be so altered as to show what actually did take place. The decision of the House to lay his former motion on the table, he was willing to consider as a decision that the House was a legitimate House, though a minority of the House constituted an actual majority of the committee, rejecting all amendments to the bill, and endeavoring to force its passage. He did not charge the majority of the House with the attempt to drive the bill through; for the attempt was made by a minority. He stated that he himself made no motion to amend the bill, except one which the chairman of the Committee of Ways and Means accepted. Most of the motions rejected were made by the gentleman from North Carolina, [Mr. McKay,] who was an ardent supporter of the administration. He reminded the House that, from the commencement of the session, he had earnestly pressed upon the House his opposition to the insertion of any provision in the appropriation bills which was not warranted by previous laws. If the gentleman from Tennessee had adopted his principle, when he first made the motion to strike out the provision for an additional clerkship in the State Department, there would have been little delay of the bill; but the gentleman himself resisted that motion for two days. He utterly disclaimed any unkind feeling towards the chairman of the Committee of Ways and Means, or the chairman of the Committee of the Whole, and whatever excitement he might show here, in discussing facts, he left it at the door of the House when he left it, and the moment he left the door, he would feel willing to take any member of the House by the hand.

Mr. BRIGGS offered a further amendment, specifying that Mr. Speight, and not the Speaker, was in the chair.

Mr. LANE opposed the amendment, as not stating the facts as he understood them. The Speaker, he said, had left the chair, and was half way off from the platform, before the gentleman from Massachusetts made his motion.

After some remarks from Mr. Evans—

Mr. SPEIGHT said it was true that he was in the act of leaving the chair when the motion was made; but candor required him to state that, had he remained in the chair, he should not have considered that he had a right to receive the motion for the call of the House. He also stated that, in his course, he had no design to interfere with the rights of any member of the House; and further observed, that it would be no cause of mortification to him, if his name should be handed down to posterity, as having made a wrong decision in this House.

Mr. POLK rose in reply. He regretted that so important a measure as the general appropriation bill should be likely to be so far delayed by the present debate, upon a mere motion to amend the Journal, that one more entire day must pass over without furthering its progress at all. The gentleman from Massachusetts must at least allow that he (Mr. P.) was not responsible for this delay. It would seem that that gentleman could not rise to speak on any occasion, in that House, but he deemed it necessary to direct a part of his remarks to him, even though they seemed to be uncalled for, and certainly had no direct application to any thing which had been said by him. Why this should be so he was at a loss to conceive. The gentleman had chosen to travel over the whole ground again, and to repeat all that he had said when up before. Did the gentleman suppose that he could give more point and force to his remarks by repeating them? It might very well happen that there should be, in Committee of the Whole, a majority one way, and yet, when the bill came into the House, the majority might appear on the opposite side; and this without any imputation on the motives or integrity of the majority. It was yet to be ascertained whether that majority would be changed when the bill was brought into the House. He did not believe it would. The motives of the majority had been impugned by the gentleman, merely because they had pressed the passage of an important bill, as it was their duty to do, without unnecessary delay. The majority of the committee certainly were deserving of no censure for pressing such a bill as this, so important in its provisions, so much needed, and so long delayed. What censure awaited those who interposed unnecessary obstacles and embarrassments in the way of our progress with the public business, it would be for the country, and not for him to determine. The gentleman from Massachusetts had accused the majority with a delay of two days, by insisting on a motion made by the gentleman to strike out the item for an additional clerk in the Department of State. The gentleman made the motion, and himself defended it at great length, and would yet hold those who resisted it responsible for the consumption of the time it had occupied. For himself, he had regarded this small item as comparatively unimportant, and he could appeal to all present to say whether he had not done all in his power to avoid, as far as practicable, and his duty permitted, entering into the debate on that and all other parts of the bill. The gentleman from Massachusetts had himself made several speeches in regard to it, and even made a set speech on his motion, on the second day the bill had been before the committee. But now the gentleman would hold others responsible for the waste of time he had produced. Mr. P. repelled the allusions of the gentleman to the course he had pursued in the discharge of his public duties on that floor. Mr. P. was but an individual member of the House, and like all others, he trusted he had done his duty: nor could he devise what object the gentleman had in view by constantly attempting to hold him responsible for the conduct of others, and representing other gentlemen as listening to any intimation he chose to throw out: it might be the gentleman's object to prejudice him before the House, hoping, thereby, to produce a different decision by these insinuations, which were wholly unfounded. The gentleman from Massachusetts had said he deprecated excitement on that floor, and yet at the same time he had himself exhibited more of excitement and passion than any other gentleman. He had cut and thrust in all directions around him; had even attacked the motives of members who did not agree with him, and then, forsooth, retreats under a general amnesty and disclaimer of all hostile feelings.

Mr. P. again protested against being held responsible for this unnecessary consumption of time. The admonitions of the gentleman about purging the bill from all extraneous matter fell harmless upon him. It was the usual bill, regularly reported to the House in the customary routine of public business, and was not peculiar or different from other previous bills of the same character. Why consume so much of the time of the House in thus embarrassing its passage? The gentleman from Massachusetts would still drag up topics of objection which had been already disposed of by the House. He should not, however, follow his example. Members who chose not to press the bill would vote if they chose with the gentleman for adjourning every day at 4 or 5 o'clock; but so far as Mr. P. was concerned, he felt so deep a responsibility resting upon him, that he should abstain from all the topics of general political debate of an exciting character, and having properly nothing to do with the subject before us, until this bill, and the other appropriation bills connected with the public service should have received the action of the House. He hoped they should be ready to proceed, step by step, until all were gotten through with; that they should sit late, and continue to work until this bill for the civil list, being that now before us, was disposed of; that they should then proceed to consider the other appropriation bills which the public interest required should be speedily acted on. The bills making appropriations for the Indian department and Indian annuities, for fortifications, improvements of harbors, and some others necessary to be passed, were still behind on our calendar, and it was full time they were acted on. He trusted the majority of the House would not be compelled to sit there listening to the same speech again and again, made not to enlighten the House, but for political effect, and to fine lectures on the principles of government, having not even a remote relation to the subject before us; but that they would be suffered to do the business of the nation. The House would see whether, in the future stages of this bill, the gentleman from Massachusetts or himself would, when it came to action, evince the greater earnestness to bring the discussion to a close, and to act instead of speak.

Mr. BYNUM said he had voted to lay the amendment of the honorable gentleman from Massachusetts on the table, and should now vote against its passage, unless a motion was again made for it to lie on the table.

He thought its passage would be an act of injustice to his honorable colleague, who had occupied the chair at the time alluded to, as the motives and reasons by which the decision of which complaint had been made, would be handed down to posterity unexplained, and would certainly subject to the suspicion and censure of all who should in future observe the proceedings of the House, the conduct of his colleague. The amendment which had just been proposed by another honorable member from Massachusetts, [Mr. Briggs,] he thought made the whole still more objectionable. That honorable member proposed to insert the name of his colleague, who occupied, temporarily, the chair, and thereby made the censure more express and direct, which would inflict additional injustice on the occupant of the chair. He believed the conduct of his colleague while in the chair was not only innocent, but strictly correct. It appeared to him from the different expositions that had been made in the House, that his colleague had taken the chair, as Speaker, while the House was in Committee of the Whole, for a special purpose, and his duties were restricted either to adjourn it, or to ascertain whether or not there was a quorum, on the commission of either of which, his colleague thought his functions and powers immediately expired; and he did not, therefore, deem himself at liberty to entertain the motion of the honorable gentleman from Massachusetts; but after ascertaining the fact that there was a quorum, he immediately relinquished the chair, and the House, by its very nature, was resolved back into a Committee of the Whole. It did appear to him, said Mr. B., that this decision was perfectly correct, as upon the very ascertainment of the fact of the existence of a quorum, the nature of the House was changed into a Committee of the Whole, and the functions of the Speaker of the House, he thought, necessarily ceased to exist, immediately after the announcement of the fact of the existence of a quorum, which forthwith, without motion, converted the body from the House into a Committee of the Whole; and he thought his colleague perfectly right in believing he had no power, as Speaker, to entertain the motion of the honorable gentleman from Massachusetts, [Mr. Adams,] and hoped he would be sustained in the decision he had made.

After some remarks from Messrs. Fillmore and Chilton,

Mr. BEARDSLEY moved that the motion to amend be laid upon the table; which was agreed to: Yeas 98, nays 90.

SUSPENSION OF RULES.

Mr. R. M. JOHNSON now asked leave to move the following resolution:

Resolved, That the several bills, viz:

Making appropriations for the civil and diplomatic expenses of Government for the year 1834;

Making appropriations for continuing the Cumberland road in Ohio, Indiana, and Illinois, and repairing said road east of the Ohio, and continuing certain Territorial roads;

Making additional appropriations for the improvement of certain harbors, and removing obstructions in the mouth of certain rivers;

Making apppropriations for the Indian department;

Making appropriations for Indian annuities, and other similar objects;

Making appropriation for certain fortifications for the year 1834;

Be the standing order of the day for Thursday, the 24th instant, at 12 o'clock, and on each succeeding day, Saturdays excepted, at the same hour, until said bills shall be disposed of; and that, till the hour of 12 o'clock, on each day, the business of the House shall proceed in the order prescribed by the rules of the House; provided that it shall be in order to present memorials and petitions.

Objection being made, Mr. J. moved for the suspension of the rule, to allow him to make the motion.

Mr. VINTON moved an adjournment, which was negatived.

The yeas and nays being then taken, on suspending the rules, to admit Mr. Johnson's resolution to be moved, stood as follows: Yeas 108, nays 81.

There not being two-thirds as required, the rule was not suspended.

The House then adjourned, at half past four.

Thursday, April 24.

PUBLIC DEPOSITES.

The House resumed the consideration of the following resolution, offered some weeks ago, by Mr. Mardis, of Alabama:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of reporting a bill requiring the Secretary of the Treasury to deposite the public moneys of the United States in the State banks. And, also, as to the expediency of defining by law all contracts hereafter to be made with the Secretary for the safe-keeping, management, and disbursement of the same.

Together with the substitute offered by Mr. Corwin, of Ohio, declaring that the reasons offered by the Secretary of the Treasury, for the removal of the public deposites from the United States Bank, are insufficient and unsatisfactory.

Mr. McKENNAN, who was entitled to the floor when the subject was last taken up, spoke in support of the substitute, and against the course of the administration in regard to the United States Bank, till 12 o'clock, when the hour assigned to the consideration of resolutions expired.

GENERAL APPROPRIATION BILL.

The House then resumed, in Committee of the Whole, (Mr. Hubbard in the Chair,) the consideration of the bill making appropriations for the diplomatic and civil expenses of the Government for the year 1834.

Mr. McKAY said there was so much confusion when this bill was last before the Committee of the Whole, that he could not draw the attention of the committee to all the points in the bill which he objected to. He now proposed to go back, and moved to strike out the following items:

For the salary of a clerk in the Topographical bureau, one thousand dollars;

For the salary of a clerk in the Clothing bureau, seven hundred dollars.

Mr. POLK explained that the object of the first item was to increase the salary of a clerk already employed, and that the second was not an additional charge upon the Government, as a clerk had been discontinued in the Purchasing department, his business having been chiefly transferred to the Clothing bureau.

Mr. ADAMS, of Massachusetts, wished to know how long it had been the practice here to make provision for "bureaus." He did not know that any were authorized in this Government by law.

Mr. POLK remarked, the designation of bureau was given to the heads of the divisions of Departments. The word had been used in former bills.

Mr. ADAMS moved to strike out the word bureau wherever it occurred. If we sanctioned the division of the Departments into bureaus, we must necessarily add to the number of offices, by adding an appendage of clerks, &c. to each bureau. He was not averse to an increase of public officers, if rendered necessary by the increase of business; but he would have every office constituted and organized by law. He would have the heads of Departments to understand that if they reorganize their Departments so as to multiply offices, they should at least inform us what new organization they had adopted. He spoke in ignorance of the matter, not having any means of information before him.

Mr. CAMBRELENG remarked, that the division of duties, made in the Departments, was convenient and economical.

Mr. McKINLEY said, whether the name was appropriate or not, he did not know; but the division of duties adopted was indispensable to the convenient despatch of business. The distribution of labor was left by law entirely to the heads of Departments.

Mr. HORACE EVERETT said he hoped the few remarks he proposed to make would not be attributed to the motive of desiring to embarrass the progress of the bill. Had the bill been confined to the appropriations for objects already authorized by law, and had each item referred to the law authorizing the expenditure, the only examination necessary would have been to see if the references were correct—the bill would have passed as soon as read. The embarrassments of which the committee complain, arose from attempting to authorize new expenditures; and he did not think there ought to be any complaint, if the same time was taken up in debating the new subjects as would be proper had they been introduced in a separate bill: and in this bill the debate had been principally confined to such subjects.

Mr. E. said he wished to be informed whether the division of the War Department into bureaus deprived the Secretary of the power to direct the force of the Department to labor wherever wanted. It seemed so to be understood by the committee. They stated the object was, by this appropriation, merely to transfer a clerk from one bureau to another; why? because the Secretary seems to have, by this bureau division, deprived himself of this power. From this system he considered the embarrassment of the Department had originated. A certain number of clerks are assigned to one bureau, a certain number to another; one has nothing to do, while another has to employ additional clerks; while, had the Secretary retained the power to direct the employments of the clerk to the business of the Department, he would need no additional clerks. The calls in this bill for additional clerks were unusually large.

Mr. E. objected to the principle of creating officers by appropriation of salaries. His attention was called to this subject in another department of the Government. He found appropriations for the salaries of a large number of officers, for whose appointment there was no provision made by law; and he presumed these appropriations were actually voted under a belief that they had been provided for by previous laws: and such was the conclusion he should have drawn from the words of the item under consideration, "For the salary of a clerk in the Topographical bureau, one thousand dollars." Until the attention of the committee had been called to the subject by the gentleman from North Carolina, [Mr. McKay,] he had supposed this was for a clerk established by law. He thought it was a course of indirect legislation thus to create offices. Should there have been inserted, "For the salary of the Governor of the Territory of Huron ——," who would not have supposed that the office had not already been established by law? And who could have supposed that such an officer could have been created by such a clause? He objected to this mode of creating officers, and thought the debate and delay on this bill was to be attributed to this improper introduction of new causes of expenditure, and not to any wish to embarrass the committee on the progress of their bill.

Mr. FOOT suggested that there would be no hesitation in passing the items in the appropriation bill, if those which were inserted for new offices, or for increased amount, were withdrawn. Otherwise, the honorable chairman of the Committee of Ways and Means must not be surprised at the opposition and consequent delay that should be given to the bill.

Mr. POLK explained.

Mr. McKAY considered that much of the expense arose from the great number of offices into which the bureau was divided, and the practice which prevailed, of appointing to them officers of the army, who ought rather to be left at their respective posts. He proposed to the member from Tennessee, that he would agree to the increase of the compensation to be given to the Commissary General of Purchases to what it was last year, if he would consent to strike out the item for the clerk's salary. This would obviate the objection there was of bringing the officers of the army from their posts, and would not militate against a proper supply being voted for clothing.

The discussion on the item was continued by Messrs. Vance, J. Q. Adams, and Parker.

And the question having been put on the motion to strike out the appropriation for a salary of a clerk in the Topographical bureau, the motion was rejected: Ayes 63, noes 67.

The question then being put on the second item, the motion to strike out was rejected: Ayes 61, nays 63.

The next item being for contingencies in the office of the Commissioner of Pensions, seven thousand dollars.

Mr. McKAY was opposed to the number of extra clerks employed in the office, and desired to know what cause there was for an increase. There was another item for salaries of additional clerks, 10,600 dollars. This, he thought, was wrong. The Executive had no right to create additional offices; it belonged to the Legislative department exclusively; and if this was agreed to, it was placing this large sum at the disposition of the President, who might employ as many or as few, to receive this amount, as he pleased. Was this right? Unquestionably not. It was contrary to the spirit of the constitution, which provided that the President only had the right "to make appointments to offices established by law." How did it happen that, as the Secretary of War had not asked 5,000 dollars in his estimates, it was now become necessary?

Mr. POLK, in reply, read a letter from the Secretary of War, stating that this sum was deemed necessary. He would also state that 40,332 dollars were appropriated last year, whilst only 29,400 dollars were proposed for this year. The appropriation of 5,000 dollars is to cover arrearages, and is not required for this year; therefore, it was not proper to include it in the others. He read a statement from the Commissioner of the Pension Office, showing the duties, and the clerks to perform them, with their increase from 1802 to 1834. Also, one with respect to the arrearage from the Comptroller of the Treasury, which explained that the amount asked for had been adjusted, and the Department was responsible for it. He intended to move to reduce the item from 7,000 to 6,500 dollars; which he was led to believe would suffice.

Mr. WILLIAMS said, although it had been necessary heretofore to employ the number of clerks, it was not now. He wished to know what number of applicants was now before the office for pensions; for if the numbers were not large, there was no necessity for additional clerks.

Mr. POLK replied, there were 30,000 claims yet undecided upon, and read a further statement, showing the necessity which existed for the appropriation.

Mr. FOOT inquired as to the propriety of the appropriation for 5,000 dollars for additional or temporary clerk hire.

Mr. POLK read various statements to sustain the application for it.

Mr. FOOT had thought much of the increased appropriations for the Pension Office might have been owing to the change of the pension agency from the Bank of the United States--one of the strongest acts of executive assumption of unauthorized power that came within his knowledge. He desired, therefore, to know whether any of the increase was owing to this.

Mr. POLK. Not one dollar has been increased on that account.

Mr. J. Q. ADAMS desired to know what was the extraordinary pressure that had arisen since the estimates were first made.

Mr. POLK replied, that it was impossible to ascertain, from the accumulation of business, what the precise amount would be when the estimates were made in October. The members had, on coming to Congress, brought with them various and numerous claims, which the Commissioner could not have had any knowledge of. He considered that the very nature of the business of the office rendered it impossible to tell the precise force; and it was incumbent on the office not to delay payments to those aged and poor pensioners, but who could not receive them until additional clerks were employed to investigate the justice of their claims.

Mr. J. Q. ADAMS concurred, as much as any member could, in the propriety of attending to these claims. He was disposed, from the personal attention, the personal knowledge which he had of the gentleman at the head of the office, to pay full credit to any and every thing he should state. But his inquiry not being answered, he would move to strike out the item, in order to give the chairman of the Committee of Ways and Means an opportunity of procuring better information as to the reason why this necessity was not anticipated or discovered before. If the Commissioner of Pensions or the Secretary of War could satisfy him of the necessity, he would not oppose it; but it was necessary to have full information whether the acts of the Executive, as alluded to by the honorable member from Connecticut, [Mr. Foot,] had any share in producing the increased expense.

Mr. GRENNELL asked that action on the items in relation to the office should be suspended, considering that the information on which Congress were called to make appropriations was of too general a character, whilst it should be in detail. He desired to know how many of these additional clerks had been employed on account of depriving the Bank of the United States of the agency?

Mr. POLK desired to correct a misstatement which he had made. The expenditure last year was 45,332 dollars instead of 40,332 dollars. The saving this year was 16,000 dollars. It was impossible to ascertain precisely. Some allowance should be made for those who evinced their desire. The gentleman from Massachusetts had proposed if he would agree to strike out, *he* would, ——

Mr. ADAMS. No, sir. I said to the House.

Mr. POLK. The gentleman smells out what I was about to say——

Mr. ADAMS. The gentleman alludes to the bargain. I desired not a bargain. I only want information.

Mr. POLK. Our situations, although I made no bargain, and I say it in perfect good humor, were similar: he says, he will do one thing, if I do another. So I said the last evening; and such things may be done without any improper imputation upon the motives of any gentleman.

After some further remarks from Messrs. McComas, McKay, Cambreleng, Grennell, Sutherland, Dickson, of New York, Foot, and Adams,

Mr. WILLIAMS moved that the committee do now rise. Lost--55 to 89.

The debate was continued by Messrs. Williams and Sutherland; when **Mr. WATMOUGH** moved that the committee rise. Lost—52 to 94.

The question was then taken on the motion to strike out the item appropriating five thousand dollars for additional clerk hire in the Pension Office. It was determined in the negative.

Another motion was made for the committee to rise, and rejected.

Some conversation here took place between Messrs. Adams, Polk, and Foster, in regard to the items making appropriations for contingencies in the Pension Office.

Mr. Polk's motion to reduce from 7,000 to 6,500 dollars; also, some verbal amendments proposed by Mr. Adams to the appropriation for arrearages and contingencies of the Pension Office, were agreed to.

Mr. BRIGGS moved that the committee do rise.

The motion was rejected: Ayes 57, noes 82.

The item for additional clerk hire for 1833 ($31,731 44) being under consideration,

Mr. HARDIN referred to the great increase which had taken place in the Post Office, as showing an evident tendency on the part of the administration to increase the number of office holders. He desired to have some information on the subject.

After a remark or two between him and Mr. Sutherland,

Mr. POLK rose and presented a statement from the Post Office Department, which, he said, would afford every information that was desired.

The letter was read; after which,

Mr. VINTON made an earnest appeal, at half past five o'clock, to the majority of the House not to persist in trying, by wearying down the members by late sittings, to carry through this bill. He averred that such a practice would recoil upon themselves, and could do no good, even in hastening the passage of the bill; as there was so much other business before the Senate, it was not to be expected that they could abandon it, and proceed to this. He moved that the committee rise, but withdrew his motion in favor of

Mr. R. M. JOHNSON, who remarked that he must press upon the House a choice of the bills that were essentially necessary for them to act upon: otherwise, he must join with those who were determined to sit until this bill was got through.

Mr. CHILTON disclaimed any design on the part of the opposition to embarrass the bill by unnecessary discussion. It was now six o'clock--he moved that the committee rise.

The motion prevailed: Ayes 75, noes 71.

Thereupon the committee rose and reported progress.

Mr. POLK submitted a resolution, that the general appropriation bill, now in the Committee of the Whole, be taken up to-morrow at twelve o'clock, and each succeeding day, except Saturday and Monday, at the same hour, until the same shall be disposed of finally.

Objections having been made--

Mr. EVANS moved an adjournment. Rejected: Ayes 72, noes 81.

Mr. POLK moved a suspension of the rules to enable him to offer his resolution. Upon which motion the yeas and nays were ordered.

Mr. VINTON moved an adjournment; which prevailed: Ayes 71, noes 69.

The House adjourned.

Friday, April 25.

BANK OF THE UNITED STATES.

Mr. DUNCAN asked and obtained leave of the House to lay on the table, and have printed, a bill to modify and extend an act to incorporate the subscribers to the Bank of the United States, with certain limitations and conditions; which bill, he notified the House, he intended to offer as a substitute for a bill reported from the Committee of Ways and Means to regulate the deposites of the public money in the State and local banks, when that bill should be considered in Committee of the Whole.

DISTRICT OF COLUMBIA BANKS.

On motion of Mr. JARVIS, the House took up the resolution offered by him respecting the banks of the District; when

Mr. HARDIN resumed and concluded his remarks in support of the resolution, as follows:

Mr. Speaker: I would not trouble the House with any remarks upon the resolution under consideration, although that part of the resolution which proposes to inquire into the situation of the Metropolis Bank, and which has given rise to the debate, had been offered by myself, and accepted by the mover, [Mr. Jarvis,] were it not for the personal and pointed observations directed towards and levelled at my honorable colleague, [Mr. Allan,] who stated that the Metropolis Bank, which is one of the pets, had not disposable funds immediately under its control, and at its command, to meet its paper in circulation, and the Government and individual deposites. My colleague made this assertion upon his own responsibility, and averred he could prove it, if the House would give him an impartial committee--an unpacked jury.

The gentleman from New York, [Mr. Beardsley,] in his reply, seemed to question the truth of the statement; and his remarks were, as I thought, somewhat personal. My colleague has not had an opportunity to get the floor since; and, as I have it now, I think it incumbent on me to stand by my friend, and make good the charge, which I flatter myself I shall do, not only to the satisfaction of the House, but to the satisfaction of the gentleman from New York; for I am not unwilling to take any man for a juror whom New York is willing to make a judge of.

The gentleman says that we have no right to inquire into the situation of the Metropolis Bank. To that I answer, Congress incorporated the bank, which is nothing but a contract between Congress and the corporators; and, as a party to the contract, Congress has a right to inquire into the actings and doings of the other party, in relation to, and in fulfilment of, the agreement.

One other reason, which, to my mind, is unanswerable, is, that the bank has agreed with the Secretary of the Treasury to take the public money on deposite. Does not that confer the right upon the Government, while the money is there, to inquire whether it is safe or not? Besides, in the language of the gentleman from Indiana, [Mr. Lane,] no bank ought to be permitted to keep the public money one day, if it should refuse and deny to Congress the right and privilege of making such examination; it would manifest too strongly the consciousness in the directors of its want of solidity, nay, its insolvency. Congress, to permit the public money to remain any longer, after such refusal, would betray its trust. The gentleman says that, after a bank in the District breaks, we have then the right to inquire into the reasons of its failure. I had much rather prevent a misfortune from happening, than to enjoy the melancholy privilege of weeping over it after it has occurred.

Before, Mr. Speaker, I call the attention of the House to the bank under consideration, I beg their indulgence while I state and exhibit the situation of all the pet banks--those favored banks which have been made the depositories of the public money--that this House and the nation may see and judge whether the public money is safe or not in the places where it is now deposited. The statement shows the situation of the banks about the 1st of February last. This table, which I have made out, I believe shows correctly the specie on hand in each bank, the paper of each bank in circulation, and the amount of public deposites. The statement is as follows:

Names of the Banks.	Public Deposites.	Specie.	Bills in circulation.
Bank of Maine -	$13,500 00	$11,349 72	$47,254 00
Commercial, N. H. Ph. -	26,101 78	7,652 97	86,791 00
Commonwealth, Boston	*989,185 14	118,544 76	111,630 00
Merchants', Boston -	709,079 36	150,135 72	121,088 00
Merchants', Salem -	71,427 26	5,869 33	44,385 00
Bank of Burlington, Vt.	*19,787 12	28,754 96	68,152 00
New London Bank -	3,602 06	5,697 31	49,720 00
Mechanics', N. Haven -	29,089 06	93,328 06	128,365 00
Arcade Bank, Prov., R. I.	54,924 76	22,500 00	16,205 00
Newport Bank, R. I. -	16,316 95	6,817 10	39,892 00
Bristol, Rhode Island -	41,151 15	2,880 00	28,670 00
Bank of America, N. Y.	1,641,424 38	340,000 00	387,573 00
Mechanics' Bank, N. Y.	1,211,507 55	257,725 38	523,223 00
Manhattan Com'y, N. Y.	2,149,011 99	208,545 47	468,422 73
Girard Bank, Phil. -	1,381,655 56	270,976 09	329,165 00
Union, Md., Baltimore -	553,096 98	53,232 86	211,850 00
Metropolis, Washington	536,639 42	153,997 43	160,823 00
State Bank of Virginia and Branches -	50,533 39	435,925 83	3,080,951 33
Planters' Bank of Georgia, at Savannah -	56,556 68	389,707 92	311,387 00
Franklin Bank, Cin. -	328,705 17	113,344 23	306,746 00
Union Bank, Louisiana -	126,584 03	242,358 94	869,355 00
Commercial, N. Orleans	131,738 62	107,018 57	95,400 00
Planters', Miss. Natchez	781,156 17	166,709 51	1,933,297 20
Branch Bank State Alabama, at Mobile -	313,939 87	145,966 90	517,530 00
Bank of Michigan -	298,811 29	37,300 33	2651,20 00
Total amount -	11,485,525 74	3,376,309 39	10,202,995 26

The Bank of America, New York; Mechanics' Bank New York; Manhattan Company, New York; Girard Bank, Philadelphia; Union Bank, at Baltimore; and the Metropolis Bank, at Washington, have public deposites to the amount of - - - - $7,473,335 88

Specie in vaults, - - - - 1,284,477 23

Circulation, - - - - 2,081,056 73

Recapitulation of the above banks, 6,188,858 65 more deposites than specie; $5,392,279 15 more deposites than circulation of their own paper; and only $796,57950 greater circulation than specie.

RECAPITULATION.

These several banks have $8,109,216 35 more of public deposites than specie. They also have $1,282,530 48 of public deposites more than the circulation of their own notes.

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* These show no difference between public and private deposites.

They also have $6,826,685 87 greater paper circulation than specie on hand.

This statement does not include the individual deposites, which generally are large, owing to the fact, I am told, of the banks paying interest on the individual deposites. Those deposites, and the other debts and liabilities of the banks, are equal to their other disposable funds, and the difference between the specie on hand in each bank, and the public deposites and paper in circulation, can only be met by calling in the notes under discount, which cannot be effected within the time the Government will want the money. This will be the necessary consequence when the banks are solvent, but I am fearful a number of them will prove insolvent when the demand for the money of the Government shall be made. That demand must be made this year, to meet the current expenses of the year. It will be recollected all commercial operations are paralyzed, and that, in all probability, the importation of goods subject to duty will fall short thirty or forty millions this present year. If that event shall happen as a part of the fruits and blessings of this glorious experiment the President has been making for the last six months, then the public deposites will all have to be called in from those pet banks to meet the current expenses of the year; but I am afraid the call will be met by the banks as the spirits met the call to come from the vasty deep.

I will now present to the House the situation of the Bank of the Metropolis, according to its last report made to the Senate, dated 3d of February, 1834. It is as follows:

Statement of the Bank of the Metropolis.

FEBRUARY 3, 1834.

CR.

Bills and notes discounted, - -	$685,503 69
Stocks of various kinds, - -	193,464 37
Suspended debt, - - -	8,576 99
Real estate, - - - -	25,113 83
Notes and checks on [illegible]er banks, -	335,166 12
Specie, - - - - -	153,997 43
Due from banks, - - -	235,617 34
Expense account and costs of suits, -	3,072 39
	$1,640,512 16

DR.

Capital paid in, - - - -	$500,000 00
Notes in circulation, - - -	160,823 00
Treasurer of the United States, -	536,639 42
Special deposite, - - -	3,437 50
Due to banks, - - - -	73,808 01
Discount account, - - -	5,776 76
Individual depositors, - - -	360,027 47
	$1,640,512 16

The House will perceive from the report that the paper in circulation, the Government and individual deposites, amount to $1,061,023 39. This money may be demanded any day. What funds have the bank to meet this demand? $153,997 43 in specie; due from banks, $235,617 34; notes and checks on other banks, $335,166 12; amounting, in the whole, to $724,780 89. How much will be lost by the debts due from other banks, and notes and checks on other banks, at this time, cannot be told; but as so many banks have failed in this District, the probability is near one-half. The item of the suspended debt can yield nothing at this time, and, in all probability, never will yield any thing. The item of real estate cannot now be converted into money, scarcely at any price, in the embarrassed state of the times; but when we take into consideration the facts which have been stated to this House in memorials from the corporation, that the corporation owes a debt, in Europe in part, and at home in part, of upwards of one million eight hundred thousand dollars, the city tax to meet the interest of that debt, and the other current expenses of the year, is equal to three per cent. upon the cash selling price of real property, as I have been informed, there can be no doubt that no calculations can be made on that item. The item of stocks of various kinds deserves a minute investigation. That would, at first appearance, seem to be available means, until we inquire and ascertain what kind of stock it is. To do that, I will refer to a report of the bank, made to the Senate, as to its situation, on the 9th of December, 1833, which is as follows:

Statement of the Bank of the Metropolis.

WASHINGTON, 9TH DEC. 1833.

CR.

Bills and notes discounted, - -	$753,925 27
Corporation of Washington, 6 per cent. stock, - - - - -	10,000 00
Stock of this bank, 204,900 cost, -	181,541 45
Real estate, - - - -	25,113 83
Notes and checks on other banks, -	39,453 64
Specie, - - - - -	114,047 40
Due from banks, - - -	85,728 69
Expense account, - - -	799 90
Costs of suit, - - - -	2,701 64
	$1,213,311 72

DR.

Capital paid in, - - - -	$500,000 00
Unclaimed dividends, - -	541 45
Notes in circulation, - -	214,358 00
Do post-notes, - - -	830 33
Treasurer of the United States, - -	178,271 45
Do on special deposite, - -	6,875 00
Due to banks, - - - -	47,572 71
Discount account, - - -	15,933 08
Individual depositors, - - -	248,929 70
	$1,213,311 72

By that report it will be seen that $181,541 45 is stock of the Metropolis Bank, which has been taken, the presumption is, in satisfaction of debts due by the stockholders to the bank. That item, then, instead of being a part of the means of the bank to meet its debts, is a substraction from its means; and, Mr. Speaker, it proves two other important facts—it proves that, between directors and stockholders, in a contract made by men who knew the situation of the bank, the stock sold for about twelve per cent. below par—for $204,900 sold for $181,541 45. The other fact it proves is this, that, whenever the directors of a bank and stockholders combine, and make arrangements to pay off the debts of the bank by stock, they are preparing to break, just as much as a man in the last stages of the consumption, with death staring him in the face, makes his will, beginning thus: "I, A. B. being weak of body, but of sound mind and disposing memory." The style of a bank's will, in this situation, would be a little different; it would, perhaps, run thus: We, the directors and stockholders of the —— Bank, knowing that it is appointed for this bank to die, and being weak in solidity, but yet we have sound minds and disposing memories, do fraudulently and clandestinely, to defeat our just creditors, make this secret arrangement of returning the stock back to the stockholders, instead of letting it remain as a fund to pay our just debts, do make, &c.

The item of bills and notes discounted will render the bank solvent, if it can be called in; but it is a fact well known to all present, that that item cannot yield ten per cent. annually. The debtors live, I presume, principally in this city; their means are composed of personal property and houses and lots in the city. Houses and lots, from what I have before stated, can yield very little—that item, I have no doubt, will be subject to an eventual loss of 30 per cent., and cannot yield ten per cent. annually.

I have now, Mr. Speaker, gone through what I designed saying in relation to the banks; but, before I take my seat, I must beg to notice some of the other remarks made by the gentleman from New York, [Mr. Beardsley,] and which, as reported in the Intelligencer, are as follows:

"And he would not, by his vote, associate it in the same resolution with banks which had stopped payment. He would not thus further the designs of another institution, in behalf of which he had no doubt these banks had, by preconcert, suspended specie payments—a measure which he thought it highly probable they were paid, or to be paid, for adopting."

The charges contained in these remarks are of the most gross and flagrant corruptions; and who are included in this sweeping accusation? The presidents and directors of all the banks implicated, a majority of whom, I am bold to say, stand deservedly so high in the opinion and estimation of the nation, that the gentleman who cast this most foul imputation would be proud of shaking them by the hand; in truth, he is indebted to his imagination for every fact upon which he has predicated this bold assertion. There is yet another remarkable passage in the gentleman's speech, which reads in these words:

"But the party opposed to the administration had been for these six months past busily and zealously engaged, all over the country, in breaking down the credit of all banking institutions, and laboring to prepare the people for revolution. To bring about revolution had for months past been the ruling motive of the press, and of the party opposed to the administration. He would lend himself to no such design."

Now, Mr. Speaker, I will leave it to the nation to decide between us who are in favor of revolutionary movements. We contend for the constitution and laws to prevail, and for the Government to be administered in its true spirit and purity. They contend for new and unheard-of powers in the President—high, arrogant, and bold pretensions in the Executive—for strong royal prerogatives. We for equality, civil liberty, and the supremacy of the law. We contend for the Whig principles which made James II. of England abdicate the throne, and compelled George III. to renounce all claim of allegiance from the people of the United States. The same principles, I trust in God, will make Andrew Jackson cease to believe he is "the Government."

I have only one remark more, and that is, that this House should take care of the public money, and be watchful and vigilant to see that it is kept in safe banks. We lost by using State banks, near twenty years ago, about $1,428,000. We shall in all probability lose about $30,000 by the late failure of the banks in this District, which were the depositories of part of the public money; and can any gentleman in this House put his hand on his heart, and say that he believes the public money safe in these State banks, when he recollects that the banks, putting them altogether, have less than four millions of specie, and in this situation are to be the depositories, the present year, of about twenty-five millions of the people's money?

Mr. CHILTON followed, but had proceeded but a little way, when his remarks were cut short by the expiration of the hour.

Mr. POLK moved for the consideration of the appropriation bill.

Mr. ADAMS objecting,

Mr. POLK moved for the suspension of the rule, to take it up.

On this motion Mr. R. M. JOHNSON demanded the yeas and nays; but, on request, withdrew the call, and the question being put, it was carried; yeas 122.

So the House went again into the Committee of the Whole (Mr. Hubbard in the chair) on

THE GENERAL APPROPRIATION BILL.

The question under debate was the item contained in lines 268, 269, and 270, of the bill, as follows: "For additional clerk hire for the year eighteen hundred and thirty-three, thirty-one thousand seven hundred and thirty-one dollars and forty-four cents."

Mr. LINCOLN, of Massachusetts, rose and addressed the Chair as follows:

Mr. Chairman: Fully aware, as I am, of the impatience of gentlemen to get this bill through the committee, it is with unaffected embarrassment and distrust that I oppose any obstacle to their progress in the accomplishment of the object. I pray the committee to believe that a sense of public duty, more imperative than any regard to personal considerations, constrains me to the humble part which I may take in this discussion. I shall make no protestations of a disinclination to embarrass the debate, or to create unnecessary delay in its issue; nor will I stop to disclaim intentions to impede the operations of the Government, or vex its administration. Such purposes would be unworthy the position of a Representative on this floor, and no one can have a right to impute them. Neither will I enter into any stipulations for brevity in my remarks, or repeat promises, too often made, to save time, and too little regarded in the very apologies for its consumption. For whatever attention I may receive, I shall be grateful, and shall best requite it by avoiding an unreasonable claim to indulgence.

Certain extraneous circumstances have been forced into the debate upon this bill, to which it is proper I should give a passing notice. When I had last the honor of addressing the committee, upon a preceding clause in the bill, it was my misfortune, surely not an intentional fault, to have excited a tone of repl[illegible]qually unexpected and unmerited. Sir, I was greatly misapprehended; and, so far as the animadversions of gentlemen may reach, I shall be somewhat injuriously misrepresented. It may therefore be pardoned in me, if I first attempt to place these matters in a proper point of light. I would fain stand well abroad; but I would, at present, more earnestly desire not to be misunderstood in this House. An honorable gentleman, on that occasion, whose attention I had neither provoked nor coveted, did me the injustice to charge upon me two or three panic speeches, as he was pleased to term them, on the subject of the bank and the deposites. The charge was alike uncalled for and unfounded. It did not occur to me as worth while, at that time, to repel the offensive insinuation which was conveyed in the remark; but now, in my place, I take leave to say that, in a period of eight weeks in which I have had the honor of a seat here, I have presented but a single memorial, and that from my immediate constituents, accompanied with such explanations as, within the rule, were permitted without interruption by the honorable Speaker. I have, in a single instance only, addressed myself to the attention of the committee, occupying, by their indulgence, some fifteen or twenty minutes of the time of the House; and once I have arisen in my place to ask the indulgence of the House in permitting me to offer a resolution for information from one of the Departments, which indulgence I was not so happy as to obtain. Will the gentleman now say that this was obtrusive? Sir, my offending hath this extent—no more.

Another honorable gentleman, on the same occasion, saw fit to rebuke what he was pleased to regard as an attack on the personal character of the Postmaster General. This intention, on my part, was promply disclaimed.

With the personal character of that high officer, I neither at that time, nor shall I now, intermeddle; but as I may have occasion now and then to advert to the Department over which he presides, and shall doubtless again speak with some degree of freedom of its management and condition, I should hope not again to be misunderstood. Whatever, therefore, of reference shall be made to him, will have respect to his official conduct. It is no part of my design to render the Postmaster General personally obnoxious to this House, or to this nation. In the unpropitious circumstances of the times, I see nothing of encouragement to such an effort, should it even be successful. I have no hope of improvement from any change which is likely to be made. In the character or qualifications of those most frequently named as competitors for the office, there is, to my mind, little of preference over the present incumbent. On this subject I take counsel from the homely adage, that "in looking further, we may fare worse."

Another honorable gentleman thought it becoming the opportunity to object to my sentiments, that they were in accordance with that course of opposition to measures of supply, which, in a former period in the history of the country, characterized my predecessors on this floor, and my constituents at home; and to indulge in taunts and sarcasms on the habits and manners of the people of the State. I did not reply to these remarks then, nor shall I now, further than to say, that neither my predecessors nor my constituents would feel obliged to me, by any admission of an occasion for their defence against an attack so unmanly and illiberal. But, in reference to the allusion made by the honorable gentleman to one of the sources of employment and subsistence of the people of Massachusetts, I beg leave to say that it will be received by them as cause, least of all, of defence. Let me assure that honorable gentleman that, if he shall ever do the "Ancient Bay State" the honor of a visit, the proudest of her sons will rejoice in the opportunity to take him by the hand, and, conducting him to the hall of her House of Representatives, exhibit to him there, conspicuously displayed, even over the chair of the Speaker, the emblem of the industry, and frugality, and enterprise of her citizens, in the ill-selected object of his wit—the image of a fish. Mr. Chairman, the people of Massachusetts are not ashamed of their occupations or their manner of living. They are as adventurous, at least, as they are economical. Their fisheries are no less a source of national wealth than of individual benefit. Does the honorable gentleman needs be told that her hardy sons have vexed every sea by their daring enterprise, pursuing, with line and lance, the tenants of the deep, from the Atlantic shores to the arctic regions? Does he not know that the fisheries of Massachusetts were the only nurseries of our seamen, those gallant men who have carried your flag in triumph among the nations, and made the very name of America glorious? Let the gentleman in future, then, spare himself such gratuitous allusions. Reflections upon sectional occupations are always in bad taste; and, if for no other reason, had better never be indulged.

This much I have thought was required of me, on this first opportunity of obtaining the floor since I was so severely attacked, in reply to the personal remarks which, in no sparing measure, were directed towards me.

I now move, sir, to amend the bill under consideration, by striking out the clause which was last read. That clause relates to the Post Office Department, and is in the following words:

"For additional clerk hire for the year one thousand eight hundred and thirty-three, thirty-one thousand seven hundred and thirty-one dollars and forty-four cents."

The honorable chairman of the Committee of Ways and Means has said that those who are opposed to the grant of an appropriation have the burden of proof upon themselves. Surely the condition of the minority of this House is sufficiently onerous, without this extraordinary imposition. The burden of proof upon the objectors! It would seem a little more reasonable that those who ask for, and those who would vote the supplies, should show their occasion. But if this be not so; if, indeed, it were otherwise, it might surely be expected that time and opportunity should be allowed to maintain the issue, on the part of those upon whom the *onus* is so singularly and unexpectedly cast. Yet, what do we witness? From the very moment that the bill was introduced into this Committee of the Whole, a manifestation of impatience, on the part of the majority, to get it through without debate. And how are the minority treated? Hardly, sir; I will not say oppressively and unjustly; but hardly, indeed. Every motion to amend has been considered as captious. Delay is deprecated. The word is, onward. Upon a motion to rise, an ominous voice comes up from the very depths of this hall, audible throughout the committee, crying, "I hope not, sir;" and an almost magical response is given to the aspiration, in the accordant vote of the majority. An obstinate and unyielding determination is manifested to force the bill into the House. I ask, Mr. Chairman, for what purpose does the House resolve itself into a Committee of the Whole? Is it not that there may be the most free and full discussion of the merits of every provision in the bill; that here, and without restraint by the more formal and rigid course of procedure applicable to the House, we may prepare and mature, and, as far as may be, perfect this measure of legislation for the subsequent sanction of the House? And how has this been proposed to be done? It was the astounding declaration of the chairman of the Committee of Ways and Means, but yesterday, that when he came into the House the preceding day it was his fixed determination not to leave the hall until he had carried the bill through, (taking it up almost from its very beginning,) and had it reported to the House. And the subsequent experience which we suffered, in an uninterrupted session of nine hours, was doubtless in execution of this high-handed predetermination. Sir, it should be known to the country, and, as far as my voice can reach, it shall be made known, that, on a measure of the first and highest importance to the interests of this nation, the passage of an appropriation bill, authorizing the disbursement of millions of the public money, and embracing provisions which involve principles of high constitutional moment, as well as of expediency and the soundest discretion, it was contemplated to preclude discussion by a direct process of coercion over the physical powers of the minority. There are, indeed, as we have seen, more modes than one of applying violence to the business of legislation: the previous question, laying on the table, and exhaustion by fatigue. Abstinence, also, from food and sleep, if long enough continued, will silence speech. Sir, I admonish the chairman of the Committee of Ways and Means not to repeat this "experiment." If the minority must submit to it, their constituents may not. Such a course of procedure, in a matter of personal concern, by one having the power to enforce it, would render void a civil contract. It is nothing short of duresse and of imprisonment. The bill may not be disposed of this day, perhaps not even this week, with the utmost faithfulness and diligence. There are grave questions growing out of its proposed appropriations, which are yet to be deliberately considered: the clause now before the committee; the appropriations for ministers to foreign courts, to which, if no one else shall offer an amendment, I shall feel it a duty (deferring, however, to any gentleman who will move it) to propose a limitation of the application of the money to the payment of the salaries of such ministers only as have been, or may be, appointed pursuant to the constitution, by the nomination of the President, with the confirmation of the Senate of the United States, except in case of a vacancy which may happen during the recess of that body. I may also find it necessary, as I have on another occasion intimated, to offer, in the proper time and place, an amendment, to secure the deposites of the public money, for the payment of these appropriations, in the Bank of the United States. Let us proceed, then, calmly and dispassionately, in the discharge of our duties. On all these subjects there may be, it is manifest there must be, discussion, more or less extended. Does the honorable chairman of the Committee of Ways and Means again demand of me whether I speak for my friends as well as for myself? I reply in the manner of my respected colleague, [Mr. Adams,] to whom the chairman made the singular proposition the other evening of consenting that the committee should rise, upon condition that my colleague would enter into recognizance for the good behavior of his friends on the coming day: It was a proposition only, not a "bargain." It would have been the latter if my colleague had assented to it. He answered, however, that he was not the keeper of his friends. Neither was I authorized to give pledges for others. There is little occasion for concert and combination between those who have but a single object in the execution of a public trust. Theirs is a direct and obvious path, in which intelligence and integrity impel their efforts to produce the same result, in the promotion of the public interests, and the protection of the people's rights.

The appropriation proposed in the clause of the bill, which I ask to have stricken out, is objectionable on two grounds: 1st. Because the expense it is intended to reimburse to the Post Office Department, in the employment of extra clerks, the last year, was unauthorized by law; and 2dly. Because it was wholly, or in a great proportion, unnecessary.

The appropriation bill of the year 1833 made provision for the pay of all the clerks whose employment had been previously authorized by Congress. Upon recurrence to that bill, it will be seen that the sum of $41,100 was appropriated for the payment of clerk hire in the Post Office Department. A further recurrence to the Treasury estimate of that year will also show that the compensation to all the officers in the Department was proposed in strict conformity to the existing provisions of law in reference to the creation of their respective offices. The aggregate of the estimate was $52,100. Deduct from this amount the salary of $6,000 for the Postmaster General, and $5,000 for two Assistant Postmasters General, and the remainder is the exact sum of the appropriation for clerks by the bill of 1833, viz: $41,100. It is to be remarked, also, that the estimate makes direct reference to the acts of Congress, under which, at different periods, and from time to time, as the increase of business in the Department required, the number of clerks were authorized. Thus, "clerks per act of 20th April, 1818; clerks per act of 26th May, 1824; clerks per act of 2d March, 1827; clerks per act of 24th May, 1828." Both the estimate and the appropriation were thus restrained by relation to the several acts which authorized and limited the number of clerks in the Department. By what authority, then, does the Postmaster General increase this number two-fold, and augment the expense of clerk hire (by an extra charge of more than $31,000, now sought to be provided for by a clause in the present bill,) from $41,100 to $72,831 44? Will Congress permit, in this indirect manner, the creation of new offices, upon the sole responsibility, and in the pleasure alone of the chief of a Department? By the mere will of the Postmaster General, more clerkships have been constituted in a single year, than by all preceding acts of legislation on the subject.

Heretofore, whenever it had been found necessary in the business of the Department to increase the number of clerks, Congress was called upon to pass a law for the purpose. So it was in 1818, 1824, 1827, and 1828. But not so is it in this era of reform, and strict construction of delegated powers. The Postmaster General may, at one sweep, displace old and faithful and efficient officers, to make room for inexperienced, unprofitable, and subservient dependants; and thus create an occasion for two-fold the legalized number. He obtains from Congress an appropriation according to the provisions of law, and, increasing the expense two-fold, without consulting Congress, claims to be indemnified by a grant to make up the deficiency. Of what avail is legislation upon the subject, under the practice which is now sought to be sanctioned by this committee? Is it not, in truth, a mockery, that laws should be referred to, when the restrictions they impose are utterly disregarded? The very claim of the Department is in derision of the authority of Congress. We are gravely pointed to the law of 1818, and to subsequent statutes, as the foundation for the estimate of appropriations for clerical expenses in the office of the Postmaster General; while nearly one-half the aggregate of those expenses rests upon no estimate, is incurred without law, and comes only to the knowledge of Congress in the shape of a demand for its reimbursement.

If additional clerks were wanted in the Department, why was not the occasion communicated to Congress? Was it less necessary in 1833 to seek authority for the appointment of some twenty or thirty clerks, than it was in the year 1828, for instance, to obtain that authority for the appointment of five? The case presents this extraordinary aspect: the law limits the number of clerks; the Postmaster General, the officer of law, makes the number illimitable. Congress appropriates a sum certain for the payment of clerk hire; the Postmaster General, without regard to the appropriation, makes the expense uncertain, by an indefinite amount of extra services. The incident becomes greater than the principal matter. In other times, and under the administration of the same Department by different men, it required the warrant of law to create a single clerkship; now, the discretion or the pleasure of the Postmaster General may constitute them by fifties. Formerly, an appropriation was necessary to justify an expenditure; but now, charges are first incurred, and appropriations are sure to follow. We are now, even here, engaged in playing the merest farce. Why debate an appropriation bill? Why not the whole number of clerks whom the Postmaster General shall see fit to appoint, be as well provided for without a specific grant? If he may incur an expense exceeding $31,000, without the previous authority of Congress, why may he not the whole sum of the charges of his Department? It seems worse than idle specially to appropriate $41,100, and leave him at liberty to swell the tax upon the treasury to nearly double that amount. Is it the intention of gentlemen in this House—of the Committee of Ways and Means more especially—to sanction this extraordinary and irresponsible exercise of patronage and power? If so, let them come forward and boldly avow it, and it will then no longer be matter for argument.

But the present bill makes no prospective provision for compensation for clerk hire in the Department the current year, beyond the amount appropriated the last year. Yet we are told that the deficiency for that year was more than $31,000. Will less clerical service be required, or fewer clerks employed hereafter than heretofore? If otherwise, wherefore comes it, that, with the experience of the past, an adequate sum is not proposed for the future? Why make an appropriation of but $41,100 when it has been made apparent that $72,831 44 is again to be expended? Is it to conceal from this House and the people the enormous and unmitigated expenses of a prodigal

Department? Whatever is to be the cost, let it be fairly understood, not covertly and disingenuously encourage a delusive expectation that a given sum will suffice, which experience has already shown, is, by almost double the amount, to be exceeded. As a striking illustration of the unwarrantable excess of expenditure, and the utter disregard of the authority of law, I have only to refer to that authentic record of departmental abominations, "the Blue Book," so called. It there distinctly appears that there are five assistants to the messengers, when, by law, and the very last appropriation bill, provision is made but for two; and in the same unauthorized manner, though in somewhat a less proportion, have the number of clerks been increased.

I proceed now to show that the expense for extra clerk hire, sought to be reimbursed to the Department through the instrumentality of this bill, was altogether, or in a great degree, unnecessary, and uncalled for by any corresponding increase of business. I say reimbursed, because it is not to be pretended that the clerks are, to this moment, without compensation for their services in the year 1833. They have doubtless long since received their stipulated wages. The Postmaster General, from those ample resources of a revenue of two and a half millions of dollars annually, or from the loans he has negotiated with the banks, his over-drafts, or anticipations of the revenue of the present year, has satisfied the claims of these pensioners upon his official liberality. The object, I repeat it, of the present appropriation is to reimburse the Department the money which has thus been advanced. Let no one suppose it is to pay the faithful, hard-laboring clerk. The advancement has been made; and when the Postmaster General shall show a justification for the expenditure, either by law, or in the exigencies of his office, I will be the last to oppose its being refunded. Mr. Chairman, it is to be regretted that, in relation to this Department, the minority of this House, upon whom the chairman of the Committee of Ways and Means would cast the *onus probandi*, are left to grope in the dark. Whatever may be the knowledge of others, all information is denied to us. A resolution which I felt it my duty to offer a few days since, asking only for a communication of facts in relation to the number of clerks in the Department, their assigned and appropriate duties and employments, and the fund from which they had received their pay, has met with no favor in this House. I say, sir, that this most important information, essential to an intelligent discussion of the subject before the committee, and interesting to the whole people, is withheld, unreasonably withheld, as I must think, from us.

In the absence of the best evidence, therefore, we are compelled to resort to secondary proof. I rely, then, in support of the position that the number of clerks in the Post Office Department, in the year 1833, was unnecessary, upon the fact that no authority was asked by the Department, or given by Congress, for their employment. Upon reference to the appropriation bill for that year, it will be perceived that there was a provision for the payment of extra clerk-hire in the preceding years 1831 and 1832. But neither the Treasury estimate, nor the appropriation bill for 1833, furnish the slightest suggestion that any such cause of expense was to continue. The estimate for clerk-hire in the Department, in the latter year, was but 41,100 dollars; and this sum was all that was appropriated. Let the honorable chairman of the Committee of Ways and Means, in his ingenuity, and devoted fidelity to the administration, assign a reason for such an estimate and appropriation, if it had been anticipated that the proposed sum was to be, nearly to an equal amount, exceeded. And wherefore is it, if so great a number of clerks had become necessary, Congress was not called upon, either by a committee of this House, or by the Department itself, as had always before been the case, whenever occasion rendered it proper to pass a law authorizing an additional number?

Mr. Chairman, it is quite time that the concerns of this Department were more strictly inquired into, and its management severely scrutinized. It is the foulest spot, as I verily believe, in an unfaithful, corrupt, and corrupting administration of the Government. It is the Augean stable which, with Herculean labor, must be cleansed and purified. If gentlemen to whom is assigned the unenviable task of defending the Department will not afford the information which, doubtless, themselves possess, in relation to its affairs, they must not complain, even should there be some misapprehension in respect to the manner of its conduct. Those who are less fortunate in the means of intelligence must proceed with such lights as are allowed to them.

It appears, then, from the "Blue Book," that no less than ninety-two persons, including the Postmaster General, two assistants, a treasurer, and a general agent, are employed in the Department, at an annual charge of $88,540. Of these, seventy-five are clerks, six messengers, two watchmen, and four agents. By the Register of Officers for the year 1827, it will be seen that there were, at that time, but thirty-nine persons in all attached to the Department, at an annual charge of $47,200. Of these, thirty-three were clerks, one messenger, and two assistants. In the year 1828, Congress authorized the addition of five more clerks; and these, with the thirty-nine persons before mentioned, are the whole number, it is believed, out of the ninety-two now employed, which are warranted by law, the residue having been appointed upon the sole, uncontrolled, and, as it now seems to be held by some gentlemen on this floor, irresponsible and unlimited discretion and pleasure of the head of the Department. It might not be impertinent to inquire, before passing the appropriation, how this tribe of subordinates are employed. In the days of the predecessor of the present Postmaster General, and while the business of the office was undergoing a course of systematic arrangement, and the facilities to communication were developing and being greatly extended, that distinguished officer, to whom the country is under lasting obligations for the efficiency, punctuality, and certainty given to mail transportation, was content with the number of clerks assigned to his Department by law. This number, as appears by the Register, never exceeded thirty-eight. There might have been some excess of expense for extra service; but, if so, it was casual and inconsiderable. Whence comes it that more than twice the number of officers are now found necessary? It may well be admitted that the operations of the Department are very greatly extended; but, with the preservation of method and orderly arrangement, this need not occasion a corresponding increase of clerkships. If the same system of regulation and accountability is continued, the additional labor would, in a great degree, consist in causing a few more entries in the same set of books, filling a few more blank forms of proposals and contracts, and following out more extensively a like course of duties, conforming to the enlarged scope of similar operations. It cannot seriously be pretended that, for an increase to double the extent of former post routes and number of post offices, an addition of one-fourth the number of clerks could have been required. Does the merchant who adds to his capital in trade find it necessary to multiply, in the same proportion, the clerks in his counting-house? A given number are necessary to his well-regulated order of business. Each has his assigned department of service; and, although the capital may be increased a hundred per cent., there may be but little additional labor in its management. Before the committee shall agree to an appropriation of more than 70,000 dollars for clerk-hire only, for a single year, in this Department, let them be advised of the new occasion, since 1828, which has given rise to one-half this expense. How were all these officers employed? The chairman of the Committee of Ways and Means may be presumed to have knowledge on this subject, or the resolution proposing to ask for information from the Postmaster General would not have been refused. I respectfully put it, then, to the chairman to instruct this House what are the assigned, distinct, and appropriate duties of the general agent, the examiner, and clerks of the examiner's office, solicitor, and clerks of the solicitor's office, and clerks of appointments. These are designations of officers unknown to the law. On such inquiry as I have been able to make of honorable gentlemen about me, I find much diversity of impression on this subject.

The respective offices of these clerks, of various character, seem to be little understood, and are often confounded. There are five solicitors, and six clerks of appointments. What are their appropriate duties? Since the policy of the Government has proffered so liberally the spoils of office as the reward of victory, it may be that one set of these characteristic denominations find sufficient employment in canvassing the pretensions of candidates for preferment, while the other are equally well occupied in following out the consequences of unsuitable appointments. I mean no reproach, in this, to the clerks themselves. I am quite ready to do justice to the intelligence, capacity, and fidelity of many of them. Doubtless, there are those who assiduously and meritoriously devote themselves to the public service. But I maintain that so great a number are unnecessary. The honorable member from Kentucky [Mr. Hardin] told us yesterday that one of these public servants, at sixteen hundred dollars per annum, was a practitioner at law, attending the courts in his own State; and that another, at one thousand dollars per annum, might be seen daily in this House, in the character of a reporter for the Government official. How many more have similar indulgences cannot be known until the House shall please to require more accurate information of their duties and employments. A clerkship is a most convenient place in which to retain the services of political partisans; and the position of a post office establishment, in the command of the great channels of communication, the best suited to give direction and effect to the machinery of party organization and arrangement.

The financial condition of the Department should furnish an additional and insuperable objection to the passage of this appropriation. It should be brought, at once, to the necessity of a full and explicit disclosure of its situation to the representatives of the people. There is ground to believe that its pecuniary affairs are in a deranged and embarrassed state, beyond a reasonable hope that they can ever be retrieved by the skill or good fortune of those to whose management they are at present committed. There must be, sooner or later, a deep and searching operation, an overhauling and overturning of the doings of the Department. It needs to be probed to the bottom. It was once a prosperous and creditable concern to the nation, conducted with order and method, affording all desirable facilities to communication, abstaining from associations and arrangements foreign to the object of its institution, giving universal satisfaction, and enjoying unbounded confidence.

Under the able and successful administration of the predecessor of the present Postmaster General, it had become a source of certain and rapidly increasing revenue to the State. The last annual report of Judge McLean, in 1828, transmitted by the President to Congress with the documents accompanying his message, states the amount of accumulated surplus to the credit of the Post Office Department to be $332,105 10. In the report of the present Postmaster General, the following year, (1829,) after giving a precise and critical review of the financial operations of the Department, and particularly adverting to the balance of credit stated by his predecessor, he reduces the amount, by substractions for various causes, and places the true and actual balance, on the 1st of July, 1829, at $230,849 07. Here, then, is a distinct admission that the nett available funds, after he came into office, exceeded the sum of $230,000. Nor is this all. He somewhat boastingly adds, in the same report, that "the new contracts have been made, including all the improvements, for $19,195 37 less than the sums paid under the expiring contracts for the transportation of the mail," in a section of country to which he refers; and that "the advantageous terms of these contracts will effect a saving to the Department of about twenty-five per cent., in proportion to the services to be performed." He also admits that "the Department has always been sustained by its own resources, and that no money, at any time, has been drawn from the treasury for the transportation of the mail, but that it has contributed to the revenue of the Government."

These references are intended to prove to this committee, beyond all controversy, the prosperous state of the Department when the present officer entered upon its administration. Subsequently, and as late as November, 1832, its condition was made a subject of congratulation by the President, in his annual message to Congress. "From the accompanying report (says the message) of the Postmaster General, you will perceive that that Department continues to extend its usefulness, without impairing its resources, or lessening the accommodation which it affords in the secure and rapid transportation of the mail."

The report referred to fully sustains the message, and contains the express assurance that "with all the increase of mail facilities during the year ending the 30th of June, 1832, the revenues of the Department have, within an inconsiderable sum, equalled its expenses. The surplus available fund, although somewhat reduced, is stated at $202,811 44. There is also to be found, in that report, another assurance eminently worthy of being remembered at this occasion, that "if the ratio of increase in the nett proceeds of postages, for the year which will end on the 30th of June, 1833, shall equal that of 1832, it will amount to the sum of $196,823 06 above that of the last year, which will exceed the additional amount required for transportation, by more than $100,000, provided no further improvements shall be made, without estimating any thing for postages which may arise on new routes." Following up this anticipation of the Postmaster General, it will be seen, by his report for 1833, that the increase of the nett proceeds of the postages of that year over the year 1832, instead of being only $196,823, did, in fact, amount to $247,156 16. This sum, added to the former balance of $202,811 40 of available funds in his hands, according to his preceding report, put at his disposal, in the year ending on the 30th June, 1833, $449,967 56 more money than the greatest amount of the expenditures of the Department in any preceding year. The gross amount of the postages of that year is given in the report at $2,616,538 27. Yet how stands the account at the end of the year? In the very words of the report, "the Department was indebted, on the 1st of July, 1833, beyond the amount of available funds due to it, in the sum of $195,208 10!"

The manner in which the Postmaster General endeavors to get rid of the former balance of $202,811 to the credit of the last year, by the discovery that it had been absorbed in the expenses of the Department previous to that time, speaks little in favor of that system of strict accountability which, he announced in his first report, he had introduced into the Department for the correction of the "looseness and irresponsibility" which had before been permitted to exist. It might be sufficient to answer, that so gross an error in the statement of an account, with no other explanation than that "it is now ascertained that the expenses incurred for transportation which had actually been performed, prior to the 1st of July, 1832, beyond the amount stated in that report, were $205,656 97," without showing how those expenses had been incurred, or even suggesting the manner in which the error was committed, evinces great ignorance of the real condition of the Department, or want of fidelity in the management of its affairs.

For the purpose of the present argument, however, it is entirely immaterial whether the balance was exhausted in 1833 or in the preceding years. Confessedly it existed when the Department came into his hands. Admitting, then, the correction claimed by him in his last report, it only follows that, between the 30th of June, 1829, and the 30th of June, 1832, he had expended the whole of the surplus balance which he received from his predecessor, besides the vast accruing annual revenues of the Department, and had created a debt, on the last-mentioned day, according to his last account, of $2,844 67, which, with a still-increasing revenue, he had augmented, on the 30th June, 1833, to $195,208 10, over and above all the available funds of the Department. It is, moreover, to be observed that, in his report of the preceding year, he had given a pledge that, if the ratio of increase in the nett proceeds of the postages should continue as great as the previous year, it would exceed the additional amount required for transportation by more than $100,000, and that, in point of fact, this ratio of increase was $50,000 more than that of the former year. Yet what was the result? The expenditures of the year exceeded the receipts by about $200,000. Regarding the date to which the accounts are made up, (the 30th of June,) it must be obvious that the amount could not have been greatly affected by the establishment of new mail routes at the intervening session of Congress. But even this is not the worst of the condition of the Department.

Mr. Chairman, I have no faith in the accuracy of the accounts, as they are last stated; I have no belief that the Department itself knows the extent of its own indebtedness, or, knowing, dare encounter the scrutiny which a disclosure of the truth would inevitably produce. Sir, my word for it, the deficit is not merely two hundred thousand dollars—it is now hundreds of thousands more. I may not be able to show precisely how much, for we are here without the means of proof. But let this House adopt the resolution which seeks from the Department information on the subject; grant but the subpœna; and there will be full and ample testimony to the truth. In the want of that evidence, which I repeat is withheld, I am warranted by representations, quite satisfactory to my own mind, to assume that the Department is deeply insolvent; that it owes, at this moment, from eight hundred thousand to a million of dollars; that it is in debt to banks for moneys borrowed, at least $325,000—and for over-drafts upon credits for deposites exceeding $150,000—that it has already, to some extent, anticipated the revenue from post offices the current quarter; and is largely in arrears to mail contractors, upon contracts executed, or continuing, where, by the terms of the contracts, the money has become payable, to its own great discredit, and the dishonor of the nation.

Sir, the honest creditor of the Government is denied or delayed his dues. If he asks for payment, he is shown a list of forfeitures, and, by insisting upon his money, he comes to understand that he may provoke a set-off in fines, or hazard the rescinding of his contract for the nonfulfilment of its severe and inexorable exactions. There is derangement, disappointment, and vexation through all the operations of the Department. It has been made the instrument of political advancement, and its legitimate purposes are held in subserviency to this unwarrantable end. Complaints have been heard, loud and long, from every quarter of the land, of its irregularity and mismanagement. It has been devoted to personal as well as party objects. Post offices, in too many instances, have been unnecessarily established, and even the course of the mail made devious and sinuous in reference to post office appointments. Faithful and acceptable postmasters have been removed from office for opinion's sake, and Executive sycophants and demagoguing partisans rewarded with their places.

I say these things in no willingness to find fault. I would do no injustice to the Postmaster General. He may, to a great degree, have been influenced by misrepresentations, and suffer wrong from the abused confidence which, weakly or inconsiderately, he has reposed in others. Yet he is the responsible head of this highly important department of the Government, and for much, very much, of the present embarrassment, he is most justly to be held accountable to Congress and before the people.

Mr. Chairman, in rising to address the committee, it was not my purpose to become the accuser of the Postmaster General. This, to me, would be an unaccustomed and a thankless office. Nor was it with a vain ambition to be heard on this floor. In competition with the many experienced and gifted men of this House, I can have nothing to hope for distinction here, and elsewhere my public course has been accomplished. This bill seemed to me to present important topics for discussion. The appropriations it proposes involve the application of some of the most essential principles of republican Government. To these, rather than to sums of money, it will, at all times, behoove the faithful representative to give his earnest attention. Seeing those with whom I accord in sentiment on these most interesting subjects, wearied with unceasing efforts, pressed by the votes of an unyielding majority, and almost disheartened by the conviction that further resistance or remonstrance would be alike unavailing, I felt impelled to proffer my humble aid to their relief. It was no less an obligation imposed upon me by the position which, on a former occasion, I had assumed. I have moved the amendment to the bill in sincerity, and from a deep conviction, under the circumstances to which I have adverted, of the impropriety of making the appropriation which it proposes. However the question shall now be disposed of, there will remain to me the consciousness that, in whatever I have said, I have intended nothing more than to discharge my duty, as I humbly trust I ever shall do, here and elsewhere, faithfully and fearlessly.

Mr. POPE observed that he was as ready as any one to enter into a full examination of the Department. He was in favor of full discussion and thorough investigation; but he was unwilling to refuse the necessary supplies for that branch of the Government, unless it appeared that it was improper to do so. He said that the gentleman from Massachusetts had, in common with others, complained that the majority were disposed to hurry the appropriation bill through Congress without proper consideration. Such, he stated, was not the fact. But that if they did entertain such a wish, the fact that the gentleman from Massachusetts had made a long and labored speech, one-half of which had no earthly relation to the subject, was their apology.

Mr. P. stated he would not have risen had not the gentleman from Massachusetts wandered from the question to assail the head of that Department in a most unwarrantable manner. The gentleman had charged the Postmaster General with having placed men in his office not for the public good; that the clerks in the Department were worthless and idle; that they were to be seen loitering about the city; and that they would do nothing and could do nothing. He asked the gentleman for his authority for this charge. The gentleman had stated that his professional education taught him the necessity of having authority for his assertions. Mr. P. called upon him to produce his authority. He knew, however, he could not produce it, for the charge was untrue.

The gentleman had also asserted that the mail routes had become sinuous; that they were not established as channels of communication. Mr. P. observed that it was right and proper that they should be sinuous; that the farmers of the country should receive the news and enjoy all seasonable mail facilities, as well as the citizens of Boston and Lowell; that they contributed to the support, and were the prop and aid of the Government; that he was in favor of sending information to every hill and every valley, so that those concerned might be kept fully acquainted with their public affairs. Mr. P. repelled the charge that the village postmasters were not worthy of their offices. So far as he knew them, they were high-minded and honorable men, as much so as the gentleman from Massachusetts, or any one else. He also repelled the charge that the mails went lumbering along with what ought not to be in them. This was an unfounded charge; and he called upon the gentleman from Massachusetts to furnish that authority which his professional education ought to teach him was necessary.

Mr. P. stated that he had felt it to be his duty thus to notice the unjustifiable accusations of the gentleman from Massachusetts. Mr. Barry was one of Kentucky's most favored and gifted sons. His eloquence, his genius, and his spotless integrity, had won him the respect and attachment of his friends. He was an honest man, and utterly incapable of official delinquency. Mr. P. stated he had no doubt of the honor or integrity of the gentleman from Massachusetts; but he considered the gentleman would be most fortunate indeed, if his public or private life were as little blemished or stained as that of the Postmaster General.

[Mr. Lincoln here interposed, and disclaimed any impeachment of the personal character of Mr. Barry.]

Mr. **POPE** proceeded. He regretted very much an expression that had fallen on yesterday from his colleague, [Mr. Hardin.] That gentleman had stated that one of the clerks in the Department (Mr. Loughborough) held, he suspected, a sinecure office; that he did not know the duties of that clerk; that Mr. Barry and that clerk once practised law in Kentucky in conjunction, but he would not say that this was the cause of his appointment. Mr. P. said he regretted that his honorable colleague had so expressed himself, because it appeared to be a covert insinuation, calculated to make an unfavorable impression on the mind. He hoped his colleague intended to make no prejudicial insinuation, because he must be aware that that clerk was a gentleman of great worth, and as incapable of receiving as was the Postmaster General of granting a sinecure office. He had understood, in fact the chairman of the Committee on the Post Office and Post Roads had just informed the committee, that the gentleman alluded to was now absent on official duty.

Mr. P. concluded by stating that Mr. Barry, in this matter, only pursued the steps of Mr. McLean; that the business of the Department had greatly increased, and that, consequently, more clerks were required to discharge the duties of the Department, which necessarily increased its expenses. He considered the desired appropriation just and proper, and should, therefore, vote for it.

Mr. **LINCOLN** said he had not impugned the correctness of the conduct of the Postmaster General. He distinctly disclaimed any charge upon the Postmaster General. He supposed that he was led into error by misrepresentations.

Mr. **REED** had no accusation, he said, to make against the head of the Post Office Department. But the question was, Is the Department well managed? He was constrained to say that it was not well managed. He knew that it could not pay its debts to the contractors.

Mr. **PARKER** did not wish to take up the time of the committee by following the gentleman from Massachusetts, but he felt compelled to notice some of his remarks. He complains of the number of insignificant post offices, and requires that the mails should go on the direct and principal routes. He would stop the streams of information which, through these channels, flow to the people. Though the revenue of some of these offices was but twenty-five cents, yet their expenses only consisted in the folding and tying up of newspapers. The question before the committee is, whether we shall make any allowance for expenses of the Post Office not authorized by a previous law. Now, he would undertake to say that we had no express law, yet we had precedents which bound us to make the appropriation asked for. He went back as far as 1806, and showed that, by an act then passed, certain provision was made for clerks in the Post Office Department; and in the year 1809, the appropriation act provided a further sum to pay for clerks employed in addition to those authorized by the act of 1806. He referred to many other similar acts as precedents for this.

Mr. **EVANS** spoke in favor of the motion to strike out, and wished that gentlemen should be suffered, on this floor, to express their dissatisfaction at the administration of public affairs, without being reproved for making a personal attack upon public officers. It was, he contended, admitted that the Post Office Department was in a deranged state. It was admitted in the report of the Postmaster General himself. The gentleman from Massachusetts excused the Postmaster General on the supposition that he acted upon misrepresentation of facts. He could point out some instances in which he knew that the Postmaster General was deceived. He instanced the appointment of Norton to the post office of old Hartford, which was revoked in a few days after it was made. He went on to point out what he considered as mismanagement on the part of the Post Office.

Mr. **POLK** went into a full statement of the former course in regard to the employment of clerks in the Post Office Department. The constant growth of the business of the Department rendered it necessary continually to increase the number of the clerks. In consequence of this, the actual appropriations before the end of the year fell short of the necessary expenses of the Department, and, for more than fifteen years, it had been customary for the Postmaster General to employ additional clerks when they were wanted, and rely upon Congress subsequently to provide for the expense. He did not consider it proper or pertinent, while considering this clause, to go into a full view of the whole administration of the Post Office. Mr. P. said he thought the fault was in Congress. He thought that Congress ought to create by law a sufficient and ample force for the Department in anticipation of its necessities. He was willing to do this now. But the course adopted by Mr. Barry was justified by precedent and law. We had, from year to year, said, in effect, to the Postmaster General, We know your force is not sufficient for the business of your office; employ additional aid when it is wanted, and we will make the necessary appropriations.

Mr. **H. EVERETT** said he should not have risen, if this appropriation alone was involved in the question—if it would be the end of the practice complained of. But, from another item in the bill, it appeared that this was only the first verse in the chapter; and that we were the next year, and probably from year to year, to be called on for similar appropriations, to pay "for arrears of clerk hire" not authorized by law. In a preceding item "for the compensation of clerks, messengers, &c. the sum of

$41,100 only was asked for. On turning to the Blue Book, to the list of permanent clerks employed for the last two years, it appeared that the number was seventy-five, and that their annual salaries amounted to $69,700

A treasurer and clerk, at	1,700
A general agent, at	1,600
With twelve messengers, watchmen, and agents, at	4,540
By the Blue Book, the sum necessary for clerks, &c. was	77,540
While the appropriation asked for was only	31,100
Which would leave the sum of	$36,440

to be appropriated the next year, "for arrearages of clerk hire for the year 1834;" and so increasing from year to year. It had been said that this course had been pursued for years; and a letter from Mr. McLean to the present Postmaster General, in 1828, has been read as a justification. Mr. McLean states that the business of the office was continually increasing from year to year, and that he had found it necessary to increase the force of the office to meet this annual increase, trusting to the Legislature to sanction it by a future appropriation; but that it would be necessary to apply to Congress for authority to make such temporary aid a permanent charge. He did not object to this course. It was the duty of the Postmaster General, and of every other head of a department, to meet unforeseen exigencies as contingencies; and there was no objection to paying for it, even out of the contingent fund. The increase of the business of one year, over that of the preceding, was all that could be considered as a contingency; and all that ought to be provided for as such. When, at the end of a year, the Postmaster General found that seventy-six clerks were necessary for the ordinary service of the year, all contingency, as to them, ceased. And that such was the fact the entry on the Blue Book was conclusive evidence. They were set down as the regular permanent officers of the Department, with fixed salaries—not mere "clerk hire." And why, he asked, had not the Postmaster General applied, as was the course with the other Departments, for additional clerks? In the estimates of every year, from the other Departments, we find additional clerks asked for. It was a proper subject for legislation to determine the number and to fix the salaries of the permanent officers of the Government. But it now seemed that the Postmaster General had taken the business into his own hands; that, of his own authority, he had, since 1828, appointed fifty-four permanent clerks, and fixed their salaries; and they were, now and hereafter, with annual additions, to be paid by an appropriation "for arrearages of clerk hire." There might be a reason for this; a proposition for fifty-four additional clerks would present a distinct question of an increase of expenditure, and call for examination, but an appropriation "for arrearages of clerk hire" was well calculated to conceal and cover up the cause of the increased expenditure—to give the impression that it was a mere occasional, not a permanent annual expenditure. He did not object to the payment of the clerks for labor performed; he would not make them a party to the contest; he would not make them responsible for the propriety of the conduct of their master. But he was unwilling to continue the practice. And he now put it to the Committee of Ways and Means to give a reason why they had not asked for an appropriation for the salaries of all the permanent clerks set down in the Blue Book; why, instead of asking for an appropriation of $41,100, they had not asked for $77,540: leaving, as contingent, only the expense of clerk hire that should be necessary to meet the increase of business of the current year? Was it any longer a contingency? Were not the seventy-five clerks, in fact, all equally permanent officers of the Government? If the appropriation legalized past services, it would have the same effect on the current services of these additional clerks. If this course is permitted to continue, the Postmaster General may do what is not allowed to any other Department—appoint as many clerks as he thinks proper, and allow them what salaries he pleases. But it is said that, if the Postmaster General had not taken this course, the business of the office could not have been done. If he had applied to Congress for additional permanent clerks, it was their province to determine their number as well as salaries; and, if they misjudged, on them would be the responsibility, and not on the Postmaster General; and there it was proper it should rest. Congress is the competent and the proper judge of the permanent organization and extent of force necessary in every Department; and it was a sufficient confidence to trust to the Department to provide for contingencies only. He therefore thought it was the duty of the Committee of Ways and Means to have included in this bill an appropriation for the salaries of all the permanent clerks of the office; and of the Department; to submit to the House to authorize their appointment, if not already legally appointed. And he would again ask why this had not been done in this Department, as well as in the other Departments?

The gentleman from Maine [Mr. Evans] had anticipated him in some remarks he intended to have made, in relation to the Committee on the Post Office Department. Mr. E. said he thought, after all that had been said here and elsewhere, as to the management of the General Post Office, that the House had a right to expect they would have examined into its concerns, and have made their report. He presumed they could assign good reasons for not doing it, though he was not aware of them. There was another subject, on which he had expected information from their investigation, and which would have enabled the Committee of Ways and Means to have proposed another appropriation (probably very necessary for the public service) "for paying the debts of the Post Office Department," or for making a loan to that Department, to enable it to pay its debts. At the commencement of the session, the Postmaster General reported the arrears, or balance against the Department, at about $200,000 over and above all its available funds; and that it had borrowed, and was paying interest for $350,000. On this part of the subject, he would not stop to inquire into the cause of the deficiency; the institution was invaluable to the country, and, from whatever cause it might be embarrassed, the Government ought to sustain it, and promptly, either by appropriating a sum equal to the deficiency, or by making it a loan. It was not good economy for one Department to be paying interest, while the Government has money lying idle in the deposite banks, and even in the very banks who have made the loans. Why did not the Treasury loan the money of the Government? It surely had as much power to loan as another Department had to borrow. Besides, it is understood that, in addition to the loans, the Postmaster General has overdrawn on the deposite banks, and on postmasters, and was yet largely in debt to mail contractors. This he believed was known to a majority of the members of this House; most of them were acquainted with contractors who had received nothing for the last six or twelve months. They ought to be paid; and if the post office is unable, the Government ought promptly to meet their claims. How could this protracted indebtedness be accounted for? The receipts of the post office were cash; the accounts were rendered quarterly; and the money in each office subject to the order of the Postmaster General at sight. The balances, if the report of the Postmaster General is correct, would leave a deficiency of only $200,000. How is it, then, that the Department is so deeply in debt? Why are not these moneys drawn out of the hands of the postmasters? or have they been drawn? and if so, how stands the real condition of the Department? He had hoped the proper committee would have been able to have informed the House of the cause of these embarrassments, and of their extent; and that we should have settled the account up to this time; and then have provided such remedies for the future, as the exigency of the case required.

Mr. CONNOR said he hoped the House would pardon him for again trespassing a short time on their patience. Standing in the relation which he did to the Post Office Department, he felt it to be not only necessary, but his duty, to explain and correct many misapprehensions that gentlemen had fallen into. He was disposed at all times to economize and retrench, in this or any other department of the Government; and, if gentlemen would show that it was necessary and proper to reduce this item in the bill, he would go with them most cheerfully; but, from his knowledge of the affairs of the Post Office Department, having been for the last six or seven years of the Committee on the Post Office and Post Roads, and such had necessarily been his intercourse, as to have made him familiar with its business and labors; and he unhesitatingly said, that he believed the number employed has been absolutely necessary to the proper performance of the duties of the office, and that the Postmaster General, in employing extra clerks, has done so with a strict eye to economy. It may not be, and perhaps is not, known to gentlemen, that many of those clerks receive only $400, and several as low as $200. The gentleman from Massachusetts [Mr. Lincoln] says the Postmaster General is not authorized by law to employ extra clerical aid. He is correct. There is no such law, but to do so has grown into law by usage: from necessity it must be so, and cannot be otherwise. Such has been the practice for fifteen years, and has at all times been sanctioned by Congress, and must so continue until the Department has reached its greatest height. The exact force necessary cannot be ascertained by any one. Any number of clerks which are sufficient at this time, will not be able to perform the labor six months hence. Judge McLean expresses that opinion in a letter to Mr. Barry, and which he had read when up before. The gentleman [Mr. Lincoln] speaks of disposing of one half of this tribe. He knew not what the gentleman meant, when he speaks of the clerks as a tribe, whether intended as an expression of reproach or otherwise; but he begged to say to him, his acquaintance with those clerks justified him in saying the ywere honorable and meritorious, who are always to be found at their posts, and laboring early and late as their business may require; and, if the gentleman will go to the Department, and go through it and examine for himself, he must become satisfied that his opinion of the requisite labor is erroneous. Sir, the duties of solicitor, examiner, and officer of appointments, the gentleman inquires what they are, as if to afford himself an opportunity of answering his own questions, and does answer them in in his own way.

Mr. C. said, if he would allow him, he would give to him correctly what are the duties of those bureaus, if permitted so to call them? "The duty of the solicitor is to attend to the final settlement or closingof all accounts, the collection of all balances; the commencement of suits; and the correspondence with United States district attorneys, and others, in relation thereto; also the correspondence concerning the post accounts of postmasters." "The examiner's office is that which is charged with the crediting and examining of all postmasters' accounts, the correspondence connected therewith, receiving and depositing in banks such remittances as are specially authorized; returning what is not receivable, and with notifying and reporting delinquents." "The duties of the office of appointments consists in the examination and endorsements of memorials, letters, and reports; obtaining and noting information from the bookkeepers, and the office of mail contracts; filing papers in appropriate parcels and cases; notifying charges against postmasters and assistants, and complaints of the location of offices; writing references of cases, &c. They also prepare abstracts of cases; register and attest commissions, and enter the changes, discontinuances, and appointments in the bond book, with the penalties of the bonds; inspect all bonds after execution, and return them for correction when required."

He might go through the whole organization of the Department and show its propriety. It is substantially the same that has always existed; and, without some such assignment of duties, no department or other extensive establishment could get on. The gentleman [Mr. Lincoln] speaks of routes abused, and contracts by men not worthy of confidence. Does the gentleman not know that the Postmaster General has nothing to do with the establishment of routes; that they are established by Congress, and that his duty is afterwards to put a mail on those routes? Can the gentleman put his finger on any such unworthy contractor in his district or section of country? He cannot. I suppose the gentleman alludes to the extra allowances that have been made, the extras and stars in the Blue Book that have made so much noise in the other end of the Capitol, charged by many as being improper, and no one will venture to ask to have them discontinued. As to his own section of country, as well as others of the older States, they obtained in their original contracts their full share, and all that was desired. If there be any such unworthy contractors, as the gentleman seems to suppose, he knew them not. There may be routes that should be discontinued; and, whenever a bill has been presented for the establishment of new routes, there has been also a number with it reported for discontinuance by the Postmaster General; but it has been rare that the members have permitted those or any of them to be discontinued.

The gentleman says the Department is plunged irrecoverably in debt, and is insolvent from 800,000 to 1,000,000 of dollars. And his colleague over the way [Mr. Reed] says the Department is unable to pay—which means it is insolvent, as I understood him. He would answer both those gentlemen at the same time, by saying to them, they are mistaken. Such is not the fact. Mr. C. said he would take the responsibility of here saying, that the amount due by the Post Office Department does not exceed $300,000 beyond their available means, and that, during the next year, they would be free from debt; and very shortly thereafter, will be prepared to grant facilities, in the shape of extras, if it be necessary, for the accommodation of the people. As to the Department's being insolvent, a moment's reflection must satisfy any and every gentleman how perfectly idle it is to suppose such a state of things. Congress establishes the post roads—the Postmaster General is required to put a mail on them. The power and manner of transporting that mail, either by horse or coach, weekly, twice or thrice weekly, or daily, is vested solely in him, and he could, if necessary and proper, discontinue every coach in the United States from its service, and have the mails transported the cheaper way on horseback. The gentleman has said something about contractors applying for their pay and its being refused, and they threatened by the Department that they would be paid in forfeitures. The gentleman has been incorrectly informed. It is not so. No such case has ever occurred. If the pay of a contractor has been withheld there is some cause for it; some difficulty in relation to the performance of their duties; and he called on the gentleman to name any one of those if he could.

Here Mr. C. said he would reply after the manner of a

Yankee, by asking another question; had not contractors often been at the Department and been refused their pay—and were told they were defaulters? Mr. C. said no contractor had applied at the Department for his pay that did not receive what was due to him. He had but a moment before expressed the belief that there must be some cause for refusal, if any such there was. He had touched the right chord; the gentleman's inquiry explains it—he has heard of some one, who was a defaulter, complaining, and that is all. Forfeitures can only be charged against a contractor after they occur, and are reported to the Department. He begged now to say a word or two to the gentleman from Maine, [Mr. Evans,] who complains that contractors, in his State, have been paid with post notes, and have lost four or five per cent. in the sale or exchange of them? Mr. C. said those post notes were on specie-paying banks, and what better could the gentleman expect? When his constituents enter into a contract with the Postmaster General, no particular kind of money is required or specified. The contractor expects good money, and the Department expects to give good money, and does give him such. As far as the amount collected, in each State, in the shape of postage, goes, it is paid to the contractors. When that falls short, the Department pays in drafts or post notes of banks where they may have deposites; those being always specie paying banks. And such, I presume, is the fact with Maine, as with many other States; the receipts of the whole State is not equal to the expenditures by twenty or twenty-five per cent. made in those States; and this may account for the fact of the gentleman's constituents being paid off in post notes. Sir, (said Mr. C.) the post office in the city of New York alone, yielded the year ending in 1833, $179,000; in Philadelphia, $112,000, &c.; thus, in a single post office, the amount received is greater than that yielded in three or four States together. The Department must, from necessity, transfer the money from those States where there is a surplus, to those where there is a deficiency and want. As to the inquiry why the Committee on the Post Office and Post Roads have not examined and reported in relation to this Department, he could only say, the facts had been reported to the House by the Postmaster General in his annual report; that no call had been made on this committee that has not been promptly answered; and they have been ready, promptly, to answer any that might be made on them by an order of this House.

Mr. CHILTON said that he had so often heard of late the cry on this floor, that the public money is wasted in useless debate, that he felt it due to himself, his country, and his friends, to submit a remark on that subject, in order that the public mind may not be imposed on. This session had been peculiarly famous for sending forth such stuff; for he could call it nothing else; and no attentive observer could be ignorant of the effect which it was intended to produce.

Gentlemen charge us, said Mr. C., with a consumption of time. Why do they not tell the country, at the same time, the reasons why we now and then venture to raise our voices here? Why not tell them that we are reluctant to witness the expiring agonies of a glorious, yet a bleeding constitution? Why not tell them, that we cannot sit in silence, unpitying and unmoved, while we hear the groans of a suffering country? Why not tell them that, after we have been compelled to witness, as we believe, the lawless deforcement of what little treasure the people had, from the safe custody in which they had placed it, we are now unwilling, in silence, to see the foundation laid for a system of extravagance, which, unsatisfied by what has been already taken, will reach forth and seize on what little they have left? Sir, if gentlemen clamor to the country against us, because we resist all these things, we shall hear, in the response of that country, plaudits on ourselves, and condemnation on our accusers.

It is a pretty, a siren song, to sing to the people: "These men waste your money in making speeches!!!" How much of the public money has been wasted by the removal of the deposites? How much of the value of private property? How much of the peace and general prosperity of the country, both public and private? Sir, figures cannot estimate the amount. Human language cannot adequately represent it. Yet close debate—seal our lips in silence, in view of all this; and how far it might advance the cause of despotism I will not pretend to say.

On the subject of the amendment, I will say only a few words. In 1828, under a much abused administration of this Government, the retrenchment committee examined the Post Office Department among the rest. I would to God that the same flattering account could now be given of the condition of that Department, under the administration, as it is, of a gentleman from my own State, which was given then. The retrenchment committee used the following language:

"The committee would beg leave to refer to the letter of the chief of that Department, marked No. 6, by which it will appear that the efficiency of this branch of the public service is in a condition highly improved and improving: that, whilst the sphere of its usefulness is immensely augmented, its revenue is going on in a corresponding ratio of productiveness. Under its present able administration, it has been brought up, from an annual charge to the Government of upwards of $58,000, to yield, in 1827, a nett profit of $100,312, with an extension of post routes and post offices so much increased and increasing, that your committee concur in opinion with the head of this Department, that Congress must expect rather a gradual augmentation of the clerks and officers in it, than that they should be diminished: a fact for which the public will, however, have ample compensation in the extended usefulness and augmenting profits of a branch of our public establishments which subserves so many purposes of commercial communication, political intelligence, and social intercourse."

You here perceive, that though the facilities of the Department were multiplied and increased, yet it was so managed, that its revenue increased still more rapidly. Instead of a charge against the Government, to the amount of $58,000, which it had been, it was converted into a source of revenue, to the amount of 100,000. But, alas! how now? The Department, by its own showing, has borrowed at a per centage, and without law, $400,000, and the gentleman from North Carolina admits, I think, $170,000 beside; and how much more it owes, no one can tell. In the same time an increase in the number of clerks and other officers, involving an expense of about $50,000; as the number in 1828, when Mr. McLean left, was, if I mistake not, (the list has been handed me by a member,) thirty-eight, while it is now, perhaps, about ninety-two. Sir, if the country say this is right, it would be time for us to debate no more. I hope the amendment will prevail, or that some other method will be adopted to cure the evil.

If any consideration other than duty could influence me, I have, Mr. Chairman, every inducement to be silent on this subject. Postmaster General Barry is from my native State, Kentucky; a State, sir, the name and recollection of which is so dear to me, that I am, perhaps, too apt, on that account, to cast a thick veil of charity and forgiveness over even the frailties of its citizens, wherever I meet them. On this occasion duty has demanded, and I have obeyed.

Mr. HARDIN said: Mr. Chairman, I beg again to call the attention of gentlemen to the item I have this moment read; there are now in the Post Office Department ninety-two clerks and agents, including the Postmaster General.

During the time Mr. McLean, the immediate predecessor of the present Postmaster General, was at the head of that Department, there were only thirty-eight clerks in that Department, if my information be correct. Such an increase as to numbers is extraordinary, and in itself is calculated to awaken our attention. But when we take into consideration this additional fact, that, independent of this army of clerks being regularly provided for by the appropriation bill, the present item proposes to allow $31,334 31 for extra clerk hire, what must be our astonishment, nay, indignation, in these days of promised and boasted retrenchment and reform, when we see the money of the people distributed out, to be feasted and rioted on as a part of "the spoils of victory?" Our inquiries ought, and must, be directed to several considerations; why this increase of clerks in that Department? and why, in addition to the increase of clerks, this still greater increase of clerk hire?

The extra clerk hire for the years 1831 and 1832, putting both years together, amounted to $34,478. Dividing that sum into two equal parts for each year, then for each of those years, the extra clerk hire amounted to $17,239. The year 1833 exceeds either of the years 1831 or 1832, by $14,095 31.

I for one cannot vote that sum, or any other sum, for extra clerk hire, unless I can obtain some further information on the subject. The extras in the Post Office Department are nearly breaking it down, and our treasury is like to be impoverished in the same way. We must scrutinize the actings and doings of that Department rigidly, and hold it to the most strict accountability. I protest against extra clerk hire in any of the Departments. It is in effect the incurring of a debt by an officer in the Executive department of Government without the authority of law; it is a violation of the principles of our Government; it is a growing evil, and ought to be checked.

The Post Office Department has run ahead of all the other Departments on that subject; in fact it has out-Heroded Herod himself. It has assumed upon itself to borrow money at six per cent. without authority of law or precedent to justify it, to the amount of $350,000, and, in some instances, of banks that had millions of the public money on deposite. It is calculated and expected that Congress will sanction it. I have only to remark that, to approbate proceedings of this kind, establishes a precedent alarming and dangerous.

Before I go into a further examination of this subject, it is necessary for me, Mr. Chairman, to correct an erroneous impression which seems to have been made upon my honorable colleague [Mr. Pope] by the remarks I made last evening on this subject.

When I inquired what the general agent, Mr. Loughborough, had to do, and at the same time said he was once the partner of Mr. Barry in the practice of the law, I did not know what his business was, and inquired in good faith of the chairman of the Committee of the Post Office and Post Roads. His explanation upon that point is to me entirely satisfactory. I did not intend to impute to Mr. Barry any corrupt intentions in the employment of that gentleman as agent; I only wished to know his business.

While I am on this point I will declare, once for all, that I believe, whenever the Postmaster General leaves that Department, he will go out with clean hands, unstained and uncontaminated with plunder, however others may enrich themselves from "the spoils" of that Department, individually he will gain no profit except the salary allowed by law.

I have known that gentleman for thirty years, occasionally met him at the bar, and served with him in Congress. I have no doubt of his honesty. He is a man of talents, and has rich and choice gifts as an orator; but he is a child as to the wiles of man and the tricks and artifices of the world. He has been the dupe of all parties to which he ever belonged, and the dupe of every cunning knave that he had any thing to do with, either individually or officially. To this artless simplicity of his, to his incapacity to say No to the importunities and entreaties of those he has been connected with, is to be attributed the present derangement of the Department over which he presides.

The causes of that derangement I will endeavor to develop in as few words as I can.

Until the present incumbent was put over that Department, its operations were confined exclusively and entirely to the purposes for which it was created; that is, to transport communications, either public or private, to every part of the United States and Territories, in the manner and form prescribed by law. When General Jackson was made President, a new order of things took place. The Post Office was made an independent Department, and the Postmaster General was made a cabinet minister. Why was this done? We know not, except from the practical operation of that Department upon the country since that period.

The evident design of bringing that Department on the political arena was to get its aid in managing the party politics of the day, and great aid has it furnished. It has been the potent and mighty lever that, for five years, has wielded and controlled the destinies of this great nation; and, in doing that, has finally plunged itself into bankruptcy, and brought the nation to the brink of ruin. I am almost tempted to say, that I greatly fear its fate is sealed, its destinies are fulfilled.

The operations of the Post Office Department are these: Immediately after General Jackson entered upon his duties as President, under the color and pretence of reform, the old, experienced, able, and tried officers of that Department were dismissed from their respective employments, and others, without experience, and scarcely any other known qualifications, save their devotion to General Jackson, and their furious and intolerant zeal in his cause, succeeded to their places. An extraordinary number of hungry office-hunters and expectants were introduced into the Department, by a subdivision of employments, and putting as many clerks in each division as possible, evidently to distribute as extensively as practicable "the spoils of victory," which, in the language of some of their leaders, they fought the political battle for.

The number has thus been increased from about thirty-eight to ninety-two. A rule of labor has been established, without authority of law, and arbitrary in itself, unknown to the practices and usages of employing clerks in other branches of business: that those clerks shall only be employed in the discharge of their official duties nominally six, but in reality not more than four hours a day, and what they do out of these hours they are paid for as extra hire. These enormous and increasing annual demands for extra clerk-hire, amounting, in the present bill, as to the Post Office Department, to $31,334 31, and the whole of the Departments, put together, to $80,181 44, "spoils," were what they fought for. The more they get, the more they want; and if Solomon had lived in these days, he would have found the craving demand for an increase of salary or extra allowance, by the clerks in the Departments, as insatiable and hard to satisfy as the three things he did find.

To illustrate still further the idleness of the clerks in the Post Office Department, or, if they do their duty, the little business assigned to them, I would call the attention of the committee to the Blue Book, and there they will find the third clerk in the examiner's office of the Post Office Department is A. S. Merriwether, at a salary of eight hundred dollars a year. I will ask the members of the committee, Do you know him? Gentlemen, if you do not, I will tell you; he has occupied yonder seat in the stenographers' box, taking down the debates of this House for the Globe, during the whole session, until a few days ago, about the time we commenced this bill. Shame for the Post Office Department, which furnished a clerk out of it for the Globe, drove him out of the box.

In pursuance of the plan I proposed to myself, to show and illustrate to this honorable committee, and to the nation, the causes which have produced the present derangement and embarrassment of the Post Office establishment, I will proceed to enumerate the other causes which have conspired to produce the result I have stated.

The postmasters all over America, whose offices were desirable, and whose politics did not suit the persons in power, were turned out of office for opinion's sake alone, in this our free and happy Government, and men were put in their places who were noted and famed for their zeal and devotion to their chief, and their persevering and indefatigable industry in his cause.

[Here Mr. CONNOR, of North Carolina, chairman of the Committee on the Post Office and Post Roads, interrupted Mr. HARDIN, and called upon him to name any man in Kentucky, who had been turned out of office for opinion's sake.]

Mr. HARDIN remarked, that to name them was an unpleasant and invidious task, and would give the gentleman from North Carolina no satisfaction, as he had no acquaintances there.

[Mr. CONNOR again insisted on Mr. HARDIN to name them.]

Mr. HARDIN then remarked: Mr. Chairman, since the honorable gentleman from North Carolina insists with so much pertinacity, and as that insisting seems, from the air and manner in which it is done, to insinuate that I cannot name them, I will proceed to enumerate cases that occur to me now. The postmasters at Louisville, Bardstown, Danville, Richmond, Frankfort, and Maysville, were turned out of office for opinion's sake; I never heard or knew of any other charge; and every one of their successors were of opposite politics. The postmasters in Louisville and Bardstown I know were faithful officers, and no defaulters; and I never knew or heard of any cause of complaint against them, save they claimed, and would enjoy at every hazard, the birthright of every freeman in America—liberty, freedom of thought, and of speech.

The district attorney, John S. Crittenden, inferior to no man in America as a profound lawyer and eloquent orator, and of as pure and incorruptible integrity as any man who ever lived, was dismissed from his office because he was not a follower of the chief in power, General Jackson. His successor was of opposite politics, and certainly not his equal as a lawyer and orator. The marshal of the State, C. Coleman, was dismissed for the same cause, and his successor's merits were his Jacksonism. Almost every postmaster has become a politician, and deeply engaged in electioneering; they have abused their privilege of franking, by sending, free of postage, political documents, letters, essays, and tracts, throughout the country. This practice and abuse lessened the receipts of the Post Office Department, and increased the price of transporting the mail.

In a great many instances, postmasters are allowed to discharge the duties of their offices by deputies, who are paid high prices for their services by the Government. The postmasters, in the mean time, are receiving high salaries, without doing any thing except to play the part of indefatigable partisan politicians.

It is manifest, from an inspection of the Blue Book, that in the large towns and cities, when we look at the number of deputies allowed to each office, that the postmaster enjoys his salary as a sinecure. The same tell-tale book will show that the deputies are allowed higher compensation than is necessary, and that it is not unfrequently a plan for a postmaster to get a snug berth for a friend, relative, or son.

But, Mr. Chairman, the manner in which postmasters are appointed, the abuse of their franking privilege, their holding their offices, in some instances, as mere sinecures, and their doing their official duties by deputies, when they could and ought to do it themselves, are minor causes of complaint, they are but mere atoms compared with a globe, in the scale of abuses in that Department.

The contracts for carrying the mail are the great leaks and outlets to the funds of the Post Office establishment. By the rules and regulations of the Post Office, as I understand them, when contracts are to be made for transporting the mail on particular lines or routes, it is published in the newspapers that sealed bids will be received up to a day fixed on in the advertisement, and on that day the bids are opened. The bidder who will convey the mail for the least sum is to have the contract. This regulation is an admirable one, and well calculated, if rigidly enforced, to get the mail tranported for the lowest sum it can be carried for.

But, Mr. Chairman, I will ask, is this rule invariably enforced? We have facts enough before us to satisfy my mind, and, I expect, the mind of every gentleman, that the lowest bidder, in good faith, is not the man who gets the contract. The man who it is intended shall have the contract, frequently, by accident, I suppose, receives information as to the state of the bids, before the day for opening, and underbids all others. He obtains the contract, and then, under the pretence of additional services, these enormous sums are allowed him for extras, which I will call the attention of the committee to in a few moments.

What effect has this practice upon the affairs of the Department? I answer, this: it puts down all fair competition in bidding; for none will bid in good faith, when he knows the trick that will be played upon him; and the favored contractor, the real whole-hog Jackson man, will obtain the contract eventually on his own terms.

A moment ago I intimated to the committee that I would call their attention to the whole of these extra allowances to mail contractors, which are as follows:

MAIL CONTRACTORS;

Showing the amount of their original contract and amount of additional allowances.

MAINE.

	Original con't.	Ex. all'nce.
T. S. Abbot & Co.,	$3,425 00	$60 00
E. H. Barrett,	75 00	125 00
J. Danforth,	175 00	89 32
J. Q. A. Davidson,	130 00	40 00
Lawrence Green,	1,200 00	290 00
Ephraim Hartwell,	250 00	12 24
Philip Norris,	125 00	100 00
James Thomas,	12,760 00	1,130 00
Joseph Treworgy,	314 00	35 84
	18,454 00	1,882 40

NEW HAMPSHIRE.

Hale & Coleman,	1,900 00	200 00
Barker, Peters, & Co.,	12,250 00	100 00
Benjamin Small,	80 00	80 00
	14,230 00	380 00

	Original con't.	Ex. all'nce.
Vermont.		
Elihu Norton,	720 00	180 00
Samuel Parker,	40 00	40 00
John P. Skinner & Co.,	200 00	150 00
	960 00	370 00
Massachusetts.		
M. Ballon,	425 00	27 76
Seth C. Smith,	350 00	40 00
Jesse Smith,	4,414 00	726 92
J. C. Johnson,	535 00	267 48
	5,724 00	1,062 16
Connecticut.		
O. E. Chamberlain,	1,478 00	125 00
John W. Harris,	595 00	211 12
Mosely & Frink,	750 00	57 68
Josiah Parks,	2,300 00	350 00
Charles Patrick,	150 00	75 90
R. S. White & Co.	1,200 00	50 00
	6,473 00	869 70
New York.		
James Bristol,	65 00	6 32
Cady & Hardy,	829 00	168 52
George T. Camp,	395 00	205 00
Elijah Cathe,	380 00	1 88
Ed. B. Chase,	251 00	38 12
Silas Churchill, jr.,	80 00	30 00
Matthias B. Conklin,	650 00	70 00
P. D. Demerest,	155 00	50 00
Peter H. Fonde,	244 00	39 00
John H. Gregory,	295 00	30 00
Levi Hoyt,	2,250 00	34 00
John McGee & Co.,	23,761 00	150 00
Uri. D. Moore,	652 00	81 12
George Munroe,	144 00	144 00
Reuben Nott,	1,200 00	800 00
Israel Phillips,	180 00	30 00
Ashley P. Rawson,	222 00	6 08
Gideon Reynolds,	2,545 00	15 00
Elias Rhodes,	208 00	116 48
J. M. Sherwood,	9,990 00	20 00
Sturges Sillick,	125 00	125 00
Jacob A. Vail,	100 00	52 00
Thomas B. Walker,	400 00	50 00
	45,121 00	2,262 52
New Jersey.		
Anderson & McCutcheon,	2,000 00	80 00
John Brock,	150 00	150 00
Albert O. Pierson,	48 50	66 00
James Reeside,	20,500 00	8,275 00
William & S. Shonse,	1,500 00	180 00
John D. Thompson,	100 00	100 00
William Tillow,	200 00	400 00
C. H. Vanderveer,	618 00	102 00
John Vantilburg,	295 00	35 00
	25,411 50	9,388 00
Pennsylvania.		
C. D. Bouldin,	250 00	2 24
D. M. Bull,	470 00	1,604 64
John Cristy,	36 00	8 10
Joseph Culbertson,	295 00	295 00
J. B. Curtis & Co.,	2,700 00	1,250 00
William Colder,	16,285 00	3,819 00
Sanford S. Dewey,	190 00	93 00
Harry Eaton,	300 00	100 00
C. H. Edgerton,	200 00	400 00
R. Evans & Son,	75 00	75 00
James L. Gillis,	1,248 00	326 00
Samuel Griffith, jr.,	295 00	50 00
Robert R. Guthree,	44 00	16 00
Horton & Searle,	8,430 00	5,000 00
George Hughes,	230 00	46 00
John Jacoby,	73 00	14 60
James Kelly,	215 00	95 00
Hamlet A. Kerr,	350 88	523 33
James Lamberton,	869 00	24 00
Roswell M. Mason,	370 00	157 20
McKenny & Moyere,	1,024 76	265 00
John McKenny, jr.,	771 00	18 68
Samuel McKenny,	497 16	363 80
Samuel McKee,	769 00	40 68
Miller & Thompson,	575 00	327 84
Asher Minor,	1,146 00	164 12
Thomas Norton,	550 00	550 00
Jacob Peters,	7,888 32	700 00
James Reeside,	31,775 00	14,528 40
J. B. Shurtleff,	786 00	387 00
S. R. Slaymaker,	12,650 00	5,300 00
Slaymaker & Tomlinson,	1,800 00	400 00
John Stilzer,	1,050 00	400 00
L. W. Stockton,	875 00	900 00
Garret Steel,	200 00	856 00
C. L. Ward,	650 00	200 00
Jacob Welker,	200 00	75 00
John Wethkneeht,	180 00	251 44
	72,313 12	39,623 06
Delaware.		
Alexander Porter,	5,150 00	576 00
William D. Wapples,	4,000 00	1,000 00
	9,150 00	1,576 00
Maryland.		
John Bayly,	495 60	395 00
Phineatas B. Bell,	400 00	133 32
A. Humreckhouse,	255 00	173 00
George N. Orme,	330 00	50 00
R. C. Stockton,	50,250 00	22,962 00
	51,730 00	24,013 32
Virginia.		
Pleasant Abbit,	140 00	50 50
John H. Avery,	10,311 00	5,213 48
Thomas Branch,	700 00	61 76
Harris Brockman,	60 00	40 00
Francis Browing,	494 56	191 40
Thomas Burde,	645 00	32 68
James B. Campbell,	99 00	99 00
William Catlett,	35 00	75 00
Thomas Carbery,	600 00	3,250 00
J. R. Childers,	340 00	187 48
R. H. Cocke,	3,950 00	250 00
James Condy,	220 00	38 00
Henry Dawson,	175 00	7 52
William Edloe,	3,450 00	200 00
Thomas Foster,	160 00	40 00

	Original con't.	Ex. all'nce.
John L. Foster,	$119 24	$130 00
Thomas Helms,	288 00	31 00
Thomas Henning,	98 00	15 68
Robert Hill,	125 00	7 56
Michael Hoffman,	600 00	200 00
A. Humrickhouse,	2,434 48	1,190 32
George Isler,	220 00	220 00
Elisha Jackson,	1,300 00	650 00
George Johnson,	1,050 00	6 60
Z. A. Kankey,	840 00	175 00
Abel Lang,	394 96	83 40
J. P. Mitchell,	250 50	32 88
G. Mothershead,	120 00	80 00
William Mullen,	585 00	32 00
Alex. Patterson,	2,300 00	2,300 00
Peck & Welford,	5,221 00	6,557 00
T. Pemberton,	480 00	128 08
E. Porter & Co.,	25,436 00	28,232 00
Samuel Quarles,	299 00	154 88
D. A. & O. Saltmarsh,	8,000 00	4,913 48
J. M. Scales,	120 00	120 00
D. W. Shurtleff,	92 00	92 00
D. W. Sleeth,	170 00	508 00
William Smith,	10,897 68	9,550 00
Bushrod Smith,	699 00	10 00
William Stalraker,	200 00	16 20
J. N. C. Stockton,	8,155 00	7,610 00
Garland B. Taylor,	250 00	40 52
William Thompson, jr.,	175 00	50 00
Isaac Tompkins,	10,101 00	5,129 48
Dabney Walker,	1,720 00	900 00
Joel Yancey,	430 00	25 00
	104,752 42	78,927 90
North Carolina.		
John H. Avery,	1,918 64	572 00
Joseph Banner,	52 00	48 00
Joseph Bell,	4,200 00	3,000 00
Thomas Boyd,	1,650 00	371 84
N. G. Butler,	462 00	11 56
Thomas Carbery,	2,400 00	1,200 00
William Dennis,	320 00	127 48
H. B. Dollarhide,	225 00	75 00
Dunn & Saltmarsh,	3,000 00	1,500 00
Hardin Franklin,	48 00	56 00
A. M. Freshwater,	300 00	150 00
E. P. Guion,	3,150 00	1,350 00
John Harden,	125 00	125 00
A. E. Harvey,	420 00	52 00
Alexander Henderson,	395 00	21 00
Hogan Hunter,	600 00	26 80
Benjamin Hurdle,	190 00	18 16
Jeffreys & Crockett,	1,700 00	1,000 00
James Lamar,	30 00	19 56
John Long,	300 00	5 20
C. P. Mallet,	7,182 00	3,300 00
Wm. Massey, jr.,	110 00	94 28
J. C. Moring,	1,905 00	797 00
Samuel Newland,	3,595 00	805 00
Jonathan Parker,	290 00	10 12
M. A. & W. W. Price,	1,400 00	1,600 00
C. E. Reinhardt,	1,700 00	1,700 00
D. A. & O. Saltmarsh,	1,918 64	572 00
M. E. Sawyer,	3,320 00	3,466 00
Silas D. Sharp,	60 00	112 88
Smith Shelby,	50 00	37 76
Sherrill & Turner,	650 00	400 00
William Smith,	2,014 00	1,579 00
James H. Tate,	7,970 00	2,253 56
Isaac Tompkins,	2,063 64	572 00
John Williams,	120 00	80 00
Howard Wiswald,	$2,500 00	$800 00
	58,333 92	27,939 20
South Carolina.		
George Bowen,	5,032 00	961 84
Samuel Caldwell,	48 00	48 00
Lewis Gill,	494 00	30 60
Christopher S. Gill,	187 00	8 12
Hard & Bolan,	9,000 00	1,000 00
James Henderson,	100 00	28 00
M. W. Hunter,	4,103 00	302 68
C. P. Mallet,	27,962 00	400 00
John McLean,	30,048 00	10,307 52
Samuel Newland,	375 00	12 00
Daniel Odam,	200 00	73 32
Michael Sherril,	600 00	1,440 00
Smith & Anderson,	2,930 00	1,000 00
	81,079 00	16,412 08
Georgia.		
Banks & Longstreet,	3,100 00	750 00
Solomon Beck,	250 00	624 00
John A. Byrd,	1,650 00	600 00
C. Campbell,	1,200 00	500 00
W. Clark, jr. & Co.,	285 00	8 88
John Coffee,	500 00	101 04
James Collins,	174 00	15 00
Jacob Crow,	325 00	75 00
T. S. De Wolf,	236 48	16 48
Thomas Hier,	970 00	595 00
Jacob Hubbard,	199 76	21 00
John W. Keith,	850 00	20 04
Thomas King,	750 00	850 00
Gilbert Longstreet,	1,500 00	500 00
C. P. Mallet,	3,000 00	3,000 00
Wm. Maltbie,	475 00	512 84
M. R. Mitchell,	240 00	360 00
Wm. W. Mitchell,	150 00	150 00
B. A. Newell,	2,650 00	400 00
J. V. Robinson,	475 00	38 00
Orlando Saltmarsh,	1,200 00	1,591 60
Saltmarsh & Overton,	7,910 00	20,273 96
Wm. Smith,	2,107 00	3,182 00
A. H. Thompson,	125 00	17 36
Edward Varner,	3,000 00	1,000 00
Drury Wilkins,	540 00	177 00
J. K. Williams,	324 00	164 48
Paul T. Willis,	300 00	700 00
	34,486 24	36,243 68
Florida Territory.		
James Hall,	276 92	547 68
Henry A. Nunes,	750 00	750 00
	1,026 92	1,297 68
Alabama.		
Caruthers & Kinkle,	21,084 00	18,953 00
John Donley & R. Harris,	10,475 00	4,990 00
Ar. Moore,	634 00	61 00
Stokes & Springer,	1,043 00	195 56
Ward, Taylor, & Co.,	16,880 00	22,506 67
	50,116 00	46,706 23
Mississippi.		
John M. Doak,	775 00	60 88
Wm. S. Fitler,	4,648 00	65 40

	Original con't.	Ex. all'nce.
D. W. Haley,	$1,300 00	$300 00
Dennis Myrick,	350 00	75 00
Moses Norman,	1,049 00	13 36
James Turner,	312 00	390 00
	8,434 00	904 64
Louisiana.		
P. T. Thompson,	400 00	200 00
P. G. Voorhies,	1,524 00	1,060 00
	1,924 00	1,260 00
Michigan Territory.		
W. P. Mathewson,	200 00	50 00
W. & M. Blackley,	945 00	1,205 00
John Blackwood,	275 00	275 00
G. W. Butler,	52 00	60 00
Converse & Rees,	150 00	150 00
George Cribbs,	2,000 00	1,074 00
Jno. Dean,	124 00	14 00
Robert Elliott,	65 00	65 00
Farnam & Reed,	239 00	11 84
Jabez Gilbert, 2d,	4,500 00	250 00
Joseph Ingersoll,	60 00	38 80
Edward Johnson,	225 00	175 00
Thomas Cain,	1,000 00	200 00
Jno. S. Lacy,	1,034 00	210 00
E. T. Lee,	50 00	4 56
Thomas W. Mansfield,	1,420 00	938 00
Mason & Lane,	1,095 00	49 00
Vernon Northrup,	578 00	8 68
Wm. Neil & Co.,	50,410 00	17,096 00
Wm. R. O'Hara,	243 00	50 00
James Price,	360 00	500 00
Rees & Converse,	29 88	698 00
Matthew Roberts,	2,850 00	29 88
M. J. Ross,	344 00	7 32
L. D. Rowe,	294 00	4 88
Wm. T. Rowe,	2,275 00	95 44
B. F. Scott,	360 00	19 12
Ebenezer Stearns,	36 00	32 16
E. & F. Stevens,	600 00	400 00
E. Worthen,	490 00	76 48
	72,303 88	23,788 14
Kentucky.		
John G. Childs,	15,560 00	4,340 00
E. Daniel,	324 00	200 00
I. S. Eaves,	250 00	5 00
James Goodbar,	140 000	140 00
John Gray,	8,360 00	1,819 56
Hall & Trotter,	4,000 00	3,677 40
John Hutchins,	6,152 00	750 00
John L. Kercheval,	70 00	15 60
Newton Lane,	240 00	15 00
Stephen Lucas,	199 00	100 00
Alexander Mitchell,	118 00	236 00
Wm. Oates,	76 00	10 84
Wm. Penny,	2,307 00	3,235 00
L. R. Reno,	144 48	4 00
J. F. Robinson,	1,000 00	3,000 00
A. B. & W. L. Ross,	794 00	397 00
S. P. Standard,	59 00	37 48
E. Warthen,	782 00	9 84
	40,575 48	17,992 72
Tennessee.		
James Brown,	520 00	1,800 00
Wm. Burnett,	$140 00	$196 00
L. Coleman,	130 00	68 08
John Donly,	5,320 00	1,898 00
James Ewing,	120 00	47 40
Joseph Goodbar,	295 00	125 00
Hill & Liard,	219 00	14 56
Thomas James,	160 00	22 00
Robert Jetton,	7,048 32	2,765 00
Ambrose Jones,	315 00	125 00
Benjamin Kelley,	1,768 00	488 00
Robert Maloney,	286 00	2 44
M. R. Mann,	150 00	40 72
Samuel Newland,	1,005 00	1,580 00
M. Powell,	69 00	31 00
Rufus Stanley,	4,950 00	250 00
Preston Starratt,	160 00	205 68
Scott Terry,	125 00	255 00
Thomas Ward,	850 12	8 04
E. E. Wood,	400 00	332 16
Jonathan Young,	50 00	91 00
	24,080 44	10,445 08
Indiana.		
John Bonner,	587 20	206 40
I. Y. Brisber,	250 00	40 00
John C. Clark,	4,200 00	1,200 00
J. B. Elbridge,	400 00	1,200 00
Emerson & McClure,	1,456 00	740 32
J. G. Hall,	450 00	680 00
Samuel Harryman,	698 00	1,406 24
James Johnson,	344 00	688 00
E. P. Johnson,	4,800 00	16,278 40
Elias Kizor,	128 00	142 40
E. Long,	185 00	10 00
E. Newlin,	100 00	100 00
Roberts & McCarty,	1,600 00	927 64
Russell Ross,	200 00	21 60
S. Taylor,	330 00	66 04
A. W. Wilson,	198 00	132 30
W. S. Wright,	140 00	5 60
	16,066 20	23,844 94
Illinois.		
Samuel Barker,	295 00	16 40
E. B. Clemson,	2,700 00	176 48
Dillard & Cobb,	494 00	265 56
Andrew Hay,	343 00	515 00
Daniel Hay,	340 00	467 32
A. L. Mills,	5,222 00	1,929 92
Robert Morrison,	1,593 00	938 16
Addison Phillco,	1,230 00	5,000 00
Russell & Lowe,	312 20	1,600 00
W. Y. Wetzel,	3,000 00	93 72
John D. Winters,	800 00	3,050 00
	16,329 20	13,045 56
Missouri.		
Wm. Clendenon,	150 00	19 24
John Hawkins,	1,750 00	214 00
Robert Morrison,	1,126 68	637 00
C. C. Scott,	1,260 00	94 00
George Sexton,	8,085 00	226 00
	12,371 68	1,190 24
Arkansas Territory.		
John Clarke,	432 00	107 00
Alpheus Maddox,	500 00	433 36

	Original con't.	Ex. al'nce·
A. M. Oakley,	$499 00	$180 16
U. Spalding,	2,793 00	576 84
Hugh Tinnin,	175 00	204 16
	4,399 00	1,501 52
TOTAL.		
Maine,	18,454 00	1,882 40
New Hampshire,	14,230 00	380 00
Vermont,	960 00	370 00
Massachusetts	5,724 00	1,062 16
Connecticut,	6,473 00	869 70
New York,	45,121 00	2,262 52
New Jersey,	25,411 50	9,388 00
Pennsylvania,	72,313 12	39,623 06
Delaware,	9,150 00	1,576 00
Maryland,	51,730 00	24,013 32
Virginia,	104,752 42	78,927 90
North Carolina,	58,333 92	27,939 20
South Carolina,	81,079 00	16,412 08
Georgia,	34,486 24	36,243 68
Florida Territory,	1,026 92	1,297 68
Alabama,	50,116 00	46,706 23
Mississippi,	8,434 00	904 64
Louisiana,	1,924 00	1,260 00
Michigan Territory,	72,303 88	23,788 14
Kentucky,	40,575 48	17,922 72
Tennessee,	24,080 44	10,445 08
Indiana,	16,066 20	23,844 94
Illinois,	16,329 20	13,052 56
Missouri,	12,371 68	1,190 24
Arkansas Territory,	4,399 00	1,501 52
	$775,845 00	$382,933 77

It is alleged, Mr. Chairman, that these extra allowances are for extra services. I know that is the apology offered, the mere sham pretence; but grant what they say, and what, then, does it prove? That, for these extra services there is no competition, no bidding at all; which puts it in the power of the Department to favor its friends as much as they please. There are facts enough apparent to us all to warrant indulging this conjecture, that the original bid is some little below a fair price, and these extra services are intended as only a color to the transaction, to enable the Department to make a liberal allowance in the original contract; and, from the manner in which those allowances are made in States where great efforts are required to carry the Jackson cause, it would not be an extravagant conjecture to suppose some part of these extras was expected and intended to be expended in political contests.

The contract for carrying the mail in the district where I live, was made for $2,307. The contractor's extra allowance is $3,255. There was competition in bidding for the contract. A gentleman of the first respectability bid a much less price than both those items put together, and would have performed his contract to a certainty, but the contract was refused him, his politics did not suit. He has repeatedly been a member of the State Legislature in Kentucky; he was personally known to those who stood at the foot-stool of the throne, and had more power than the throne itself. They, in fact, control "the Government;" they knew his principles, and that both were uncompromising, unbending. He did not answer their purpose. How well his successful competitor does, and will answer, let his untiring exertions in electioneering, the money he expends at public meetings and barbecues, and the groggery he opened at the last election to defeat me, bear witness.

I will, Mr. Chairman, suggest to the committee another abuse, which I conceive has existed in that Department; and the motives are twofold. Using stages with two or four horses for the conveyance of the mail upon lines and routes, when the public business did not require it. This practice has a tendency to increase the price of transporting the mail to perhaps double, and sometimes treble. That expense is nothing in the estimation of the Department, compared with the objects to be answered. First, it justifies giving to a favored contractor a higher price for carrying the mail, and enables him to make a handsome profit by passengers, and to put down all other lines of stages that have not the advantages of mail contracts.

But the great leading and paramount object is to enable the political party now in power to convey by the stages, free of postage, packages of political documents, handbills, pamphlets, newspapers, essays, and tracts, to the different post offices, there to be distributed by postmasters. This I have seen done in divers instances, and felt the effects of it. These stage lines are increased, in some States, a few months preceding important elections, and are frequently discontinued afterwards.

Another cause of the embarrassment and derangement of the Post Office Department, is this: that there are no regulations adopted by the Government to impose and compel a strict accountability. In this Department there are no Comptrollers, no Auditors, Registers of the Treasury; there is no way or plan yet devised to see how much the officers of the Department receive annually, and how much they disburse. It is all received and used at will and pleasure. The officers can secrete and embezzle as much as they please, and the Government cannot detect the fraud and peculation. Near three millions annually are its receipts and disbursements, and strange it would be, where there is no chance of detection, if, when these enormous funds pass through so many hands, some men should not be found who would let some of the public money stick to their hands.

I will now, Mr. Chairman, endeavor to point out how the Post Office Department wields and controls, to a great extent, the political destinies of this country; and how well it has answered the purposes of the administration, when it was made an independent department, and the presiding officer a cabinet minister. There are about fifteen thousand postmasters; and their deputies, mail contractors, stage-drivers, post-riders, and all the persons, of every description, connected with them, and over whom they have an immediate and direct influence, will amount to fifteen thousand more—a large, and, in general, well-disciplined army, wielding a tremendous power. These thirty thousand are scattered all over the United States. The mail is in their hands; they can and do furnish every facility to their party, who are in power; and, on the other hand, can, and do in many instances, throw every obstruction in the way of their opponents. They canvass politics in every place, and, wherever they are, praise the party in power, and laud General Jackson to the skies. They are ever ready, and particularly and especially some of the mail contractors, to hunt down any man opposed to General Jackson's administration. They will worry any game. They will encounter any labor, and incur any expense, and more especially that class of mail contractors who receive these extras. $382,993 77 thus distributed, add much to their activity and zeal. It is fine grain for your hungry rats; it is rich sop from the kitchen cabinet for your jowlers with their collars round their necks. In this description I would not be understood as including all of the mail contractors who receive extra allowance, for I know some of them to be honorable men; but take them collectively, the description will not be inapplicable.

I will call the attention, Mr. Chairman, of the committee to the finances of that Department; and here I have, in common with a number of other gentlemen in this House, to regret that neither the chairman of the committee on the expenditures of this Department, (which would necessarily include its receipts,) nor the chairman of the Committee on the Post Office and Post Roads, has favored the House with a report upon the state of its funds and disbursements; and we are left to grope our way in the dark as well as we can. We have some glimmering faint lights that may assist to guide us in this part of the investigation.

When Mr. McLean, the immediate predecessor of Mr. Barry, was at the head of that Department, instead of its being a burden to the Treasury, it was a small source of revenue; and when he left it, there was about $190,000 of a surplus on hand. Now, we know that the Department has not only used up that surplus, but has borrowed $350,000, and overdrawn on banks $50,000 more; and how much more it owes no man can tell. My information is, $1,089,000!

The chairman of the Committee on the Post Office and Post Roads has said that the Department expects next year to do better, and to get its money matters straight again, and that he confidently anticipates such a result. I am not so sanguine. Such a result will never take place until it ceases to be a political engine, and that we know will not happen during the administration of General Jackson.

The hopes, expectations, and anticipations of the Department, of better times and better days, are as vain and as illusory as I have seen many times illustrated in some unfortunate man who had no skill at managing his affairs, and conducted them badly, was greatly in debt, and ruin seemed to stare him and his family in the face: he would be cheered and comforted by the hopes that next year he would do better; and, if he was in the prime of life, that the clouds and storms of adversity, which had been lowering over his head, and occasionally bursting upon him, would pass over and give him a clear, brilliant meridian sun; or, if he was in the vale of years, it would give him a mild, rich, and mellow sun to end his days with. But these visionary hopes do nothing but delude; they give ease to the anguish of the mind, but that is all; they are scarcely ever realized; they generally pass off as the baseless fabric of a dream.

I will tell the honorable chairman of the Committee on the Post Office and Post Roads how to enable the Department to reinstate itself and increase its funds. Let him report the state of its accounts to this House, to obtain its aid and co-operation; also a bill to reorganize the Department, and render it practically accountable for its receipts and disbursements; correct the abuses which exist, some of which I have endeavored to point out; and, in the corrections of its abuses, to stop it from being a political engine, and prevent these extra allowances; (which, in the five years that Mr. Barry has been at the head of this Department, are equal, one with another, in amount, to $1,914,668 85;) and when all this is done, this extraordinary regeneration effected, then, and not till then, may the Department expect to be in a better situation as to its money matters.

I shall, Mr. Chairman, vote in favor of striking out the item for extra clerk hire, which I have read.

I have only, in conclusion, to apologize to the committee for detaining them as long as I have; but, in justice to the subject, I could not have said less, and discharged what I considered to be my duty.

[As Mr. Hardin was in the act of resuming his seat, Mr. Connor, of North Carolina, facetiously asked him if the people of Kentucky drank whiskey and grog? Mr. Hardin replied that whiskey was one of the staple commodities of Kentucky, and he would answer the gentleman by asking him a question; if the people of North Carolina drink tar and tar water? as that was their staple commodity.]

Mr. CONNOR wished to make one or two remarks in addition to the letter that had been read from the Postmaster General, in relation to extra clerk hire, which it was found necessary to employ from time to time; and in reply to the gentleman from Kentucky, [Mr. Hardin,] he begged to say, for the last ten or twelve years the Department had been growing, and for the last five years rapidly. In 1829, the aggregate amount of receipts was about $1,700,000; the last year about $2,600,000; and this is not all. The Department performs services to the Government to the amount of near $700,000, for which they receive nothing. Additional labor is necessarily required, as the business increases in the Department; and, in confirmation of the opinion, Mr. C. begged leave to read an extract from a letter from Judge McLean, the late Postmaster General, to Mr. Barry, on leaving that office. His authority would not, nor ought it to be questioned here or elsewhere. His excellence as an officer was admitted, and known to all. He (Judge McLean) says: "The increase of business is such in this Department, that any number of clerks which is sufficient at this time, will not be able to perform the labor six months hence. I have, therefore, been constantly in the practice of employing the necessary force, and trusting to Congress for the necessary appropriations." And this, Mr. C. said, must necessarily be the case. The last year an appropriation was made for extra clerk-hire, and has been frequently made for the last fifteen years; and cannot be otherwise, whilst the Department continues thus to increase. You have provided by law for 38 clerks only, and, if the Department were confined to this number alone, and not allowed to employ extra labor, one-third of the business of the Department would, and must of necessity, be left unattended to. All knew the frequent calls made on that Department by Congress. Mr. C. would not say for the purpose of harassing the officers of it—at one time, in answering a call make by the Senate, the whole force of the Department was required: and had they not employed extra clerks, the regular business of the Department must, in a measure, have been suspended. Such was the increase in this Department, that no one could say, this year, certainly, what increase of labor might be necessary the next year. It was confidently believed that the receipts into the Department this year would exceed those of the last by from $175,000 to $180,000. Mr. C. would also answer the inquiry of a gentleman as to what are the duties of the agent? They are (said he) to attend to and detect, if possible, depredations that may be committed on the mail. Where difficulties and derangement in the transportation of the mail occur, he is despatched to ascertain and report the facts; and, when here, and not employed in those matters, is subject to the order of the Postmaster General, and performs any other services required of him. He is now in one of the States attending to the mails. He is a confidential agent. And such an officer, at times, has been employed, from the creation of the Department, and is absolutely necessary. In the preceding administration of the Department such an officer was employed, and so under the present. Mr. C. knew no particular reason for the appointment of Mr. Loughborough to this office, except the confidence the Postmaster General had in his talents and qualifications. He was an able and efficient officer. His once having been the partner of the Postmaster General in the practice of the law, Mr. C. knew nothing about, but that ought certainly not to be an objection to him.

The question being put, the motion to strike out the item was negatived without a count.

Mr. REED moved for the rising of the committee, but it was negatived, 77 to 69.

Mr. LINCOLN moved to reduce the item from $31,700 to $17,000. But this was objected to as out of order, inasmuch as the committee having refused to strike out, the item was approved. But the objection having not been raised at the time the motion was made, the Chair declared it to be too late, and the discussion proceeded.

Mr. EWING delivered his sentiments with much animation, on the alleged abuses in the management of the Department, and referred particularly to his own State.

Mr. HANNEGAN denied that the statements of his colleague applied to his portion of the State.

Mr. EWING explained, and related the story of an hostler, in Bloomfield, Indiana, who was recommended and appointed as postmaster, and could not read his commission.

After a friendly explanation by Mr. Hannegan,

The question was taken on Mr. Lincoln's motion to reduce the appropriation, and negatived: Ayes 53, noes 85.

On motion of Mr. POLK, the following item was stricken out:

"For additional clerk hire, in order to bring up the arrears, and transcbing the field notes of said office, for the purpose of having them preserved at the seat of Government, three thousand five hundred dollars."

The committee then rose, on motion of Mr. WILLIAMS, and the House adjourned.

Saturday, April 26.

The resolutions heretofore offered by Messrs. Wardwell and Reed, for information from the War Department, were taken up, by consent, and agreed to.

The resolution heretofore offered by Mr. Stewart, for printing 3,000 extra copies of the report on the subject of the Chesapeake and Ohio canal, was taken up, by consent, and agreed to.

Mr. CHINN, from the Committee on the District of Columbia, reported the joint resolution from the Senate for watering the Pennsylvania avenue, without amendment.

Mr. FILLMORE moved the suspension of the rules, in order to proceed to the consideration of the resolution now.

The question being taken, it appeared that there was no quorum.

Mr. MANN, of Pennsylvania, asked for the yeas and nays on the motion, and on division, it appeared that there was still no quorum.

Mr. HARPER, of New Hampshire, moved a call of the House. Negatived.

The motion for the yeas and nays was again put, and prevailed.

The question being then taken on the motion to suspend the rule, for the purpose of taking up for consideration the joint resolution for watering the avenue, it was decided in the negative: Ayes 84, nays 54—(not two-thirds.)

ADJOURNMENT.

Mr. BOON moved the suspension of the rules in order to take up for consideration the following resolution, some time ago offered by him:

Resolved, That the President of the Senate, and the Speaker of the House of Representatives, close the present session of Congress by an adjournment of their respective Houses on Saturday the 31st of May next.

Mr. BOON asked the yeas and nays, and they were ordered.

The question being taken on the motion, it was determined in the negative: Yeas 91, nays 57—(not two-thirds.)

Mr. WHITE, of Louisiana, from the select committee on the memorial of Benjamin Phillips, reported "a bill authorizing experiments on steam engines." Read twice and committed.

Mr. POLK moved the suspension of the rules in order to take up the appropriation bill, but withdrew it at the request of

Mr. THOMSON, who moved that the House take up the motion to reconsider the vote rejecting the bill for the relief of David Kilbourne.

The motion to reconsider prevailed; and on motion of Mr. THOMSON, the further consideration of the bill was postponed to the first Monday in December next.

Mr. POLK renewed his motion to suspend the rules, in order to take up the appropriation bill, and on division, the motion was rejected, by a vote of 92 to 60—(not two-thirds.)

SUSAN DECATUR.

The House then went into Committee of the Whole, (Mr. Connor in the Chair,) on the bill to compensate Susan Decatur and others.

Mr. LANE, who had the floor from Saturday last, stated that he was unable, in consequence of indisposition, to proceed in the discussion to-day, and therefore relinquished the floor.

Mr. PARKER spoke in favor of the bill, and moved to strike out $31,412, and insert $25,000 as the portion of Mrs. Decatur.

Mr. McKINLEY moved a division of the question; but the Chair decided that it was not divisible.

The question being taken, the motion was lost.

Mr. ARCHER moved an amendment, providing that the share of Mrs. Decatur be vested by the Secretary of the Navy in public stocks, the income of which shall be paid to Susan Decatur during her natural life, and two-thirds of the principal thereafter paid to the heirs and legal representatives of the late Commodore Decatur, the other third being subject to Mrs. Decatur's disposition, by will.

Mr. PEARCE, of Rhode Island, moved to strike out the enacting clause.

The motion was rejected: Ayes 53, noes 80.

The amendment proposed by Mr. Archer prevailed: Ayes 72, noes 61.

Mr. HARPER, of New Hampshire, proposed an amendment to strike out all after the enacting clause, and inserting a new distribution, in which $10,000 was to be given to Mrs. Decatur.

The amendment was rejected.

After which, on motion of Mr. McKENNAN, the committee rose, and reported the bill to the House; which was ordered to be printed as amended; and

The House adjourned.

[During the debate on the above bill, Mr. CHILTON addressed the Chair in the remarks which follow:]

Mr. Chairman: When this bill first came up for consideration during the present session, it fell to my lot, under the pressing solicitations of many friends, to open the debate, by giving a statement of the facts on which I had formerly and still relied, as constituting my most prominent objections to its passage. The claim, sir, is an old acquaintance of mine; and with its most striking features I may presume myself to be still familiar. In the remarks which I made on the occasion alluded to, I endeavored to present a fair and candid view of it, and I now rise reluctantly to consume even an additional moment of the public time in its further discussion; nor would I consent to do so, had it not been rendered necessary by the speech of the gentleman from South Carolina, [Mr. Pinckney,] which had been sent forth to the world, and in which I stand, in effect, charged with applying a different measure of justice and liberality, to claims of the same character, and similarly situated. A charge of this kind, sir, whether made premeditatedly, or in the heat and hurry of debate, it becomes alike my duty to repel. Nor am I absolved from this obligation by the fact, that he who makes it may be a man, both my personal, and, in some measure, my political friend. The effect would be the same were I to suffer it to pass unnoticed. I notice it nevertheless in a sense of justice to myself, but surely in no spirit of unkindness towards that gentleman.

Why is it that he supposes me obnoxious to this charge? And on what state of the case does he found it? This is the state of the case, sir. At an early period of this session, I introduced a resolution, proposing an inquiry into the justice and expediency of extending the benefits of the pension act of June 7, 1832, in such manner, as to embrace that valiant and meritorious class of men who were engaged in the Western wars against the Indians, from the close of the British war down to the treaty of Greenville, in the year 1795. I had no personal, but perhaps a very accurate historical knowledge of the sufferings of that patriotic band; as also of the value of their services to the whole country. I thought that some public testimonial ought to be offered them of a nation's gratitude; and that the public bounty should be extended to them in such a manner as to alleviate the sufferings incident to the age of all, and the poverty of the most of them. In fine, I believed that they ought to be placed on a ground of perfect equality with their brethren in arms who had fought in the same glorious struggle, and for the accomplishment of the same great object. The only difference between them, was the time at which they were engaged; for there was none in the purpose for which they fought. In my desire to advance their interests, I had spoken for these men, I had voted for them, as I hope to speak and vote again, whenever the bill for their benefit shall be reached. And now, sir, it appears that, because I acted a warm and zealous, though perhaps a feeble, part for them, the gentleman holds me bound in "liberality" to vote for the claim asserted in the bill under discussion. Whether consistency raises such an obligation, depends on many considerations; but mainly on these are the cases alike in principle—and is the relief which is sought asked in consideration of similar services, and in a corresponding proportion? If so, then, indeed, I should be chargeable were I to support the one and oppose the other; but, if otherwise, then the gentleman has been mistaken, and, under that mistake, has done me, no doubt unintentional, injustice.

Mr. Chairman, the cases have no analogy either in fact or principle. It is not, sir, Lieutenant Stephen Decatur who asks either your bounty or "your justice" in this matter, for services he had rendered; while in the other case, the appeal was made directly by the hoary-headed, war-worn soldier, who bears perhaps about his body the wounds and scars of the bloody battles in which he has fought. In this case, Mrs. Decatur is the applicant. She, we all know, has no claim for personal services or personal sufferings, though an amiable, interesting lady. If, then, she have a claim at all, it must stand on some other foundation. And what is that foundation? We are told that she was the wife, and is now the widow of Commodore Decatur! This is all true; but will any man assert that she was even the wife of Lieutenant Decatur when the service was rendered, which is relied on as a foundation for this claim? No, sir; for such is not the fact. She was not married to that gallant officer until long after; so that, while he was engaged in rendering it, it cannot be said that she was even deprived of the comfort and solace of his company as a husband, for she was not then his wife. What claim has she then? None under the sun, unless, indeed, her husband had a legal claim on the Government which descended to her at his death. That he had any such legal claim, will not, I presume, be seriously contended; surely it cannot be so successfully contended. If he had, why was it not asserted during his lifetime? He lived many years after the capture and destruction of the vessel. He was as competent to judge both of his services and his rights as any other person could be. Why then, I ask again, did he not assert the claim if he believed he had one? I may mistake on this matter, but I think I do not, when I express the belief that, if Commodore Decatur had lived to this day, or for twenty years yet to come, this claim would never have been heard of. No, sir. He knew, and knew well, that the service which he had rendered was sought by himself as an opportunity to distinguish himself, which he accomplished. He knew further, that it was rendered in the line of his duty as an officer; and in obedience to an express order from his superior in command. When Commodore Preble gave Decatur, who was then only a lieutenant, permission to engage in the enterprise, it was not that he might attempt to make prize of the vessel; but his orders were positive and express, that, if he succeeded in boarding her, it should be for the purpose of burning her. With this understanding he went—under this understanding he acted; and, having accomplished the object, he knew he had only done what he had been commanded to do; and he was, during his life, so far as I know, well contented with the honor and distinction he had gained, as well as the consequent pecuniary compensation which he received; the immediate consequence being promotion in office and emolument.

But now we are called on to appropriate an enormous sum for this service—and to whom? There is no difficulty in determining to whom the lion's part is to be given. It is to a lady, having, as I understand, a large real estate in this city—not a child on earth to provide for—a stranger to the services rendered—and even a stranger to Decatur himself, while he rendered them. And am I to be told that she has such a claim, under all these circumstances, on my liberality, and the bounty of the Government, as the old soldier who fought our battles, and is now, in age and poverty, tottering down to the lonely grave, without even, perhaps, the means to pay for a winding sheet to enshroud him in the tomb? Sir, it is idle, it is worse than idle, it is preposterous. According to my judgment, the humble soldier has an irresistible claim; this lady, I think, has none. Nor should the gentleman hazard a charge, or even an insinuation against me, on the score of consistency, particularly if he would glance at the delicate posture in which he stands himself. He was warmly opposed to my resolution in favor of the old soldiers. He made a violent and an eloquent assault on it, pronouncing it a direct violation of the constitution of the country. It would in his view violate the constitution to give an old veteran a few dollars per year to prevent the fleeting day of his existence from closing in thick clouds of poverty, distress, and sorrow. Yet it would be perfectly constitutional to allow Mrs. Decatur between thirty and forty thousand dollars for the services of one with whom she was wholly unconnected at the time, as I have before shown. This is new logic to me, sir, and the gentleman must pardon me for repudiating the charge of inconsistency.

But a gentleman from Pennsylvania, [Mr. Sutherland,] and another gentleman from New York, [Mr. Cambreleng,] have also on this day made eloquent and impressive appeals to us in behalf of this claim. The first describes, in glowing terms, the tenderness of a husband's affection for his wife; and the second gives us a beautiful and interesting description of the skill and gallantry displayed by those concerned in this exploit. I have never, directly or indirectly, detracted or substracted from the brilliancy of the achievement; but what of that? How many thousand brilliant achievements were won during both our wars?—and how many thousand lives were lost? And what countless hosts of widows were left, with crowds of helpless children around them in double orphanage, for whom no provision has ever yet been made?

Suppose, sir, that some poor and obscure woman should come here, who has eight or ten children, in the rags of poverty, and, perhaps, without even bread to eat? Suppose she should say to Congress—"Gentlemen, my husband, the father of these suffering children, left his humble fireside and his home--he left me and these. He went forth and fought your battles. He exchanged the gentler tones of connubial tenderness, the sweet notes of prattling infancy, for the exposure of the tented-field and the rude thunders of the blazing artillery. He fought--he conquered--he returned crowned with honor; but now he is no more. Give me and my children thirty thousand dollars." What would be the reply? Ah me! How few the eloquent tongues that would respond, Here take it, it is yours. And should she even ask, more modestly, for one thousand, or five hundred--the reply would be, in substance, "Depart, for we know you not." Sir, there is a shameful, and yet a shameless invidiousness in all this. An officer, having a great name, has only to demand and receive his thousands, or his tens of thousands; while the poor soldier, who has stained the flinty roads over which he marched with the blood from his lacerated feet, and drenched the battle-field on which he fought and fell in a torrent of purple gore, has not even an humble stone erected to show where rests his patriotic head. No, sir. In valor he fights, and as a hero he dies. And yet in a moment he is forgotten. His wife, his children may supplicate; but they supplicate in vain. No ear is open to hear—no hand is open to give.

The appeals which the gentlemen have made are calculated to enlist the feelings, but to misguide the judgment. They shall not misguide mine. I believe the claim ought not to be allowed, in any manner or form; and be the plan of distribution as it may, I shall vote against it. The sum demanded would be sufficient to gladden the hearts, and relieve the distresses of a hundred of those old soldiers who rendered personal services to the country, and who set up no claim, in the names of others with whom they may by accident have become associated. Let us, sir, first be just to them, and then we will talk about prodigal generosity to others.

MONDAY, APRIL 28.

Mr. GARLAND, elected a member from Louisiana, in the room of Mr. H. A. BULLARD, resigned, appeared, was qualified, and took his seat.

Mr. BINNEY rose to state that he had been informed by Mr. FRANKLIN, the Clerk of the House, that he had received the afflicting account of the death of his father. This event occurred on Saturday last; and there were circumstances connected with it which rendered his going to Philadelphia indispensable. Under such circumstances, he had been informed that an absence of three or four days would not be objected to by the House. He asked leave, therefore, to submit a motion to this effect.

Leave having been given, the motion of Mr. B., that Mr. Franklin have leave of absence for four days, was unanimously agreed to.

NORTH CAROLINA MEMORIALS.

Mr. HALL, of North Carolina, who had, on the last petition day, presented memorials from his district on both sides of the deposite question, rose, and addressed the Chair as follows:

Mr. Speaker: May I be permitted to say—and I do it with the most entire respect for this House—that, in rising on the present occasion, it is more to address a few remarks to my constituents through it, than to address the House itself. Am I wrong in making this candid acknowledgment? I hope I shall not be misunderstood. I repeat, that it is from a feeling the very reverse of disrespect. Sir, no one can suspect me of having the vanity to imagine that any thing I can say at this late hour, upon so hackneyed a subject, will be listened to with any feeling but that of lassitude and disgust—a subject which, to use a miller's phrase, has been for the last four or five months ground over and over again, and bolted and rebolted down to the very bran. Sir, I have no such vanity. In regard to this protracted war which has been so long raging between the Federal Government here, and the great paper-money government in Philadelphia, so far as it is a mere political party war, I wish to be understood, that with it, as such, I have nothing to do.

If it be in any degree a mere game of political pugilism between the various political parties for precedence, so far as it is such a game, I do not feel bound to play the part of bottle-holder to Cribb, Molineux, or Belcher. But, sir, there are other elements entering into this contest, of a different and much higher character, which impel me to take part in it. I have, from principle, always been opposed to the whole paper-money system, of which the United States Bank is the central machine, acting upon and controlling the whole. I am opposed to the bank upon constitutional grounds, and because I think it not only inexpedient, but at war with the principles of our institutions, and the true interests of the people. And here permit me to say, that with the views and feelings, as well as the principles, which I entertain on the subject, had I pursued any other course than the one which I have pursued, I should have been a traitor to my principles, to my understanding, to my constituents, and to the institutions of my country. Sir, I shall commit no such treason. I will not adhere to the enemy, giving him aid or comfort. In saying this, sir, I speak only for myself, and of myself. Let it not be supposed that I mean to reflect, in the slightest degree, upon others: they have their views and opinions as rules of action; they have as much right to them as I have to mine; and I am bound to respect them as being as sincere and upright. With the motives of others, as with their creeds, I have nothing to do; they rest between man and his Maker. And who has made me the searcher of the heart of my fellow-man? I claim no such prerogative. It is not my purpose to examine more than a single point of the argument in relation to the deposites, because it is entirely unnecessary—that is the nature of the power and functions of the Secretary of the Treasury, whether they be legislative, executive, or judicial. Upon this point there appears to me to be a most strange hallucination prevailing. I say to those who admit the legality, the constitutionality of the bank charter, that they are utterly estopped from charging illegality or unconstitutionality upon the act of the executive officers of the Government in relation to the deposites. The argument is, that the charter is a contract. Let it be so, sir, but if it is a contract, a legal and valid contract, it is also a law of Congress. All contracts are either executed or executory. Every condition of any contract is a part of the contract. In the execution of the contract in this case, or any part of it, the law is executed; because the contract in all its parts is the law. Sir, is this law? Is it logic? I will say it is sound sense, and that is what both law and logic ought to be. One of the conditions of that part of the contract contained in the sixteenth section is, that the Secretary has a discretionary authority *in futuro;* a power in abeyance, to be exercised upon certain contingent circumstances, of which he is to judge when they occur. The condition is executory and conditional. This very condition is itself a part of the contract—it is therefore a part of the law: to execute it is to execute the law. In this sense the Secretary is no more the agent of Congress than he is of the bank. If he is the agent of one, he is the agent of the other; if to execute a contract between them, which is itself the law, constitutes him an agent of either, it does of both. If he is, therefore, under the control of one, by parity of reasoning he is under the control of the other; each in this case being his principal. But he is not the agent of the one or of the other. He is no more a legislative agent than any other executive officer who executes the law. In executing this law, he is but an executive instrument, carrying into effect a part of that executive power, all of which has been vested by the constitution, and not by Congress, in the Executive department of the Government, with the Executive Magistrate as its head, to which all its parts, as such, are subordinate. To execute the laws, is that very function or power of which the executive power consists, and which the constitution in so many words vests in the President. When I say, the President, the Executive Magistrate, I do not mean Andrew Jackson, more than any other individual incumbent—I speak of that public functionary which the constitution has made and invested with the appropriate authority of seeing that the laws be faithfully executed. The Secretary, therefore, in this act not only discharged an executive function, but must have done so as the ministerial or sub-agent of the President. Executive officers are not legislative agents in the sense that the word agent implies—the subordinate of a principal. If the Secretary was a legislative agent—if his functions were legislative and not executive—he would pass laws instead of excuting them. If Congress had attempted to give him any such power, the act would have been unconstitutional and void. So, if Congress had undertaken to vest any other power, legislative, judicial, or executive, differently from that distribution which the constitution has made and ordered, it would have been void. In aid of my argument, let me refer to an authority which has been invoked by others on the opposite side of the question. Mr. Speaker, it is very well to be able to go to the very same source for aid in sustaining myself in this case, to which those on the other side have appealed. And here I take leave to say that this very decision in the case of Marbury *vs.* Madison, that the reasoning in this case is precisely the thing which I would invoke, to illustrate and enforce my own reasoning on the subject. Sir, I say to those about me—if they will permit me to call their attention, I will invite them to an intellectual banquet of no ordinary character, if, in reading to them a portion of the opinion of the court, I may induce them to read the whole of an argument which is so strictly and directly applicable to this case—that all they will have to do will be merely to change a word or two, and the tale will be told of this instead of the other. Let the reasoning be of or concerning the Executive or Legislative department of power, it will be equally as beautiful, lucid, and cogent as it is, applied to the Judicial. In this case the court declared a part of the 13th section of the judicial act unconstitutional, because Congress had altered that distribution of judicial power made in the second section of the third article of the constitution.

The principle and the course of reasoning, as I have said, will be strictly applicable to the other powers vested by the constitution. The court says: "The constitution vests the whole judicial power of the United States in one Supreme Court, and such inferior courts as Congress may, from time to time, ordain and establish." The court, in another paragraph, says: "If it had been intended to leave it in the discretion of the Legislature to apportion the judicial powers between the Supreme and inferior courts, according to the will of that body, it would certainly have been useless to have proceeded further than to have defined the judicial power, and the tribunals in which it should have been vested. If Congress remain at liberty to give this court appellate jurisdiction where the constitution has declared their jurisdiction shall be original, and original jurisdiction where the constitution has declared it shall be appellate, the distribution of jurisdiction made in the constitution is form without substance. That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it, nor ought it to be frequently repeated. The principles, therefore, so established, are deemed fundamental. And as the authority from which they proceed is supreme, and can seldom act, they are designed to be permanent. This original and supreme will organizes the Government, and assigns to different departments their respective powers. It may either stop here, or establish certain limits not to be transcended by those departments. The Government of the United States is of the latter description. The powers of the Legislature are defined and limited; and that those limits may not be mistaken or forgotten, the constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be transcended by those intended to be restrained? The distinction between a Government with limited and unlimited powers is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed are of equal obligation. It is a proposition too plain to be contested, that the constitution controls any legislative act repugnant to it, or that the Legislature may alter the constitution by an ordinary act. Between these alternatives there is no middle ground. The constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts; and, like other acts, is alterable when the Legislature shall please to alter it. If the former part of the alternative be true, then a legislative act contrary to the constitution is not law. If the latter part be true, then written constitutions are absurd attempts on the part of the people to limit a power in its own nature illimitable. Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation; and, consequently, the theory of every such Government must be, that an act of the Legislature repugnant to the constitution is void." Mr. Speaker, I have only read such portions of this mass of profound reasoning as seemed more immediately required, but have, from its great length, been compelled to omit much well worthy the attention of every member of this House. The principle carried out and enforced is, that the Legislative department of the Government, in its appropriate action, cannot alter, in any degree, that distribution of power, whatever it may be, which has been made by the constitution. This case of Marbury *vs.* Madison is not the only instance in which the Supreme Court have enforced this principle. In 1792 an act passed directing the Secretary of War to place on the pension list such disabled officers and soldiers as should be reported to him by the circuit court; which act, so far as the duty was imposed on the courts, was deemed unconstitutional. The error here was a dislocation of power, not consonant with the principles of the constitution. This was also the principle in a recent case, in which an Executive department was supposed to be charged with the exercise of a function properly, in its nature, belonging to the Judicial department of the Government. And I undertake to say that there are now on your statute book many other acts or parts of acts which, if fairly brought before the court, would be found to be liable to the same constitutional disability. It is a fundamental principle in our political institutions, that not only the different departments of the Government should be kept separate and distinct in their appropriate action, but that the Federal and State Governments themselves have their appropriate spheres of action, separate and distinct from each other. Does not every one see that if the Executive, the Judicial, and the Legislative departments are fused or intermingled, the genius of the Government is changed; that instead of a Government of three centres, acting as mutual and salutary checks on each other, you unite the Executive, the Legislative, and Judicial into one, which is the very definition of despotism. But, sir, to return to the Secretary and the sixteenth section of the bank charter. We have seen that, in executing the condition in relation to the deposites, he performed only a discretionary power, given by the law itself as a part of it. There still remained another condition, an imperative condition, after having removed the deposites, which was, that he should give his reasons for so doing. This he has done as the law required, and having executed this part of the law, he was *functus officio quoad hoc.* Can any one who says that the law by which the bank exists, being constitutional, that the act of the executive officer, in executing any part of that, in pursuance of the very requirements of the law itself, is illegal, is unconstitutional? Most evidently all they have to dispute about is, as to the propriety or impropriety, the expediency or inexpediency of the act. This is some ground for difference of opinion; but it is mere matter of opinion.

But let us look a little further into this matter of the function of the fiscal officers of the Government. I undertake to say that every fiscal officer or agent, who is legally and constitutionally such, is, *ex vi termini*, an executive officer or agent. I say this of every fiscal agent, from the head of the Treasury Department down to the most inconsiderable sub-agent concerned in any way in executing the laws in relation to the collection, safe-keeping, and disbursing the revenue. So far, I say, as any agent is a fiscal agent, agreeably to the law and the constitution, he is precisely thus far an executive agent for that very reason; and the Bank of the United States itself, if constitutionally by the charter a fiscal agent, then so far as it was legally such, and aided and abetted in carrying into effect the laws in regard to revenue and financial operations, was not only an executive agent, but it was a subordinate agent to a subordinate executive officer, and placed in this relation by the very law itself. Sir, it does excite my most special wonder, that a fact as plain as the nose on a man's face should so wholly have escaped all who have spoken on the subject. Who will deny this? Sir, I put the proof upon him. What says the fifteenth fundamental rule, this part of the fundamental laws, the charter of that body politic? Why, sir, it may be rather humiliating to his high standing, but such is the fact; this rule says: "The officer at the head of the Treasury Department of the United States shall be furnished from time to time, as often as he may require, not exceeding once a week, with statements of the amount of capital stock of the said corporation, and of the debts due to the same; of the moneys deposited therein; of the notes in circulation and the specie in hand; and shall have a right to inspect such general accounts in the books of the bank as shall relate to the above statement." The 15th section is to this effect: "That, during the continuance of this act, and whenever required by the Secretary of the Treasury, the said corporation shall give the necessary facilities for transferring the public funds from place to place, within the United States or the Territories thereof, and for distributing the same in payment of the public creditors, without charging commissions or claiming allowance on account of difference of exchange; and shall also do and perform the several and respective duties of the commissioner of loans for the several States, or of any one or more of them, whenever required by law." The fifteenth fundamental rule, with the 15th and 16th sections, prove undeniably that the bank, as a fiscal agent, is subordinate, and made responsible to the Secretary of the Treasury, who is himself but the subordinate of the Executive head.[*] This must necessarily be so with every officer or agent, of every description, legally managing or controlling, in any manner, the fiscal operations of the Government. And I undertake to say that the idea that Congress can constitutionally make any laws, rules, or regulations, of or concerning the collection, safe keeping, disbursing, or controlling the public revenue, without the execution of these laws, appropriately belonging to the Executive department of the Government, is, from the very structure of our Government, as manifested in the constitution, wholly erroneous and delusive. And the most uninformed must perceive, that so far as this execution of all these laws necessarily gives control over the revenue, that thus far the legal control, in the collection, keeping, and disbursement, is of necessity in the Executive. When I say Executive, I do not mean the mere man; I do not mean that Andrew Jackson, or any other President for the time being, is to take the public treasury into his private personal possession, to put it into his breeches pocket, or in any way control or use it for any other purposes than the law directs; none but the most uninformed can believe this. And, Mr. Speaker, as I am now, by permission of the House, speaking to my constituents, I will take leave to say that the President of the United States has now no more personal control or custody of the public money than he had before the discontinuance of the deposites in the United States Bank; and that he cannot finger even a quarter of a dollar of his own pay without the very same permission and action of the law by which he has always received it. And this, sir, you know, and so does every man within the sound of my voice, and as every man ought to know just as well as you know you sit in that chair.

But, sir, a word or two about Executive usurpation, Executive patronage, tyranny, and despotism, &c. Why, sir, I was never very violently affected with Jacksonism. My Jacksonism has been rather of a mild, placid character—not noisy—scarcely to be noticed, except when Jacksonism happened to coincide with Hallism, on public measures. We sometimes differ, as you know; but yet let me do mere justice, as indeed and in duty I should to all. As to usurping the powers of the other departments, as to the vast patronage exercised by the Executive, what is the fact? The history of his administration shows that from the commencement, he has the greater part of the time been in a decided minority on most measures in both Houses, until the present session. And who does not know that a very large part of that very patronage, and that vast expenditure out of which it originates, grows out of the legislation of Congress? The executive power, though co-ordinate, is secondary and consequential to the legislative. Every extension of legislative power necessarily gives a commensurate extension of executive power. When Congress so legislates as to put large masses of expenditure as a duty upon the Executive, is he not from necessity compelled to employ subordinates to aid in carrying these laws into effect? And thus he is compelled to exercise, whether he will or not, a vast patronage, that I cannot see how any wise man could ever desire. Who passed the pension system, with all its patronage of agents, clerks, bureaus, &c.? Who passed the tariff, with all its increase of revenue officers, clerks, collectors, inspectors, &c.? Who passed that beautiful system of internal improvement, with all its engineering and supervising, &c. which requires aids and assistants, all of whom are subordinate executive officers? Could the Executive pass these laws? Could he but in one way even attempt to stop their being passed? We all know what odor the veto is in. But let me be just to all. So far as the Executive has, in these instances, given sanction to them, so far he has been *particeps criminis*, but common justice ought to give him no more than his share. Put down all these unnecessary sources of expense and patronage. This can be done if we will all join with right good will, at least so far as very materially to reform the Government. I am for reform.

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[*] The function of the marshal has been considered as being only ministerial to the court. To some extent this is true. While waiting on the court in attendance, he is strictly ministerial; but in executing the decisions of the court, he is executing the laws—these decisions being only the explication and application of the law to particular facts and cases, preparatory to its execution. He also performs fiscal functions. In the collection of the revenue, his functions are in some degree both executive and ministerial. Judicial jurisdiction is saying what the law is, and as such he executes it.

Mr. Speaker: I said, in the commencement of my remarks, that I had always been opposed to the paper money banking system, as it exists in this country. This has been generally known to all who have known me; yet, sir, I shall probably be blamed for not altering my course—a thing which my constituents know I am not apt to do, in public matters. I shall regret this, if so it be; but must, if such be the case, content myself with saying—

> "'Tis not in mortals to command success;
> But do you more, Sempronius, *don't* deserve it:
> And, take my word for it, you'll not have any less.
> Watch the time, and always serve it;
> Give gentle way when there's too great a press;
> And, for your conscience, only learn to nerve it;
> For it will, if well tried, like a racer training,
> Learn to bear much without paining."

I have said that I was opposed to our system of banking, upon constitutional grounds; and because I was, also, as matter of expediency or inexpediency, opposed to the paper money system, I propose presenting some views upon both these points, and will first advert to the latter branch. I think that when, as is the case at present, I have it in my power to present my views, expressed by another, better than I could hope to do it myself, it is best to avail myself of such aid, and in the present case I will pursue that course. I propose to read from an elementary work, by a celebrated Frenchman, who, I believe, at the time of its writing, was a member of the French Legislature, a short, but comprehensive, and, I think I may say, universal history of paper money; whether issued directly by the Government, or indirectly by corporations authorized by Government, The work from which I shall read is Tracy's Political Economy. He says:

"Paper, like every thing else, has no necessary value but that which it has cost to fabricate it; and no market value, but its price in the shop, as paper. When I hold a note, or an obligation of any kind, of a solvent person, to pay me at sight a hundred ounces of silver, (or gold,) this paper has only the real value of a piece of paper. It has not that of the hundred ounces of silver which it promises me. It is for me only the sign that I shall receive these hundred ounces of silver when I wish; in truth, when this sign is of an indubitable certainty, I am not anxious about realizing it. I may even, without taking this trouble, pass it by agreement to another person, who will be equally tranquil with myself, and who may even prefer the sign to the thing signified; because it is lighter and more portable. We have not yet, either the one or the other, any real value, (I count for nothing that of the piece of paper,) but we are as sure of having it when we wish, as with the money we are sure of having a dinner when we shall be hungry. It is this that induces both to say, that this paper is the same thing as silver. But this is not exact; for the paper only promises, and the silver alone is the value itself. Proceeding on this equivoque, the Government comes and says, You all agree that the paper is equal to silver. Mine, for a much stronger reason, should have the same property, for I am richer than any individual; and, moreover, You agree that it is my impression alone which gives to silver (or gold) the quality of being the sign of all values; my signature communicates to this paper the same virtue. Thus it is in all respects a real money. By a surplus of precaution, they do not want inventions to prove that the paper about to be emitted really represents immense values. It is hypothecated, sometimes on a considerable quantity of national domains; sometimes on the profits of a commercial company, which are to have prodigious success, (like the South Sea;) sometimes on a sinking fund, (well understood in England,) which cannot fail to produce marvellous effects; sometimes on all these together, urged by argument so solid, that all who hope this operation will enable the Government to grant them gifts, and all its actual creditors, who fear that, without this, they will not be paid at all--who hope to have this paper among the first, and to pass it away very soon, before it is discredited; and who, moreover, calculating that if they lose something by it, they may amply indemnify themselves by subsequent affairs—do not fail to say they are fully convinced that the paper is excellent; that it is an admirable invention, which will secure the safety of the state; that they are all ready to take it; that they like it as well as silver (or gold;) that their only embarrassment would be, if they should meet with persons stubborn and distrustful, as there always will be, who would not be willing to receive it, that to prevent this inconvenience it will be necessary to compel every body to do as they do, and that then all difficulties will have vanished. The public itself--prejudiced by so many sophisms, which have such numerous supporters—at first relishes the measure, then desires it, and persuades itself that one must be absurd or evil minded not to approve it. Thus they make a real paper money, that is to say, a paper which every one has a right to give, and is obliged to take as good money; and it is not perceived that it is precisely the force they employ to render this paper better which radically vitiates it. Afterwards the Government uses the same means for its ordinary expenses. It observes necessarily less economy, conscious of resources always ready. It embarks in enterprises either of war, politics, or administration, of which it would not have dared to think, knowing well that without this facility they would surpass its abilities. The paper is then greatly multiplied. The contractors for the Government are the first to say that all things have grown very dear; that they must have much higher prices. They are careful not to avow that it is because a promise is not silver, (or gold,) and that the (paper) promise begins to appear doubtful. They attribute this fact, at which they appear surprised, to a momentary encumbrance, which it will be easy to remove by slackening all payments except their own, to the intrigues of a party of malcontents, which should be suppressed, &c. It is impossible not to yield to such good reasons, and, above all, to necessity. The expenses are therefore augmented considerably, and the paper likewise. People receive it still, because they are forced; but every one demands much more of it for the same thing. Soon an acknowledged and known proportion is established between paper and silver, (hard money.) It becomes disadvantageous to the paper; salaries are augmented, particularly those of the officers of Government, which is by so much the more burdened: others suffer horribly. Government already experiences the same loss in its imposts that individuals do in their annuities, (income.) It is embarrassed; it creates more paper; the difference between paper and silver (or gold) increases; no one ventures to give any credit, or make any loan; business is interrupted; soon the daily transactions which require even small amounts of money cease—for a hundred francs in paper would be given for one in silver; and for the same reason, if you owe twelve francs, no one would give you change on a note of a hundred. They attempt to remedy the evil by issuing small notes; all their gold and silver money disappears. You see not a crown, (here nothing but some half dollars,) soon there is no necessity for small notes—the largest having no value. We have seen three thousand livres paid for a pair of shoes. Then the Government increases the denomination of its paper, as if it could increase its value.

Thus in France, towards the last existence of paper money, the Government made mandats, which were nothing but assignats (notes) of a new form, till at length a note of any denomination had not the real value of the piece of paper on which it was written, and would have been worth more if blank. In vain may it be said paper money may be used without being abused to this excess; the experience of the world proves the contrary. Let us conclude that paper money is the most culpable, and most fatal of all fraudulent bankruptcies."

What I have read, sir, is the history of paper money directly issued by the Government; now let us see what the author says of the indirect issues by banks, after our fashion. Our forefathers tried the one, we are in a fair way to try the other, even a second time. After speaking of bankers, brokers, &c. he says: "All these bankers, exchangers, agents, lenders, discounters—at least the richest and most accredited of them—have a strong tendency to unite themselves into large companies. Their ordinary pretext is, that transacting thus much more business, they may be content with smaller profit, and perform all the services on much better terms. The truth is, that, on the contrary, they wish, by getting into their own hands almost all the business, to avoid competition, and make greater profits. Government, on their part, are much disposed to favor the establishment of these large companies, and give them privileges to the detriment of others, and of the public, with expectation of receiving from them loans, &c. either gratuitous or at low rates. But these companies are of much greater inconvenience. They emit bills payable at sight, bearing no interest, which they give for ready money. All those who depend on them, or are connected with them, take their notes with eagerness, and offer them to others. The public, having confidence in their solvency, receive them willingly, as very convenient. Thus they spread with facility, and are multiplied extensively; the company reaps in this an enormous gain; because the whole sum represented by these bills has cost nothing but the fabrication of its paper, and yield a profit as ready money. But soon the Government, which has created it but for this purpose, asks loans; to satisfy this demand, it creates an excessive quantity of new notes; delivers them to the Government; the circulation is overdone with them; inquietude follows; every one wishes to realize them. It is evidently impossible, unless the Government repays what it has borrowed; this it does not. The company ask to be authorized to suspend payment of their notes, and to give them freer circulation. It obtains its request, and society finds itself in the full tide of paper money, of which we have seen the consequences. Thus the Bank of Discount produced the assignats in France. It is thus the Bank of London brought England to a similar state. It is thus all privileged companies end—they are radically vicious. It would be easy to show that, were these great machines so sophisticated as not to produce the horrible danger we have just described, the advantages promised by them would be illusory, or very inconsiderable, and could add but very little to the mass of national industry and wealth." We here have the history of paper money, both direct and indirect, coming, as always must be the case, sooner or later, to nearly the same result. It is in vain to say that the people are, in this country, not bound to take their notes—we see the fact, that they can take nothing else. You see not an eagle, or half or quarter eagle; not a dollar; and if they would issue notes of fifty and twenty-five cents, you would not see a half or quarter dollar. You might as well say to your prisoner in jail, with nothing but bread and water, that you did not compel him to use them; but he should have nothing else. The fact speaks plain. Paper and metal of the same denominations will not circulate long in the same place. Banking proper—the mere exchanging and transmitting money from place to place—is a mercantile instrument. Confined to its appropriate function, it can never vitiate the circulating medium. Banks of deposite and exchange require not the interference of the Legislature—an interposition, asked only to grant some privileges, in effect, denied to others. These banks, with bills of exchange, drafts, the evidences of deposites, &c. and the private credit of individuals, with a well-regulated currency of gold and silver, would, no doubt, give all the facilities society and trade would require, without those sudden changes and revolutions which are inseparable from a mere paper circulation.

Mr. Speaker, I now approach that part of my argument which I am admonished by past experience and observation is always very badly received here. I know not why any thing in regard to the constitution should be so coldly and disgustingly received, unless it be for certain compunctious visitings of remorse for the cruel infractions made on it. Whatever be the cause, arguments of this kind, however true, are not kindly received; and I rather think the more true the less they are relished.

It is a generally received maxim throughout this country, that the Federal Government is one of limited, enumerated, and delegated powers; this is also inculcated by the highest public authorities. I lay it down as irrefragable, that being as stated—a Government of merely delegated and limited powers, it cannot of necessity be a Government of sovereign and discretionary powers; because it would then be an absolute, unlimited Government, subordinate to no power on earth. All delegated power is the power of an agent—power in trust, from a principal to a subordinate. The Government, then, must be a mere political agency, subordinate to the sovereign power of the country, and not transcendent to it. To create governments, is the highest proximate function of sovereignty—sovereignty itself being the highest political power in a state or nation. This power resides in the people here—this power alone has the faculty of creating bodies politic—bodies governing, for that is the meaning of the term; all corporations are governments, all governments are corporations. And I have high authority for saying that the creation of corporations appertains to sovereignty. This admission will be found in the case of McCulloch against the State of Maryland; but would be not the less true, if not admitted. It is, therefore, a power of too primary and cardinal a character to be exercised by a mere delegated agency, without authority from the principal—from the primary power. What is the Federal Government itself, but a corporation with written delegated powers? The constitution is its charter, granted by the primary sovereign power—the people of the States, acting in their political capacity, and exercising the right of making governments; which right is not one of the delegated powers contained in that power of attorney; for such I view the constitution to be in effect. Can this Government, with merely delegated powers, re-delegate any of those powers? Can a mere corporation, without authority, create its own like? Yet all the corporations created by this limited Government are endowed with the usual faculties of government, legislative, judicial, and executive? It has been said, pending the discussion in the case of Cohens against Virginia, that Congress could not create such a corporation in any other city as that in Washington. Yet we see it creating a corporation with even greater power in another city. The first account we have of the exercise of this chartering faculty—the creation of sub-governments—is in the early days of Rome, in the reign of Numa Pompilius, who, for the more convenient government of the city, divided it into sub-governments. England is supposed to have derived it from the Roman law, and we from the British Government. According to Johnson's dictionary, a charter is a written evidence of things done between man and man. Charters are divided into charters of the king, and charters of private persons. Charters of the king are those whereby the king passeth any grant to any person or more, or to any body politic, as a charter of exemption. A corporation is a body politic, authorized by the king's charter to have a common seal, one head officer or more, and members, able, by their common consent, to grant or receive in law any thing within the compass of their charter. Blackstone says: "A corporation is, one person in law, one will (of the majority.) This one will may establish rules and orders for the regulation of the whole, which are a sort of municipal laws of this little republic. The methods by which the king's consent is expressly given, are either by act of Parliament, or by the king's charter. By act of Parliament, of which the royal assent is a necessary ingredient, corporations may be created. So that the immediate creative act is usually performed by virtue of his prerogative royal."

Sir Edward Coke says: "Jurisdiction and power of Parliament is so transcendent and absolute that it cannot be confined, either for causes or persons, within any bounds. It hath sovereign and uncontrollable authority. This being the place where that absolute despotic power which, in all Governments, must reside somewhere, is intrusted by the constitution of these kingdoms. It can change and create afresh the constitution." Is our Federal Government, of merely delegated powers, a type of this? Can it create Governments—make and unmake, or create afresh, the constitution? If this be its nature, let us tell the people so at once, and not make them believe that it is a Government subordinate to their will. Some time since, in a certain discussion upon high matters, in a high place, it was a mooted point whether the constitution was a compact or not. It would probably not be critically correct to say the constitution is itself the compact—the agreement to do, or not to do, some particular thing. It is a written evidence of an agreement between parties competent to agree, to form a compact or agreement; and is the thing agreed or compacted about, the subject of compact. The people of the States, in their primary sovereign capacity, agreed to ordain and establish this charter of Government as a constitution. The act of ratification is the act of agreement. The people of the several States agreed, both individually and collectively, by their agents, chosen by themselves for the express purpose, to ratify and adopt this instrument as a rule of action, a power of attorney with enumerated powers, for the guidance of their public functionaries. They agreed individually, when individually they selected individual members to represent them as component parts of that body which aggregately represented them in their collective capacity as a sovereign body politic, the state. This is the reason why its constitutional acts are binding both upon individuals and the state. When I say state, I mean the people of the state, politically, not the women and children, but the good and lawful men, the qualified voters—they are the state, the sovereign body politic, who, by themselves and their agents, make and carry on the Government; and I say they never did, and I think they could not have intended to give to this Government the high prerogative of making bodies politic. They certainly have given no such among the enumerated powers.

With one exception, I have always considered this case of the United States Bank the most direct stroke at the very vitals of the old State-right doctrine of the sovereignty of the States. This, and the assumption of power to make internal improvements within the jurisdictional limits of the States, go directly to the subversion of State sovereignty, by usurping faculties which none but the sovereign can exercise, unless by a direct grant. And if ever I can bring myself to vote for either the one or the other, I will never again thereafter open my mouth about State rights. I propose, sir, to examine some of the most eminent of the arguments used in favor of this power, and if I should be guilty of great temerity in doing so, I shall go to the very highest authority. It may seem rash and presumptuous thus to attack this great power in the very citadel of its strength; but where else should I attack it? I will first go to that source from which it would not be difficult to show has flown almost the whole of those great constructive assumptions of power which have so materially affected the practical action of the Government. While I allude to Mr. Alexander Hamilton, let no one suppose that I intend, in doing so, to derogate from the acknowledged greatness of that individual. Indeed, it is, in effect, an acknowledgment of the gigantic power of his mind, and weight of talent and character, when I say, as may be easily shown, that, in the adoption of many of the most important measures of the Government, his opinions, instead of the constitution, have been acted upon. Let any one carefully read his report on the bank, his report on manufactures, his opinion in the Federalist on the constitution of the Judicial department of the Government, more particularly the eighty-second number, and they will be convinced that these documents have furnished the elements of the reasoning by which most of the doubtful measures of the Government have been sustained. Among the principles these documents sustain, is the appropriating power which has been claimed for internal improvement, the general course of argument in favor of the bank, and the doctrine of concurrent jurisdiction between the Federal and State courts, making the latter inferior courts to the Federal—tending to supremacy and subordination, as parts of one whole, which is of the very essence of consolidation. In advocating the bank in the District of Columbia, he interprets the power of exclusive legislation to be a power to do "all that any Government whatever may do;" for, says he, "language does not afford a more complete designation of sovereign power." And yet, the very Government which is to have exclusive legislation in the District is itself avowedly but a corporation with delegated, and, consequently, subordinate and not sovereign powers. The word exclusive can only mean that the legislation of Congress is to be the only legislation; that no other Legislature can make laws for the District; not that Congress may legislate unlimitedly as to all subjects. If Congress can create a body politic or government here, and delegate to it any of its powers, it may the whole; and why not abdicate at once in favor of the corporation of Washington, and make a President of the magistrate of police, and thereby rid itself of all the trouble the constitution has imposed on it? For, if it can make one kind of government, I do not see why it may not another.. I will give a specimen of reasoning, in support of the incorporating power, from a high source.

"The power of creating a corporation, though appertaining to sovereignty, is not, like the power to make war, or levy taxes, or regulate commerce, a great substantive, independent power, which cannot be implied as incidental to other powers, or used as means. It is never the end for which other powers are exercised, but means by which other objects may be accomplished. The power of creating a corporation is never used for its own sake, but for the purpose of effecting something else."

There is an evident fallacy in this reasoning. The same thing may be said of any of the powers here enumerated: the making of war, levying taxes, regulating commerce, are frequently exercised for the very purpose of effecting each other. Taxes are levied to carry on war; war is made to effect proper regulations of commerce; nothing more apt to produce war than obstructions to the proper regulation of commerce, &c. War is never made for its own sake, taxes are never laid for their own sake, &c., but always to effect some end. The Government itself was not created for its own sake, with all its powers and departments; but is it, therefore, the less a great cardinal power appertaining to, and proximately flowing from, political sovereignty? Is it not itself a corporation, a body politic, with delegated powers, which it may neither delegate, misuse, or abuse? In allusion to this power of chartering the United States Bank, and the power to make internal improvements in the States, I have spoken of State rights, of the people's rights. What, in fact, are the rights and powers of the Federal Government, but the rights and powers of the States, of the people in their political capacity? Why was it adopted but to use and exercise more easily and beneficially such rights as might be exercised for all by a common joint agent, while those of a mere local or particular nature should be exercised by the local Governments. The true practical doctrine of State rights is, that the federal or general rights and powers are to be exercised by or through the Federal Government, and those of the individual States by the State Governments, so as to be kept separate and distinct, that they may not be brought into collision. There are ultimate reserved powers which, as yet, the States have not delegated to either. The very power I am discussing is one of them: the power to create bodies politic, political communities, and governments, within the body of a sovereign State—a sort of State within a State—an *imperium in imperio*, which will be pretty certain to become *super imperium*. What situation are we in now? Do not matters look rather squally? Who will say that the paper government will not conquer? Who but the people can prevent it? Then let them be up and doing. But ever and anon this word *right* returns upon us. What is *right?* The great philologist, Horne Tooke, says it is the past participle of the verb *rego*, to govern—*aliqued rectum*—something, anything governed, ruled, straightened, or measured by some rule. But what is the great original right, the primary natural right, out of which all others come?—the right of the stronger. Rights become subsequently conventional, but yet are the right of the stronger. Why? Because the many weak unite against the one or the few strong, and settle rules, conventions, laws, for the sake of peace and quiet. But without the power and right of the stronger, without being backed by physical force, the power of the great *posse comitatus*, the people, what would be all your conventions, laws, and edicts, but waste paper and lampblack? Nothing.

The moral and political force of the people are but the result of their numerical and physical force. This is the substratum and support which sustains all political and social institutions, and without which laws could not be maintained. We hear of moral, political, constitutional right—the right of revolution and of reformation. I wish to remark, that there is a very great difference between the right of revolution and of reformation. They may exist together; they do so exist in the people; yet they are as different as the two things which these words import. Reformation and revolution may be produced by the same means. But the difference between them is great and striking—they should not be confounded. A reformation of government is merely a correction of its abuses or aberrations from its prescribed rules and boundaries; revolution is subversion of its forms and principles. They are as different as light and darkness. The people have the undoubted right to effect both or either. But while it would be right, proper, and expedient, to effect the one, it would be madness and folly to do the other. Revolution may be effected by misgovernment, going beyond or beside proper authority, by those to whom it may be intrusted. This is usually slow and gradual. The true business of reformation is to correct this tendency to revolution. It may be produced suddenly by the people themselves, by force, or, more slowly, by political action. Yet it is doing violence to our mother tongue to call that which merely corrects unconstitutional action of government, revolution. The remedies, the method of proceeding, may be various—they may be peaceable and constitutional, but they may be unconstitutional and violent. Can the original contract be voided or broken by any one of the parties, without justification, *ex mero motu?* If so, by what right? Moral right, political or constitutional right? No more than in any other case of contract. In case of breach, by one or more parties, of this contract, what is the remedy for the wrong, for any wrong sustained, which the rights of the parties may require? This is the great question. And who are to judge of the matter in dispute? Who but the parties, ultimately, themselves?—the primary parties competent to contract being equal, and having no superior. The people, in their sovereign capacity, must of necessity be the tribunal, in the last resort, to settle all political contests, when all others have failed. When they are divided, being equal, has not one party just as much right to judge of the matter in dispute as the other? Has not one the same right to execute his judgment, or carry into effect what he supposes to be his right? I speak here of the original parties to the contract, in dispute about some act of the joint agent, who is not, in this sense, a party. Then, what will they do? What remedy have they? Remedy! This word has its appropriate meaning, as all words should have, or not be used; for "words without meaning, or of equivocal meaning, are the everlasting engines of fraud and injustice." The word remedy includes the idea of efficacy, force, or power, to effect the end in view. When an end or purpose is proposed—that which is to be used as a remedy—as means to the end; if it has not efficacy—if it will not and cannot affect the purpose by its *modus operandi*, (for this is the remedy,) then, indeed, is it no remedy. It is either less or worse—it is either good for nothing or mischievous. Nullification and secession have been looked to as remedies for diseases in the body politic. Let us examine them. Nullification is the cognomen, as I understand it, of that particular operation called *the* remedy, in cases of dispute between the States, in regard to the conduct of the General Government. This operation, by State legislative and judicial action, is the *modus operandi*. Is it really entitled to the emphatic character of the remedy? a constitutional and peaceful remedy? If all these attributes belong to it, who would not be a nullifier? But do they belong to it? In all disputes among men, they must adjust them by amicable arrangement, let them drop, or ultimately get to blows. This is the course in all human disputes, whether between few or many, individuals or states. Does any one really believe in the proposed remedy taken *per se?* What is it? It is counter-legislation and judicial action of a State Government to the legislation and judicial action of the Federal Government. This, at least, it has been understood to be. Congress passes a law or act which is thought to be unconstitutional and oppressive—the State Legislature passes a counter act: a case in law arises under the act of Congress--the Federal courts take jurisdiction, and decide one way—the State judiciary, either directly or indirectly, take charge of the same case, and decide the other way. What is the result? Either the parties must execute their judgments, or let them be unexecuted. If the latter, nothing is decided; if the former, collision must follow; because laws or judicial decisions never execute themselves. Will a mere game of shuttlecock and battledoor between the Legislative and Judicial departments of the two Governments conclude or settle any thing? Who believes it? You might as well expect the flying of kites in the air, one above another, without coming into collision, would ever effect any great end, as to suppose that a contest between the two Governments, without coming into contact, would do it, if neither party thinks fit to yield. Suppose neither party will choose to be nullified, what becomes of the remedy? It must be substituted by something else, or nothing can be done. Laws and judicial decisions must, and can only be executed by the intervention of physical strength, much or little. They are so executed, by men appointed for that purpose. Suppose one will not submit, and the other will not be nullified, the consequence is conflict. One calls in assistance, the other does likewise, and thus they are soon on the high road to civil war. In plain and palpable cases of violation, all this might do, by fixing public opinion, which would in general operate as a remedy; but, in doubtful cases, such as may frequently occur, if patriotism, good nature, and mutual forbearance will not do, I fear the consequences would be rather of a violent character. Is secession a remedy? It is dismemberment. Is it not to the existing system political suicide?--never to be resorted to until all else fails? No one doubts the right of the States to separate. The right, if they think proper to exercise it, exists as certainly as did the right to unite; but can one or more States violate the compact by which the political association was formed without good and sufficient cause--of their own mere motion, without responsibility to its coequals. If so, what kind of right is it? Is it a moral, a constitutional, or natural right? This is like every other case of contract. Has any one a moral or legal right, without any sufficient cause assigned, to break a contract, voluntarily entered into with another for mutual benefit, without the consent of the other party? Suppose one or more States should withdraw; still having subjects of complaint with the other States, how are they to be settled? They must be settled upon the principles of public law—the law of nations; and may, or may not, be settled amicably, according to circumstances and the interests of the parties. To come to the short and long of all this matter, it only amounts to this: that when men differ, and will not, or cannot, settle their disputes by fixed and established rules, or the dictates of mutual prudence and good will, they will ultimately get to loggerheads. This is the end of all such cases. But, again I ask, is this to be the case, the resort, until every thing else has been tried? Does any one in his senses believe that when we break up this Union—when we upturn this system of politics, which seems to be the admiration of every body but ourselves--I say, does any one believe we shall get a better? Let us then correct and reform any errors in this, and not trust to making it over again, under the vain expectation of having it faultless. Trust not to revolution, but reformation, by constitutional and peaceful means, as long as possible. No doubt we all have a right to interpose to correct errors, so far as our means extend, under proper circumstances, but it must be upon our responsibilities, according to the circumstances of the case, of which those interested must judge on both sides.

But, sir, I have obtruded too long upon the patience of the House. I hope I shall be excused on behalf of my usual forbearance. I seldom so trespass. I never rise here to speak for distinction, for fame. I have never been beset with ambition, that restless, reckless thing—that canker of the heart--that worm that never dies--that passion which hurries its unhappy votaries on and on, until, like the man of Ephesus, rather than not be famous, they become infamous. And after all, what is fame, even fair fame? Sir—

"It is Fancy's child, by Folly fed,
On breath of meanest things:
A phantom, woo'd in Virtue's stead,
Which envy to the living brings,
And silent, solemn mockery to the dead."

Sir, I pursue no such *ignis fatuus* as this--no such idle fantasy of the brain!

When Mr. Hall had concluded--

Mr. GRAHAM, of North Carolina, who had presented a memorial which had been objected to as containing certain personal allusions to a Senator from Georgia, [Mr. Forsyth,] mooting the question whether he had been inspired from the pot-house or the palace, said that, as the subject of the memorial had come up in another branch, where explanations had taken place, he should not press its consideration further.

SAVANNAH (GEO.) MEMORIALS.

Mr. GAMBLE said he had before him a memorial of a portion of the citizens of Savannah, the chief commercial city in the State of Georgia, and the principal emporium of the products of that growing and flourishing State.

This, he said, was the second memorial which had been presented from his State, and upon the same side of the all-absorbing subject of the deposites. The great embarrassments and derangement of the monetary system of the country, growing principally out of the ill-advised and reckless course of the Executive in relation to the public deposites, the hostile attitude assumed against the Bank of the United States, which is believed to have occasioned the shock of commercial credit and confidence which caused in a short time so much distress, ruin, and bankruptcy, have, comparatively speaking, produced but little excitement in Georgia, although their effects have neither been unknown or unfelt. The people of that State are not in the habit of giving utterance to causeless complaints; they are patriotic, and endure much, and long, (though jealous of their rights,) before they break out in murmurs against those who have stood high in their confidence and esteem, and whom they have had an agency in elevating to office. It is now under the most profound conviction that the evils which are pervading the country; that have cast a chilling gloom over its prosperity; that have arrested enterprise, deprived industry of its reward, and vitally affected every interest of the country; the consequence of that executive misrule, which might have been foreseen, and was predicted, and which is now being more sensibly felt than heretofore in the State of Georgia; despairing of executive interference to avert or arrest the evil, and that it is remediable by the national Legislature, that the memorialists address themselves to Congress; "not, they say, as partisans, seeking the political advancement of those associated with them in the memorial, but united by a common sense of the evils under which they are laboring, by a common conviction of the source in which the evils originate, and by an assurance in which, in like manner, they participate, that an adequate remedy may be effected by the National Legislature."

They assert that "between the office of the national bank and the State institutions in operation within that city, there existed a spirit of accommodation and confidence that led to the happiest results; that individual credit, thus aided and sustained, was actively and successfully employed in all the various pursuits which belong to an industrious and enterprising community."

They say, "in a short time this condition is changed to one of languishing, and men are looking fearfully to a crisis in the condition of the country which menaces consequences the most alarming to the best hopes of the patriot."

They say "they have witnessed, with great solicitude, the sudden prostration of all the great interests of the country, and have waited with anxiety for some evidence of approaching relief, but thus far they have waited in vain. They now present themselves to Congress, and pray that their hopes and fears may no longer be suspended; but that, by some prompt and definite action, they will restore the confidence and credit of the country—will restore to commerce its accustomed channels, and to industry its usual rewards."

They say "they are of opinion that the evils have had their origin in the removal of the public deposites from the Bank of the United States, thus rendering it necessary for that institution to curtail its discounts, whilst the State banks were unable to extend their operations to meet the contingency, and the issue by the Treasury of transfer drafts without notice, and in the general and avowed hostility of the Executive Government to the United States Bank, and the consequent panic produced throughout the country."

They say, "Since the first of October last, the fall in the price of cotton, the great Southern staple, has been at least one-fourth of its actual value at that time; and, whilst they do not attribute exclusively the fall of the price to the removal of the deposites, they make the following suggestions, which they think cannot be doubted:

"The value of cotton is directly affected by the rate of exchange with the great markets of Europe.

"The embarrassments resulting from the causes to which they have referred, have produced a reduction of ten per cent. in the rate of exchange; and these same embarrassments have, independently of this reduction, also effected a reduction which may be fairly estimated at from five to ten per cent. in the price of the article, making an aggregate diminution of from fifteen to twenty per cent.

"The entire value of the cotton crop is estimated at forty millions of dollars, and the direct loss of the cotton planters may be fairly stated at from six to eight millions of dollars, and of which more than one million must fall upon the State of Georgia; and this, independently of the loss which will result from the fact, that fifty thousand bales less will be required by the manufacturers of the United States."

They say, in such a state of things, the suspension of business which has been witnessed was naturally to have been expected. Many of the most substantial merchants refuse to make acceptances against shipments of the great staples of rice and cotton; and many of those who have been large dealers, have stopped business altogether, waiting until the existing embarrassments have passed over, "believing, as they do, that the embarrassments under which the country is laboring originated in the removal of the deposites, and the other acts of the Executive Government connected therewith; believing that the Bank of the United States is the proper depository of the public treasure; that its right to this guardianship is the result of a solemn contract, founded on a valuable and sufficient consideration; and that it rests upon the public faith, and is guarantied by the law of the land: believing, moreover, that this act of removal by the Executive Government was an abuse of the powers confided to that department, one which is injurious to the best interests of the American people, and which ought to be promptly recalled, they earnestly request that Congress will take such measures as will redeem the plighted faith of the Government, assert the authority of the laws, restore to the Bank of the United States the rights of which it has unjustly been deprived, re-establish between that institution and the Government their just, accustomed, and proper relations; and thus give peace to the country, prosperity to its commerce, and permanence to its institutions."

I have thus, sir, in the pleasing performance of the duty kindly confided to me by my colleagues, to whom and myself this memorial was transmitted for the purpose of being presented to this House, given a brief analysis of the prominent facts alleged by the memorialists, in their own language, to the end that I might not misrepresent their views, or weaken the force of the arguments advanced. This duty is performed the more willingly, because I happened to be the only member from Georgia whose vote was not recorded upon the final question, which to me was unexpectedly taken, during my absence to meet my family, who were on their way from Georgia to this place; and because, in doing so, I give utterance and publicity to the convictions of my own mind, some time since deliberately formed, upon the most thorough and full examination which I was enabled to bestow upon this important question.

I regret that the rules of the House will not permit me to extend my remarks a little beyond the contents of the memorial, so that I might have communicated to this House, and through it, to my constituents, the vote I would have given, and the reasons for that vote, that they might have had an opportunity of sitting in judgment upon them; but as I have been called to order, and as the House may be indisposed to have the time occupied upon an incidental discussion of the main question, which, by its rules, is appropriated to the presentation of memorials, I forbear to remark further, than that the memorial imbodies my own views, and presents, in my opinion, the only question proper for the consideration and action of Congress. If the reasons assigned for the removal of the deposites are insufficient, or if they have been improperly removed, they should be restored to the Bank of the United States, which, as I have before remarked, is my deliberate and settled opinion; that it has a right to their custody and possession during the existence of the charter—a right resulting from a solemn contract, for a full and valuable consideration, which the bank has fulfilled on its part, and which the faith of the nation on its part is pledged to maintain.

In relation to the character of the memorialists, I will take leave to remark, that with many of them I have the pleasure of a personal acquaintance; and although the number is not very large, being somewhat less than two hundred, yet for intelligence, integrity of moral conduct, and respectability of character, they rank with the first citizens of that State, and are unsurpassed by any of equal number in this Union. They are well qualified by education, habits, and business, to trace effects to their causes; and opinions, deliberately formed and expressed by them, are entitled to the highest consideration. From what I know of them, I can take upon me to assert, which I do in my place, that they would be far above giving expression and currency to opinions and sentiments which they did not honestly entertain; and it is my belief that the sentiments they have expressed are in accordance with those entertained by a large majority of the citizens, not only of that State, but of the whole Union.

I move that the memorial be read and printed, together with the signatures thereto, and that it be laid upon the table. Agreed to.

Mr. **WANE** presented a memorial of other citizens of Savannah, of an opposite tenor to that presented by his colleague, [Mr. Gamble,] and more numerously signed. He said his memorial had been signed by six hundred and eighty-seven persons—nearly all voters—out of the nine hundred voters of the city and county; while that of his colleague had only been signed by one hundred and eighty-three.

LOUISVILLE (KY.) MEMORIAL.

Mr. **POPE** presented the proceedings of a public meeting held in the city of Louisville, in the State of Kentucky, on the 3d of April, 1834. He observed, that the address and resolutions had been received by him more than two weeks ago; that he would take this occasion to observe (so that it might be known to his constituents,) that the rules of the House prohibited the presentation of memorials and petitions on any other day than Monday; that the last two Mondays had been occupied with the presentation of memorials from other States; and this was the very first opportunity that had appeared for the purpose. Mr. P. said that, so far as he could learn, the persons composing the meeting were gentlemen of fine practical sense, of character, of substance, and whose interests were intimately identified with the growth and prosperity of Louisville; that bad government and unwise legislation would affect their interests as soon as it would those of any other class of men of any other city. He said that he had understood that the meeting was composed of at least six hundred persons; that they were animated with unwonted enthusiasm, and had adopted, with acclamation, the address and resolutions which he had the honor to present. They deprecate, in the strongest terms, the course pursued by the Bank of the United States; protest against its being rechartered; justify the removal of the public deposites from its custody; testify to the sufficiency of the reasons assigned by the Secretary of the Treasury for the act; and deny the assertions of a late public meeting in that city, that there was a great reduction in the price of produce and other articles, and intimate that they could only have proceeded from a desire to alarm and agitate the public mind. Mr. P. concluded by moving that the proceedings be read, laid upon the table, and printed.

BRANDENBURG (KY.) MEMORIAL.

Mr. CHILTON presented the memorial of sundry citizens of the town of Brandenburg, and county of Mead, in the State of Kentucky, remonstrating against the removal of the public deposites from the Bank of the United States, as an unconstitutional measure; and as being calculated to produce the deepest distress and most ruinous consequences in its operations on all the leading interests of the country. The memorial (said Mr. C.) is couched in respectful terms, as well towards this House as to the Executive of the United States, unless, indeed, it be considered disrespectful for the oppressed to complain; and, in uttering their complaints, to employ the language of solemn truth; the language not of cringing sycophants or obsequious slaves, but of bold and fearless American freemen.

The memorialists state that they view the act of the President, in seizing the public money, (through the Secretary of the Treasury,) as not alone calculated to break down the great ramparts of constitutional liberty, but speedily to make, of the industrious population of the country, beggars as well as slaves; if, indeed, their poverty could so far overcome their self-respect and personal pride as to allow them to beg, which is considered rather a humiliating business in Kentucky.

They do not reiterate the unanswerable arguments, contained in numberless appeals heretofore submitted to this House, from other quarters of the Union; though they invoke the solemn and serious attention of Congress to those appeals. Those who present themselves before the House in this paper, are a high-minded, industrious, agricultural, and trading people. They are blessed with a fertile soil, bordering on the south bank of that beautiful river, the great Ohio. They have been blessed, until recently, with perfect tranquillity and a scene of prosperity, almost, if not altogether unexampled in the history of the West. They had generally accumulated at least as much property around them as was necessary to rational ease and healthful competence; and yet they express fearful apprehension that the derangement, scarcity, and almost entire absence of a currency suited to their avocations, and the demands of their business, will involve them in sacrifices and ruin.

They urge it on Congress, as the sacred duty of patriots, never to adjourn while the constitution permits them to sit, without first adopting some measure of relief for their suffering country. They use this plain language, sir, (said Mr. C.)—"If the Executive is resolved to crush the present bank, and is not also resolved to ruin his country, we would humbly recommend the establishment of a new bank, provided it can be done on principles which will be uniform, and not partial in their consequences." They allege that men, possessing handsome estates in property, cannot raise funds, either on personal security or the credit of their property; but that a ruinous sacrifice of the fruits of their toil and laborious industry, reaching even to fifty per cent., affords their only certain, yet painful reliance for sums which they are compelled to raise.

They state, moreover, that great as the distress at present is, they are convinced it must still increase; and that, if the present policy of the Executive be persevered in, the time is not far distant when commerce must sicken for want of nourishment, and "industry grow weary for want of motive;" and when that picture will be presented, at which even "a feeling monarch" would relent, that condition of a once happy people in which none save "Shylocks and their victims can be seen on the Rialto."

The gentleman, said Mr. C., from whom I have received this memorial, is a man of intelligence, and stern integrity. He is influenced by no political or personal considerations in this matter. He certifies, at the foot of the paper, that, if time had permitted the presentation of the memorial to the citizens of Mead county, in mass, thirty men could not have been found, who would have withheld their signatures. The signatures are between one and two hundred, and among them I see the names of a number of the warm, and disinterested, and most unwavering friends that the present Chief Magistrate has had, in any part of this country.

The memorial was laid on the table and ordered to be printed.

CLINTON COUNTY (OHIO) MEMORIAL.

Mr. CORWIN having risen to present a memorial, said: I am charged, Mr. Speaker, with the duty of presenting a memorial to this House from one of the three counties composing the district I have the honor to represent. This memorial comes from Clinton county, in the State of Ohio. It is signed (as two most respectable gentlemen of the county inform me) by thirteen hundred and one citizens and qualified voters of that county. These are composed of all the trades and professions common to the country, but chiefly farmers—men who plough, and sow, and reap their own fields. The facts they set forth, and the opinions they hold, are not the offspring of a sudden excitement, produced by the agitations that often prevail without cause in large and populous cities, but the deliberate, well considered judgment of each man's own unbiased understanding.

Gentlemen who have not looked closely into the habits and pursuits of the people who inhabit the interior agricultural regions of the West, can have but a faint idea of their true character. On a footing of the most perfect equality in all their civil and political rights; independent in the fullest sense of the word; their own labor crowned with the common blessing of Providence, places them beyond all dependance upon mortal man. Such, emphatically, are those whose prayer I now present to this House. Their minds, invigorated and purified by healthful, innocent labor, are not subject to artificial and unnatural excitements; nor can such a people be subject to that most vulgar intemperance of a deranged heart—a diseased craving after notoriety, and the miserable indulgences of mere worldly distinction. These memorialists assert that, within the last few months, they have experienced great scarcity of money, and depression of prices of all the productions of their country. The existence of those evils has been often denied here. I now offer to prove them by thirteen hundred witnesses, as respectable as any equal number to be found in America. These, sir, are not the assertions of a party. At a late election in that county for representatives to the State Legislature, there were polled 1,410 votes--1,301 voters of the same county sign this memorial. This exhibits a unanimity not to be found where political party machinery is at work. They pray you to restore the public moneys to the custody of the United States Bank; and, believing a national bank to be a national benefit, they ask a recharter of the old, or the establishment, by law, of a similar institution. I need not add, that, next to the approbation of my own conscience, it gives me pleasure to find that I am sustained in the course I have pursued here on these great and exciting subjects, by so large and respectable a portion of my constituents. I move the memorial be laid on the table and printed. Agreed to.

NEW ORLEANS (LA.) MEMORIAL.

Mr. WHITE, of Louisiana, rose and said--

Mr. Speaker: I have now to do, by request, what so many gentlemen before me have had to do during the session--to bring before the House the result of some popular proceedings, growing out of the state of the country. I should have been very glad of an opportunity to present them before the vote was taken on the proposition of the Committee of Ways and Means; but that was impossible; and I might, perhaps, at this late hour have deliberated on the propriety of presenting them at all, but for the fact that all subsequent information has been to me a re-affirmance of whatever is stated in these papers. For this reason, as well as from respect for the solemnity of the occasion, and for the tone of dignity which appears to have marked the deliberations, I deem it proper for me to submit a summary view of the sentiments and opinions expressed by the memorialists.

Sir, the shock that has been given to credit, and its consequent pressure on the money market, is now, I believe, universally admitted. It is felt, and intensely felt, by the commercial city at the very southernmost point in the Union. The city of New Orleans feels its effects as disastrously as they have been experienced by any of the towns on the Atlantic seaboard. The people there, convinced of the injury that is inflicted on them, have met together, and have directed me to claim for them the common privilege of being heard here, on this topic of pregnant interest. Is there, in fact, any unusual pecuniary distress at this moment? And if there is, what are its real assignable causes? These are the points to which they have directed their inquiries, and on which they have chosen to express their opinion--a temperate, dispassionate, ingenuous opinion--through the ordinary medium of resolutions adopted, and a memorial to Congress, the only tribunal to which they feel themselves authorized to look for an adequate redress of their grievances. Does any unwonted embarrassment obtain through the country? Why, for more than four months, the walls of both branches of Congress have not ceased to reverberate to the voice of suffering and complaint; and whatever is affirmed of distress elsewhere, is too severely true when predicated of the city of New Orleans.

Sir, said he, when the demonstration was first made on the bank, it was confidently believed by many, that this favored city and its circumjacent country would probably escape some of the worst consequences of the measure. There were many plausible reasons on which to found such an opinion: the remoteness of its geographical position; its peculiar commercial advantages; its relative proximity to Mexico and South America, and the constant supply of the precious metals drawn from her trade with those gold-yielding regions; the intrinsic value of our staple products, one of them almost exclusively our own; and more, perhaps, than all the rest, the vast amount of capital in the State institutions. If more than twenty millions of dollars accumulated for State banking purposes, and in the course of actual dissemination within that narrow circle, could be deemed as affording any pledge of an exemption from an impending pecuniary pressure, that pledge we had a right to regard as ours. These elements of prosperity were all actively and harmoniously employed, working on their legitimate results. There was concert, entire concert of action between the State banks and the Bank of the United States. Commercial exchanges were facilitated; a wholesome currency was upheld; the merchant was enabled to negotiate for the wants of the planter; the productions of the country were going off rapidly and at liberal prices; works of individual enterprise and of public utility were in successful progression. Such as I have imperfectly depicted was the aspect of things at New Orleans. It was no doubt but the counterpart of what was seen every where when the inauspicious blow fell. The new charter voted by Congress was negatived, and in quick succession came the mandate for the transfer of the funds. Then it was, as they say themselves, that the storm came upon them. Confidence was shaken, industry was checked, commerce brought to a pause. The products of the soil immediately began to depreciate. One of our principal articles, to which a combination of circumstances, in the early season, seemed to promise brisk demand and high prices, became dull and unsaleable. The great staple of cotton soon fell fifty per cent. from the price at which it opened with the new crop. This depression, indeed, they ascribe in part to the fluctuation of the market of Europe; but they do give it as their deliberate opinion--the opinion of practised, observant merchants—that so much of the diminution as is fairly imputable to the disturbance of the accustomed operations of the bank, has produced an aggregate loss on the cotton which seeks a market at New Orleans of four millions of dollars. A fearful loss on one article, in one season, and at a single mart.

Sir, this is a melancholy exhibit, yet, sombre as the picture is, it is brightness to the drear perspective which lies further onward, if your tendencies continue. And what is to rescue the people from the abyss which yawns before them? What measure of redress do they themselves devise? A very simple remedy—the most natural one in the world--the same which has occurred to every one--to remove the offending cause. The infelicitous circumstances have been produced by, or at any rate they are the concomitants of, the belligerancy with the bank; they look with earnest solicitude for preliminaries of peace; they interpose a prayer for cessation of hostilities; they adjure Congress to return the moneys to the usual depository, and to create a national bank to go into operation on the expiration of the one now in existence. The best and most evident policy, they think, would be the renovation of the old one, which has been fully tried, and has shown itself equal to every exigency. They say nothing as to the reasons assigned by the Secretary for the removal, nor am I disposed to animadvert on the act. I may not have agreed with some gentlemen.

[Mr. W. was here called to order by the Chair, and reminded of the rule permitting nothing more than a statement of the substance of the memorial. Cries of "go on, go on."]

Sir, said he, I was aware of the rule, but was not aware I was transgressing it. I will, however, move for its suspension.

[The question was then put and carried, more than two-thirds voting in the affirmative.]

As I was observing, said he, I may not have concurred with some as to the cogency of the Secretary's reasons, or I may have deemed the act an improvident one, but I never doubted but that it was done on conviction. I am not predisposed by temperament to lay criminality to the account of functionaries performing high, responsible, and often arduous public duties. I may differ from them, as they may differ from me, but as I should be loath, in my own case, to admit the actuation of purposes base, treacherous, or dishonorable, I am bound in common justice to abstain from the imputation of motives of conduct which I should repudiate in myself. In fact, said he, I regard the transfer of the deposites as a mere incident in the drama. The grand argument of the public distress is drawn from the attack on the bank itself. The citadel of public confidence is assaulted, hence the consternation which pervades the country. A bank, therefore--a bank is what the people require, and what, I feel assured, sooner or later, they will have. The voice which speaks it, comes in accents too audible to pass unheeded. Indeed, it is extremely difficult to conceive how the Government can get along at all without the aid of a national bank to carry on its financial operations—scarcely a greater puzzle to tell how to distribute justice without the help of courts of justice. It is as much the province of Government to regulate currency as to regulate conduct--command what is right, prohibit what is wrong in one as well as in the other. Among its especial constitutional attributes is the right to regulate the value of coin, borrow money, emit bills of credit; and how is it to perform these functions, but through the agency of a properly organized fiscal institution? About as well might it assume to exercise that general judicial control contemplated by the constitution, to punish offences on the high seas, enforce contracts between the citizens of different States, without the intervention of a federal judicature, as to dream of managing the moneyed concerns of the nation, without the aid of a national bank.

Mr. Speaker, (said Mr. W.,) I have thought proper to advert thus briefly to some of the leading considerations of the memorial. I have contented myself with a glance at some of the arguments in their support. I have sought to give extension to none. Beyond this, I will only beg leave to trespass for a few moments on the indulgence of the House, while I follow the fashion, and do as others usually do, in saying a few words as to the persons, their number, their character, with whom these proceedings originated. Numerically speaking, he said he did not profess to be accurately informed. He had not set himself to the task of counting, nor did he deem the enumeration important. He would barely mention that the meeting was a numerous one, an overwhelming one, for the population of the city. As to the characters and qualities, social, moral, or political, of those who composed the assemblage, he offered no encomiums: that would be entirely to transcend his mandate. They came here for justice, not eulogy. It would be quite sufficient for him to say that they were American citizens, intelligent as American citizens are, clear-sighted as any on whatever affects their interests; men who know their rights, and, knowing, will assert them.

Sir, said he, there is one other thing, or rather word, which, if not of recent coinage, is of very familiar use in connexion with the recent incidents—party. Whenever any portion of the people choose to prefer a complaint here, it is sure to be stigmatized, from some quarter, as an emanation of party—a thing got up for indirect and party purposes. In presenting their petitions, gentlemen generally act as if they strove to forestall the obloquy, by disclaiming the party motive--"done without distinction of party."

Now what, he would ask, was party, but the division, the severance of opinion in relation to men or to measures? In the matter of a bank, what party can there be other than the party composed of those in favor of the bank, or the party made up of those adverse to such an institution? What is a bank question but a question of currency? What is a question of currency but a question of money? The question of money is a question of comfort, convenience, worldly independence. Such a question as this is no secondary, subordinate question. It is an interest which goes before and takes precedence of all others. Any other feeling or passion may be made subsidiary to it--itself the handmaid to none. I, therefore, make no disclaimer of party in favor of these proceedings; on the contrary, I offer them as the doings of a party, the handiwork of men unanimously and strenuously in favor of a national bank.

If the word party is used as descriptive of those who, at any past election, voted for or against the elevation of any Chief Magistrate, then I would leave every gentleman free to draw the inferences most agreeable to himself; for I profess to be wholly uninformed in this respect. I know many, very many of them personally, but I do not know how any of them voted at any past election. What right have I, what right has any one to know or to care how any other person may have chosen to exercise his own sacred, unquestionable political franchise? In my judgment, it is no legitimate subject of inquiry at all. The notion of accountability by the people for their choice in the selection of their own public servants, the idea that the citizen is to be more or less entitled to confidence and regard; his voice to be heard, or to be unheeded in the councils of his country, according as he may have voted for this or that candidate for office, is a monstrous heresy, at war with every theory of rational liberty; a vile canker-worm in the root, which, if it be suffered to keep its abiding place, must inevitably sap and destroy the whole tree, stem, branches, and all.

If the term party is employed to convey the idea of persons supposed to be inimical to General Jackson, and who, in the recklessness of opposition, would be glad to have him out of the presidency, do what ought not to be done or leave undone what ought to be done, then I hesitate not to say it has no application to the occasion, nor to the men who were instrumental in getting up these resolutions. I speak from individual assurance as well as from general knowledge of character. The names of those who were prominent is warrant enough to me for the assertion. The very gentleman who presided at the meeting I know to be one than whom no other in the nation would exult more truly to see such a course of policy pursued as might redound at once to the advantage of the country and the glory of the incumbent of the Executive Chair. Malevolence towards General Jackson! Why, sir, the name of Jackson is associated with the hoarded recollections of that people. They cannot look, without remembrance of Jackson, on those very fields where he reaped that rich harvest of renown in which they too were sharers to some small extent. We can never forget that from the time when, at dead of night, the enemy's tramp was heard on our shore, it was the sword of Jackson that pointed the way till the invader was driven back to his fastnesses on the sea. On every annual return of the day, while the deeds that were done are repeated, and the holy anthem peals along the aisles, bearing up to Heaven the *te deum laudamus* for the deliverance, the spirit of Jackson seems to be there, presiding over the solemn commemoration.

Mr. Speaker, said he, I have thought it incumbent on me to say this much, out of regard to truth and in deference to the feelings of those who have intrusted me with these proceedings. I fain would impress the fact that neither they, in bringing the resolutions forward, nor their Representative in presenting them, have been actuated by any covert, unavowed purpose. They have thought fit to lay before the Legislature of their country the result of their experience on a subject of grave import; he has sought to perform a duty incident to the situation in which he is placed. It only remains to give the proper direction. A proposition has been laid on the table for a committee to secure to the people the benefits of a national bank. I move that the resolutions and memorial be printed, with the intention, when that committee shall be raised, of having them called up and referred to the same.

It was ordered accordingly.

After the presentation and reception of numerous other memorials, the House adjourned.

Tuesday, April 29.

Mr. **LINCOLN** asked leave to offer a resolution calling for information from one of the Departments.

Opposition being made, he moved for the suspension of the rule, and demanded the yeas and nays.

The resolution was read as follows:

Resolved, That the Postmaster General be directed to lay before this House a statement of the number and names, and dates of the appointments, respectively, of the clerks, agents, and other officers and persons employed in his Department, (other than postmasters and persons employed in the respective post offices,) and of the distribution and assignment of the appropriate duties of each; and, especially, of the character of the services required by the solicitor and clerks of the solicitor's office; and the duties and official employment of each of the persons who, in the register of the offices and agents of the Government, called the "Blue Book," who are denominated "clerks of appointment;" and that he do inform the House from what fund or appropriation all the officers and persons aforesaid, employed in his Department, have received their compensation; and that he be further directed to state to this House, to what corporations or individuals (if any) the Post Office Department is indebted for money borrowed, and to what amount to each of such corporations or individuals, respectively, and at what rates of interest such loans have been obtained; whether the Department has overdrawn the amount of deposites to its credit in any bank or banks; and, if so, in what balances it is now indebted to such banks; in what instances (if any) and to what amount, the Department has anticipated its revenue by drafts on post-offices in advance of the current quarter, and whether there are arrearages due to any contractors, according to the terms of their contracts, either executed or continuing for the conveyance of the mails, and to whom, and to what amount respectively; and what is the aggregate amount of the indebtedness of the Department, beyond its present means and resources, to discharge all its pecuniary obligations in time, and according to its engagements and liabilities."

The yeas and nays were thereupon taken, and stood as follows: Yeas 103, nays 50.

So the rule was suspended.

The **SPEAKER** said the resolution must, by rule, lie one day.

Mr. **LINCOLN** moved to dispense with the rule.

Mr. **ADAMS** demanded the yeas and nays.

They were taken, and stood, yeas 110, nays 68. Two-thirds not consenting, the rule was not suspended; and the resolution lies on the table until to-morrow.

HARDIMAN OWENS.

The rule being suspended for the purpose, Mr. **GILMER** moved that the letter of the Secretary of War, of the 4th March, communicating information concerning the death of Hardiman Owens, be taken up.

The report having been accordingly taken up—

Mr. **GILMER** moved its reference to a select committee.

Mr. **CLAY** moved that it be referred to the Committee on the Judiciary.

Mr. **GILMER** admitted that a portion of the matter of the report might with propriety go to that committee; but as other portions of it belonged more properly to the Committee on Indian Affairs, and others to the Committee on Expenditures in the War Department, he thought the best course would be to send the whole to a select committee.

Mr. G. referred to the order given by the commander of the United States troops, "to take Owens dead or alive," and to the order from the War Department to defend the prosecution against those who shot him, at the expense of the General Government, and by an agent sent for that purpose from Washington.

Mr. **CLAY** replied: admitted that some part of the report would belong more appropriately to the Committee on Indian Affairs; but insisted that it ought to go to the Committee on the Judiciary, on account of other questions involved.

Mr. **WILLIAMS** briefly supported the motion of Mr. Gilmer; and Mr. G. further advocated and explained it, disclaiming any thing like an attack on the administration.

The morning hour having now expired, the subject was laid over, and the House passed to the orders of the day.

On motion by Mr. **POLK**, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. Hubbard in the Chair.

SILVER COINAGE BILL.

Mr. **WHITE**, of New York, moved that the committee proceed to the consideration of the bill regulating the value of foreign silver coins in the United States.

Mr. W. assured the chairman and the committee that nothing but his duty to the commercial community would induce him to ask the favor, at this moment, when a great public measure (the appropriation bill) was before them; but as its necessity was urgent, and as it could not occupy any great portion of time, he asked that it be now taken up.

Mr. **POLK** said, if it would not create debate, nor occupy much time, he would assent to its consideration now.

Mr. **KING** said the proposed measure appeared to him to be too important in its character to be hastily adopted. There were some views of the subject which he thought had not been fully examined. When the mint of the United States was established, it was judged proper to make the silver coins of this country a trifle more valuable than foreign silver coins, in proportion to the weight of pure silver they contained. This was doubtless intended to operate as a check upon exportation, and upon consumption in manufactories, and to some extent it must have had the desired effect, by making it more profitable to export or consume foreign than American coin. It was now proposed to raise the legal value of the dollars of Mexico and the South American States. He said, to raise their legal value; because the bill provided in effect that 99½ of those dollars should be a legal tender in payment of a debt of one hundred dollars, our currency. Why was this necessary? Certainly not in order to induce people to take these dollars at their stamped or nominal value, for he would venture to say that no man in the United States would now refuse to take a Spanish dollar for a dollar. The reason why those coins were not in circulation was, because they were worth a trifle more than our own silver coins, for exportation and for manufacturing purposes. But what good end could be answered by raising the value of those foreign coins? Could you force them into circulation? You might; but to the extent you should do so, you would drive our own silver coins out of circulation, and out of the country. The amount of specie in this country had been variously estimated. The New York bank commissioners had supposed it to amount to about $26,000,000. It might be less. It possibly did not exceed that sum. How much of this was of our own, and how much of foreign coinage, could not be known.

The honorable gentleman on his left, from New York, [Mr. SELDEN,] had said that there were not more than $4,000,000 of our own coinage in the country. He was probably in error. Almost $3,000,000 of silver were coined at the mint in 1833, and nearly an equal amount in each year for several years past. It therefore seemed probable that much the largest portion of the silver coin in the country was of our own coining. But suppose the reverse to be the fact. It would only prove that the difference between our own and foreign coins was not so great as to prevent the exportation of the former. In fact the coin of the United States had been exported in large quantities. From 1826 to 1832, both years inclusive, upwards of $6,000,000 had been exported; what portion of it was gold he could not say. Mr. K. had not the returns before him which would enable him to be exact in these matters, but if he was not mistaken, the annual importation of silver into the United States, for the last twelve years, had averaged about $7,000,000 in each year--partly in bullion, but mostly in coin. And as the quantity of silver in circulation had not greatly increased, the inference was, that the exportation had nearly equalled the importation. And this must always necessarily be the case. No more silver could be retained in the country than could be profitably employed here. The surplus would be exported, and any attempt to retain foreign coin, by increasing its legal value, would only result in an increased exportation of the coinage of our own mint. If the mint could not coin enough to supply the circulation, another question would be presented; but it had coined more than the circulation could absorb. This was proved by the large exportations he had mentioned. Our gold coin was in a very different situation, the standard, alas! too high, and he should be glad to see a bill to reduce it, so as to make it a part of the circulating medium of the country. The annual expenses of the mint (exclusive of the original cost of the establishment) was about $60,000. This expenditure was a useful one, if a currency of known and uniform value was to be created by it; but if foreign coins were to be raised to such a value as to cause our own coinage to be exported, he could not perceive what advantage the country could derive from this considerable charge upon the treasury. The inconvenience and injustice to which the present proposed measure would subject persons who had large sums to demand from banks, had already been fully explained by gentlemen who had spoken. There might perhaps be a doubt whether the bill, if it were to become a law, might not to some extent impair the obligation of contracts; but it was not his purpose to enter largely into the discussion of the subject, and he would not, therefore, argue this point. He hoped the honorable gentleman from New York [Mr. WHITE] would consent to a postponement of the question.

Mr. COULTER said that this bill had passed to its present stage without attracting much consideration. It appeared to him that it ought to be more maturely considered before it was enacted into a law. The operations of its provisions would reach every section of the country, and interfere with the transactions of all classes of citizens who either paid or received money. Such laws, especially when there was any feature of novelty about them to which the people had not been accustomed, ought to receive the gravest consideration. He was willing to co-operate in any measure which would tend to increase the metallic currency of the country. But he doubted much whether this bill would have any such effect. Its practical operation would be, in his judgment, extremely inconvenient, and, at the same time, unjust. The usefulness of stamped coin was to make it pass at a known and legal value, according to the character of the stamp; so that whether received in large quantities or small, its value is uniform. But this bill provides that, in payments of the amount of $100, the Mexican and other South American dollars shall be a legal tender by weight, and as that coinage is ascertained to be one-half per cent. purer than our dollars, ninety-nine and a half South American dollars will be made equal to one hundred dollars of our own coin, while, in smaller payments, or by tale, they will be just of the same value.

The practical operation of the bill will then be to increase, in the vaults of the banks, every ten thousand dollars of this coin to the value of ten thousand and fifty, and to decrease the value of bank notes in the hands of the holders in the same proportion. It is true that a person who receives payment in weight, in this kind of dollars, may go to the mint and sell it for bullion at the same price—but it would be a losing operation for his constituents beyond the mountains, who received from a bank nine-nine and a half dollars in payment for a hundred of bank notes, to carry it to the mint in Philadelphia and sell it for one hundred dollars of American coin. The effect of the provisions of this bill will be to give an advantage and profit to those who import, and the banks which accumulate it. This profit must at last come from some class of the community. If this is not the design of the novel feature of this bill, making these coins a legal tender only in large payments, I am at a loss to perceive what object it has. Otherwise, you might as well make bullion a legal tender by weight, whether in large or small quantities, and then this coin would pass, as is alleged by the supporters of this bill, as it ought to pass, for the amount of pure silver it contains. If the object of the bill, then, is to give such profit to the importers and those who accumulate this kind of coin, and thereby offer a motive to increase the quantity of silver in the country, the best way to do it would be to give a premium by law, which would be so far just, as to be paid by the community generally, for what was considered a public benefit.

There is something artificial and involved--something like the minimum principle in the collection of duties, in the provision of this bill, to which, he thought, the people he represented would not be reconciled. The habits and customs of our people have been, and are, to pay and receive silver coin by tale, or according to the value and character of the stamp impressed on it. This operates equally upon all descriptions of dealers and dealings. It is a practice easily understood, and of the greatest practical convenience in business. It is always prudent in legislators to follow and be guided by the settled habits and customs of the people. No small theoretic good was sufficient to induce him to depart from them. The coins described in the bill have long passed current in the country--a dollar for a dollar--no more, no less. If it is necessary to make them a legal tender, let it be done according to their value, as accepted by common consent.

Foreign coins ceased to be a legal tender in 1827. They have been ever since, and always will be, a good, if not a legal tender; for, in this bank-note age, it is not likely that any person will refuse to receive foreign coin, at its known and accredited value as such. But I have no manner of objection to a law declaring foreign coin to be a legal tender, although I consider it somewhat unnecessary, and calculated merely to raise a delusive hope as to the coming of the golden and silver age. But in doing this I would be guided by our former experience. That is a fountain from which the unlearned, as well as the learned, may drink wisdom and knowledge. The law which expired in 1827 made the Spanish milled dollar a legal tender, at the value of one hundred cents, and parts of a dollar in the same proportion. These South American dollars are of the same weight and purity, and so accepted and received every where. It seems to me, then, that the prudent course would be to revive the old law, and include in its enactments the dollars mentioned in this bill. We shall then put into operation machinery to which our people have been accustomed, and which has been proved to work well. There is something so novel in this measure of making silver dollars a legal tender by weight, and then only when there is at least one hundred, or rather ninety-nine and a half, together, leaving the single ones and stragglers to get along as they can; and the inconvenience of it in practice is likely to be so perplexing and vexatious, as well as unequal and unjust, that he was not prepared to vote for it. He hoped the bill would be postponed for further consideration and amendment.

After some words from Mr. McKAY—

Mr. WHITE withdrew the motion for the present.

GENERAL APPROPRIATION BILL.

The committee then proceeded to consider the general appropriation bill, commencing with an item for additional clerk hire in the offices of the Surveyors General of Ohio, Indiana, and Michigan, "in order to bring up the arrears, and transcribing the field-notes of said office, for the purpose of having them preserved at the seat of Government, three thousand five hundred dollars."

Mr. VANCE opposed this item of appropriation, as unnecessary, and moved to strike out.

Mr. McKINLEY, Mr. POLK, Mr. LYON, Mr. CLAY, Mr. ASHLEY, and Mr. LANE, all opposed the motion, and made explanations, at considerable length, respecting the amount of these arrears, how they had accumulated, and the necessity of additional aid in reducing the business to order.

Mr. VANCE, though not convinced, relinquished his opposition, observing that he perceived it to be vain to endeavor to diminish the sum in the bill.

The amendment of Mr. VANCE was rejected without a count.

The reading of the bill proceeded for some time, when Mr. ASHLEY moved the following amendment:

"That if, in the execution of his duties, a Surveyor General shall have ascertained that, in consequence of the small amount of work to be performed, or of the peculiar nature thereof, either on account of its locality or other cause, that it is impracticable to procure any accurate survey to be made by a surveyor competent thereto, at the present rate of compensation, it shall be his duty to report to the Commissioner of the General Land Office, who, with the approbation of the Secretary of the Treasury, shall be, and he is hereby, authorized to make for such work such further and other allowance, in addition to the price now allowed by law for surveying, as he may deem justified by the circumstances of the case."

Mr. ASHLEY explained the grounds of his amendment in a few words.

It was also advocated by Mr. DUNCAN, who observed that there were large quantities of lands in Illinois situated in a similar manner to that to which the gentleman had referred.

Mr. POLK, though not opposed to the object, thought it out of place in this bill.

Mr. ADAMS, of Massachusetts, took the same ground: the amendment went to give the Secretary of the Treasury discretionary power to increase *ad libitum* the compensation of a whole class of officers.

Mr. ASHLEY thereupon withdrew his amendment.

Mr. VANCE moved to strike out the following item:

"For enabling the respective Surveyors General to furnish the several land offices, commencing under the credit system, with renewed township plats, under the direction of the Secretary of the Treasury, in cases where those previously furnished have been defaced, or become materially injured by use, ten thousand dollars."

Mr. V. insisted that no such sum could be needed for such an object: the clerks ought to renew the maps when worn or defaced; in Ohio, they had little else to do; and he would take this opportunity to declare in his place, that the office of Surveyor General in Ohio was, and had long been, a perfect sinecure. The incumbent, a very competent officer, might be seen anywhere but in his office. Mr. V. had seen him in Washington, and in New York, for weeks.

The question being taken, the vote was: Yeas 45, nays 53. No quorum having voted, the question was taken again, and then the vote stood: Yeas 53, nays 60. There being still no quorum, the chairman counted the committee, and found a quorum present. The discussion was renewed: the motion to strike out was advocated by Messrs. EVERETT, of Vermont, FULLER, BURGES, and BARRINGER; and opposed by Messrs. by McKINLEY, POLK, and ASHLEY.

Mr. DUNCAN moved to amend the item by reducing the amount to $5,000.

The CHAIRMAN pronounced this motion out of order.

Mr. WILLIAMS opposed the appropriation, as resting on no definite data.

Mr. POLK read returns from some of the land offices, to show how large a quantity of these maps would be required.

Mr. PLUMMER stated the condition of the land offices in Mississippi, and insisted on the urgent necessity of having further aid to bring up the arrears of business.

The question was taken, and decided in the negative: Yeas 57, nays 67.

Mr. WILLIAMS moved to amend, by reducing the amount to $3,000; Mr. ASHLEY to $5,000; and Mr. BULL to $9,500.

The question was divided, and $5,000 agreed to: Ayes 92.

Mr. ADAMS moved to increase the appropriation for the Library from $5,000 to $10,000, and referred to the late report of a committee of conference between the two Houses, recommending such an increase, but the motion failed: Yeas 54, nays not counted.

Mr. POLK moved an additional item for arrears of expenses in Michigan Territory, of $4,000, which was opposed by Mr. McKAY, but finally agreed to.

Mr. BELL, of Tennessee, moved an item of $3,000, for printing a digest of the laws of the Arkansas Territory.

The clause was opposed by Mr. HARDIN. He disapproved of all digests, as more calculated to mislead than assist inquiry; nor could these territorial laws be numerous or permanent enough to need it.

Mr. BELL advocated his motion as being recommended by the Judiciary Committee. He stated the scarcity of copies of the laws of the Territory, and adverted to the fact that the same thing had been done for other Territories. He approved the general principle that no extraneous matter should be inserted in an appropriation bill; but, if rigidly enforced, that principle would prevent many measures which could not otherwise be reached at all.

Mr. SEVIER pleaded with much warmth the cause of his Territory, and further supported the amendment by explanations of a local nature.

Mr. HARDIN rejoined, and Mr. SEVIER rebutted; and, after the discussion had continued some time, the question was taken, and decided in the affirmative: Yeas 72, nays 49.

Mr. BRIGGS moved an increase in the item for compensation to the governor, judges, and secretary of the Florida Territory from $11,300 to $13,100; but it was negatived.

On motion of Mr. POLK, another item, for $2,000 arrearages in the same Territory, was inserted.

Mr. SELDEN introduced a proviso to the clause providing for the compensation of district attorneys of the United States, forbidding them to bring separate suits in cases that might be consolidated. On this amendment a debate arose which continued until near 5 o'clock, when, without coming to any decision, the committee rose, and the House adjourned.

Wednesday, April 30.

PUBLIC DEPOSITES.

The resolution of Mr. Mardis, on the subject of retaining the deposites in the State banks, &c. coming up as the unfinished business of the morning hour—

Mr. McKENNAN, of Pennsylvania, addressed the House as follows:

Mr. Speaker: Satisfied as I am that the State banks cannot, under any regulations which may be devised, be used with safety to the country or advantage to the public, as the fiscal agents of the Government; and believing, as I most conscientiously do, that the removal of the public deposites from the Bank of the United States was arbitrary, unjust and inexpedient, ill-advised and ill-judged, I cannot content myself with having given a silent vote upon the subject in another form; and although I cannot hope to shed any additional light on the interesting and important question, which has engaged in its discussion the best talents of the country, still I feel constrained, by an imperious sense of duty, to put my public seal of condemnation upon this lawless act of power, and to throw myself upon the indulgence of the House whilst I briefly detail the reasons which have brought my mind to the conclusion that this measure "was wholly indefensible, without color of probable cause, a violation of the bank charter, an inroad upon the property and security of the citizens, and upon the rights of the Legislative department."

I am the more induced, sir, to say something on this subject, from the peculiar relation which the State whence I come bears to the institution which has been so unfortunate as to fall under the heavy weight of executive displeasure, and from the withering, destructive influence which this high-handed measure must have upon its wealth, prosperity, and happiness. That State, Mr. Speaker, I am proud to say, is powerful in her population, in her industry, enterprise, and resources; but, with humbling mortification I confess it, if the Governor, in his late message to the Legislature, and the Senate, in the resolutions they passed on the subject, can be considered as speaking the views and sentiments of the people, she is lamentably deficient in that steady, uniform consistency of course, and in that manly spirit of State pride, which are so essential to give her the weight and influence, among her sister States, to which her wealth, population, and resources, entitle her. It is humiliating in one of her citizens to make this confession; but truth and justice demand that it should be made. Let us look for a moment at the course which has been pursued towards her and her interests, and at the attitude she has now assumed, if, as I said before, the constituted authorities before referred to can be considered as speaking the language of the people. It is well known that Pennsylvania contributed efficiently to the elevation of the present administration into power. Impelled by a deep sense of gratitude for his brilliant military achievements, dazzled by his military glory, and induced to believe, from his expressed opinions and his votes, that he would support all the important measures of policy with which her interests were identified, her people rallied around the standard of the hero of New Orleans, and greatly aided in raising him to a station for which, in my humble judgment, he never was fitted either by nature, habit, temper, or education. And what has been the result? Let me ask—and I put the question to my colleagues, and particularly to my colleague from Philadelphia, [Mr. Sutherland,] whose mind, no doubt, from "principle," without any regard to "interest," has, since the last Congress, undergone an entire change as to the course and character of the present administration, and not only to them, but to the people of the State, and I wish it could reach the ear of every citizen of that State—what great and important measure of policy, which she has advocated, has General Jackson sustained?

If ever there was unanimity among the people of any community in support of any measure, the people of Pennsylvania have been unanimous in the support of the tariff, the system of internal improvements by the General Government, the Bank of the United States as a means of promoting agricultural prosperity and commercial enterprise, and the fair and equal distribution among the States of the proceeds of the sales of the public lands. To the first three they have clung as the sheet-anchor of the prosperity of the country; and is it not now thrown into our teeth that he has prostrated the very policy to which she has been wedded, and which her citizens have so unitedly, so manfully, and so perseveringly supported?

Have not his advocates on this floor, and particularly the gentleman from New York, [Mr. Cambreleng,] boasted, no doubt by way of special felicitation, to my colleagues and the people of Pennsylvania, that he has put his foot upon the "abominable" policy of protecting the industry of our own citizens against foreign competition, and upon the system of internal improvement, and trampled them in the dust? And if any more or better proof be wanted than the boast of his friends upon this floor, I beg leave to refer to an authority which will not be disputed—to the official gazette, which is published under the very eye of the President, and must be considered as speaking his sentiments and feelings. I quote from the Globe of the 25th March:

"To the rescue, ye sons of the Ancient Dominion! That triple-headed monster, the American system, (the tariff, internal improvement, and the bank!) is now in its last agonies, under the blow of the hero of New Orleans!"

But further, sir. In prosecution of a magnificent scheme of improvement within her own borders, that State has exhausted her resources, and involved herself in a heavy load of debt. She has been under the necessity of borrowing upwards of twenty millions of dollars, to pay the interest of which she has been compelled to resort to the oppressive taxation of her citizens, who have been looking with great anxiety to some measure which would relieve them from their difficulties and embarrassments. That relief was promised by the bill which was before Congress, at the last session, for the distribution of the sales of the public lands among the States, which her Legislature, by a vote that was, I believe, entirely unanimous, instructed her Senators, and requested her Representatives on this floor, to support. The bill passed both Houses of Congress, all the Representatives from Pennsylvania, without a single exception, voting for it; and, if it had been permitted to become a law, would have brought into her treasury annually about three hundred thousand dollars, which would have gone far towards the extinguishment of the accumulating interest upon her canal loan, or would have formed a splendid fund for carrying into operation the system of common school education which, I am happy to learn, has been lately adopted by her Legislature. But the views of the representatives of the people were defeated, and the interests of Pennsylvania essentially injured, by the "salutary" exercise of the veto power!

And still further: The Bank of the United States, (to use the language of our Governor,) "has done some service" to the State. It is located in the commercial emporium which is the pride of the Commonwealth. When it went into successful operation, the State was flooded with a depreciated and worthless paper currency. The banking mania was carried to an excessive and extravagant length. Institutions, legal and illegal, sprung into existence every where, which vied with each other in the extravagance of their issues, and literally inundated the country with their uncurrent trash. The system of domestic exchanges was deranged and broken up; and, in making remittances to the Eastern cities, persons in the interior had to pay a premium of from ten to twenty per cent.

All the evils arising from such a state of things were remedied and removed through the benign and salutary influence of the Bank of the United States. Those local institutions which were based upon a false and fraudulent foundation were crippled and destroyed, and those which were conducted upon fair and correct principles were aided, encouraged, and strengthened, by the United States Bank. Between it and the solvent State banks the most amicable relations were established; and, by their mutual efforts, the currency was purified and improved; a sound circulating medium was substituted in room of the miserable depreciated trash which had overrun the country, and exchanges were so regulated as to furnish all the facilities of the transmission of funds, from Louisiana to Maine, at the most trifling cost. Since that period, and until the exterminating war which has been commenced and carried on against this institution, the system of internal exchanges has perfectly answered all the purposes of the trading community.

The State of Pennsylvania experienced and fully appreciated the important advantages derived from this institution; and so fully impressed was her Legislature with the importance of the continuance of these advantages, that, two years since, they almost unanimously passed resolutions urging upon Congress the necessity of a speedy recharter of the Bank of the United States, as a means of promoting the prosperity of agriculture and manufactures, and of continuing a sound currency. These resolutions, which are not long, I beg leave to read to the House. They speak the sentiments of the people of Pennsylvania on the subject of the American system in general, (which, according to the language of the official paper, is in its last agonies, under the blows of the hero whom they have aided in elevating into power,) and more particularly in relation to the "hydra-headed monster," upon whose neck his friends here boast that the Executive has put his foot.

"1. *Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That we view with most serious apprehension any attempt to lessen the restrictions upon the importation of any articles of foreign manufacture or production, which may compete with articles of similar growth, production, or manufacture of the United States.

"2. *Resolved,* That a reduction of duties upon articles the like of which are neither manufactured nor produced in the United States, or which does not materially affect the industry of the country, would meet the approbation of our constituents.

"3. *Resolved,* That the people of Pennsylvania cannot consent to an abandonment of the protective system.

"4. *Resolved,* That we view the American system as a whole, which requires the united and concentrated operations of its friends against all attempts to attack it in detail; and that no step should be taken to preserve one portion of it at the expense of another.

"5. *Resolved,* That, connected as the prosperity of agriculture and manufactures is with the successful financial operations and sound currency of the country, we view the speedy rechartering of the Bank of the United States, with such alterations as may secure the rights of the States, if any be necessary, as of vital importance to the public welfare.

"Approved by the Governor, January 6, 1832."

Agreeably to the suggestions contained in these resolutions, the charter of the Bank of the United States was renewed, (every Representative from Pennsylvania, except one, voting for it,) with such modifications and alterations as was believed would protect the rights of the States, and remove all objection to its continuance; but again were the views of the representatives of the people, and the wishes and interests of the people of Pennsylvania, defeated by the intervention of the executive veto!

And now, in view of all these things, let me say to the people of my State, and I say it more in sorrow than in anger, have you not been the instruments of the destruction of your own interests? Have you not bowed your necks to the yoke of power, which has been exerted to prostrate the policy which is intimately connected with the promotion of your prosperity and that of the country, and kissed the rod that smote you?

The reasons given by the President, in his veto message, for the rejection of the bill for rechartering the bank, were not satisfactory to the people, nor were they satisfactory to the mind of the Governor of that State, who, in his annual message to the Legislature, in December, 1832, holds this language:

"The Bank of the United States, whatever may be alleged to the contrary" (in the veto message,) "has certainly done the country some service. It has established a circulating medium in which the people have confidence. It is not denied, I believe, that it has greatly facilitated the operations of the General Government, so far as its pecuniary transactions were concerned; and it is admitted that it has materially aided individuals in their pecuniary arrangements with each other, and especially in the transmission of moneys to distant parts of the Union."

And if we are to give credit to the testimony of a gentleman, one of the committee from the city of Pittsburg, who some weeks since visited this place to lay before Congress a representation of the distresses and embarrassments of that community, and wherever he is known I am sure his word will not be questioned; and when the members of this House are informed that the people of the county in which he resides have twice by their suffrages elected him to the profitable and responsible office of sheriff, they will not doubt his statement. I say, sir, if he is to be believed, the opinions of the Governor on the subject of the bank, and its operations, and beneficial influence, had, at the time he held the conversation with him, undergone no alteration. To him he stated "that his opinions in relation to the bank had already been made known on various occasions, in his messages to the Legislature, and in his approval of the unanimous resolutions of the Legislature in relation to the tariff and the bank; that his opinions on these subjects are still unchanged; but that he did not feel it his duty now to make any public expression of his opinion in relation to the removal of the deposites, considering, as he did, that this was a question between the General Administration and the bank, in which it did not become him to interfere."

Greatly, Mr. Speaker, would it have been to his credit, and to the credit, and honor, and advantage of the State, if he had adhered to this determination. This is a crisis in the affairs of Pennsylvania, as well as of the country, which demands all the firmness of the patriot and all the independence of her Executive. Borne down by an almost insupportable load of debt, her public improvements in danger of being stopped, and her credit at home and abroad destroyed, it was expected that her Chief

Magistrate would, if he said any thing, denounce boldly and fearlessly the real cause of her disasters. Many of his friends believed he would be equal to the conflict, but sadly have their expectations been disappointed. Notwithstanding his uniform, unequivocally favorable expression of opinion of the utility and operations of the Bank of the United States, his mind has undergone a sudden, unexpected, unaccountable, and, I must be permitted to say, humiliating change. Rumor says that the change was effected in one night.

Instead of assigning the removal of the public deposites and the vindictive warfare carried on against the bank, which compelled it as a matter of absolute self-defence to curtail its discounts in order to prepare for the threatened assault, as the cause of the financial embarrassment of the State, he indulges in a course of insinuation and inuendo against the bank, which, in my view, was totally unbecoming the high station he occupies, unjust towards the bank, and unfounded in fact.

Allow me to refer to a brief extract from his late message to the Legislature, which, throughout, expresses his sentiments in a most doubting and hesitating manner, in which he says: It can scarcely be doubted, from the course of the operations that institution has been pursuing for some time past, (whether justifiable or not I will not undertake to determine,) that the State is indebted in a great measure for its disappointments," &c.

Now, sir, it must strike the mind of every man that this is extraordinary language to be used by the Chief Magistrate of a State. If the course pursued by the bank was justifiable, where can he find an excuse for indulging in its denunciation or censure? If unjustifiable and improper, why has he not undertaken to state the reasons upon which the charge is made? This would have enabled the public to judge of the correctness of his opinion, and would have afforded an opportunity to the friends of the bank of exposing either the falsity of the facts on which the opinion was founded, or the fallacy of the conclusions drawn from those facts.

What has produced this extraordinary change in the views and the course of the Executive, it would not be proper for me to conjecture. But from it I draw this sober, serious reflection: that this abandonment of well-settled opinions; this subserviency to the will; this cringing before the power and popularity of an individual; this idolatry of a man and sacrifice of the best interests of the country, affords the strongest demonstration that we are fit only to be slaves! That the people of Pennsylvania will sustain him in this vacillating course, in these times which call for steadiness in principle, and firmness in the expression of our opinions, I cannot believe. There are indications as clear as day that the people are alive to their interests, and will speak to their rulers in a voice which will make them feel that they have disregarded those interests and trampled them under foot.

Mr. Speaker, at the time when the wanton, fearful, and ruinous experiment upon the industry, capital, and currency was commenced, the sun never shone upon a more happy, peaceful, prosperous, and improving country. Commerce, agriculture, and manufactures flourished; labor was fairly rewarded; industry and enterprise encouraged; and peace and plenty reigned in the land! But suddenly the scene is changed. The cries of deep distress salute our ears (they have been shut out from the ears of those who influence the Executive) from every section of the country. Our tables have been literally groaning under the weight of the memorials setting forth, in the most glowing colors, the embarrassments and complaints of the people. Commercial credit has been destroyed; manufacturing enterprise paralized; agricultural products have been reduced from 30 to 50 per cent.; labor cannot now command its just and customary reward; ruin has overtaken the honest, industrious, and enterprising; families have been reduced to beggary; and desolation, like a whirlwind, now spreads over this lately flourishing land!

To what cause, sir, can this sudden reverse of fortune, these distressing calamities be attributed? Can any man in his senses doubt? Is it not as plain as the noonday sun that they are attributable to the loss of public confidence, brought upon us by the ruinous and illegal interference of the President with the currency of the country? What has been the operation? The Bank of the United States was about to die a natural death; in two short years its charter would have expired, and no hopes were entertained by its friends that it could be continued any longer. If the amicable relations which have, in years that are gone by, existed between it and the Government had been preserved, and it had been permitted to die in peace, it would have brought its operations quietly and gradually to a close, and no such agitations and distractions could have convulsed the nation.

But a violent and desperate assault has been made upon the institution by (to borrow an expression from the Governor of our State) "an energetic and unbending antagonist." A secret but exterminating warfare has been carried on against her; secret, I say, because no intimation, except so far as the bank could collect it from rumor, was given of the meditated attack. The facts with respect to the secrecy with which the war was carried on, are briefly and satisfactorily stated in the report of the minority of the Committee of Ways and Means, an extract from which I beg leave to read to the House.

"The times and amounts in which the deposites were to be withdrawn by the Treasury, were not only not made known, but were concealed from the bank. The Treasurer had been, for years, in the practice of sending daily lists to the bank of every draft drawn upon it, stating both the date and the amounts, without the names of the holders; and he also sent weekly lists of the drafts, with the particulars in every point. These were the suggestions of amity to assist the bank by the fullest information of the Treasury purposes; but, as soon as the policy of the Treasury Department was altered, and a hostile attitude assumed, the practice of daily and weekly lists was continued, but they did not speak the whole truth. Drafts, to an immense amount, were withheld from the lists, to be used according to contingencies, and at points where the bank might or might not be prepared to meet them; and the daily and weekly lists consequently became instruments of deception to the bank."

It was boasted by the confidential agent employed by the Government to treat with the local banks, that the very existence of the institution depended upon the breath of the Secretary of the Treasury; that he could at any moment bring it to his feet; threats were uttered from high authority, that from five to ten millions of its paper, in the form of checks, should not be received in the payment of the revenue, so as to throw them on the bank for specie; the greater part of the public deposites were suddenly withdrawn from its vaults; and, because, under all these circumstances, it reduced its accommodations, and endeavored to reduce its circulation, the effort is made by the friends of the administration to throw upon the bank the imputation of producing the distress and embarrassment which pervade the country. At first the existence of the distress was denied; but when the evidence accumulated upon them so as to be irresistible, they are brought to the reluctant admission of the truth of the fact, and then cry out it is the bank—the bank, which, by its oppressive conduct, has produced all the distress which is wringing the hearts of the people.

With what justice, Mr. Speaker, can this charge be made? What has the bank done? An official report, made by one of the respectable committees of the board, shows clearly and conclusively, that previous to the first day of October, 1833, when the order was given for the withdrawal of the public deposites, during the months of August and September, when the Secretary complains that it oppressively curtailed its accommodations so as to force from the people a continuance of its charter, the bank did not coercively collect a single dollar from its customers; the mother bank gave no orders for the contraction of the loans, and every cent that was collected was voluntarily paid by its debtors in the ordinary course of business. Between the 1st day of October, 1833, and the 1st of April last, nearly eight millions of private and public deposites were withdrawn from its vaults, whilst the whole amount of reduction of loans was a little over five millions. The compulsory contraction of its discounts has not been equal, by nearly three millions of dollars, to the amount of deposites which have been abstracted from it. Upon every principle of self-defence, were not the directors of the institution perfectly justified in going further than they did in making the fullest preparation to meet the meditated attack whenever or wherever made? Would they not have been reckless of the trust confided to their care, if they had not made ample provision for its safety? I put it, Mr. Speaker, to every financial and candid man to say whether the bank did more, under the circumstances, than was absolutely demanded by a regard to the interests of the stockholders, and its own security?

It will not do—the responsibility cannot be shifted—the people will see where it lies. The withdrawal of the deposites, with the spirit, and in the manner in which it was done, imposed upon the bank the imperious necessity of a contraction; credit and confidence were destroyed, and ruinous embarrassment must ensue as a necessary and inevitable consequence.

This view is so fully and forcibly expressed in the report of the Union Committee of New York, from the pen of that distinguished financier, enlightened patriot, and venerable man, Mr. Gallatin, that I cannot deny myself the gratification of quoting a paragraph from it. He says:

"But the fatal injury inflicted by the Executive measure, was its effect on general confidence. The threat of the removal of the deposites, and especially their actual removal, created apprehensions of danger, immediately to the bank itself, and more remotely to all the moneyed institutions and concerns of the country. Retrenchment at all, and rigorous enforcements of its claims at some points, were presumed to be indispensable to the safety of the bank; and the extent being conjectural, was exaggerated by timid capitalists, who, as a class, are, perhaps, more fearful than men of less wealth. Men saw that the relations between the Government and the bank were thenceforth to be hostile; that between it and the selected banks they were to be those of mistrust, and that without a national bank the stability and safety of the whole monetary system of the country would be endangered. This was the first instance in the history of our Government, of a direct interference of the President with one of its officers in the performance of the duties which, by law, devolved exclusively on that officer. It was the more dangerous, as being made in defiance of a solemn vote of the late Congress at their last session: and as if with the intention to forestall the opinion of that which must meet within sixty days after the interference was made, and as if to encroach on its legitimate rights. But nothing could be more alarming to men of business, who rely for the success of their operations on that stability in those of Government which can only be guaranteed by law, than unexpectedly to discover that the commerce, the currency, and the moneyed institutions of the country, its credit and their own credit and fortunes, were thenceforth to depend on the private opinions, the presumed wisdom, and the arbitrary will of one man. Other minor causes increased the apprehensions, and restricted more and more the use of private capital and private credit; and the alarm became a panic not dependent upon or to be explained as a matter of ordinary reason."

As I said before, Mr. Speaker, the responsibility cannot be shifted. The President assumed it, and with all its consequences, however dreadful, it must rest upon him, or rather upon those who, unfortunately for him and for the country, have wormed themselves into his confidence, and have deceived and imposed upon him. And this leads me to inquire into the circumstances under which this fearful responsibility was assumed. It was taken against the deliberate advice and earnest remonstrance of at least the half (if not more) of his legal and responsible advisers. The Secretary of the Treasury, who could have been actuated by no other motive than a regard for the President's fame, the success of his administration, and his country's good, presented his views freely, and fully, and most ably, on the subject. He firmly and fearlessly, but respectfully, remonstrated against the rash, fatal deed, and with a foresight and feeling which did credit to his understanding and his heart, predicted all the destructive consequences to the credit, currency, and prosperity of the country which would flow from its adoption. His warning voice was unheeded and unheard! He might as well have attempted to quell the raging storm, or stay the surging billows as they dash against the fretted shore.

He was sacrificed, thrust from office, trampled under foot! and, in passing, let me say to meek, patient, all-enduring Pennsylvania, he is not the first of her distinguished sons who has been thus harshly, unjustly, and unceremoniously treated since the present administration came into power. Since his removal from office he has been ridiculed, vilified, and abused by the official gazette and all the papers throughout the country in the support of the administration—and for what cause? Not for any lack of purity of principle, or integrity of purpose, or fidelity and firmness in the discharge of his official duties, but because he would not violate a sacred trust, specially confided to his care by act of Congress, and would not permit himself to be made the slavish instrument of Executive will. He dared to consider himself, in the discharge of the trust imposed upon him, as the officer of the law, and not the minion of power. Sir, the late Secretary of the Treasury deserves the lasting gratitude of his country, and when the passions, and prejudices, and feelings of party have passed away, will challenge the exalted praise of the future historian for the manly firmness he displayed in resisting the encroachments of Executive power, at the expense of losing the honors and emoluments of an office he never sought, and which he had too much integrity to hold on such debasing terms. The struggle between his attachment to the President, his devotion to the party with which he had fought, and the good of his country, was a severe and trying one; but in such a conflict he could not, did not, hesitate. He manfully resisted all the temptations of ambition, and sacrificed all his fair prospects of political power and promotion upon the altar of the constitution and laws of his country. Sir, his conduct was above all praise.

His successor, sir, entertained very different views in the discharge of his duties. He laid down the trust imposed upon him by act of Congress, at the feet of executive power. By law he was the guardian of the public purse; that guardianship he surrendered into the hands of the President. By law he was the keeper of the keys of the treasury, and those keys he has given to the Executive, who, by the constitution, has the command of the army, and, by this surrender, has united in himself all the power of the purse and sword of the nation. By this union the very liberties of the country may be prostrated.

This union, sir, is distinctly, and in language which cannot be mistaken or misunderstood, claimed by the Executive in his late extraordinary protest against the proceedings of the Senate, which has been laid before the public. That paper contains doctrines which, in my view, are subversive of the rights of the Legislative branch of the Government, and of the principles of the constitution, and demand the instantaneous and fearless rebuke of the representatives of the people. He there openly and unequivocally claims that he has the custody and care of the public money, as well as of the arms, and ammunition, and property of the United States, and denies the power of Congress, by law, to deprive him of the custody, care, and control of either. This is his language: "Whenever or howsoever the public money be obtained, its custody always has been and always must be, unless the constitution be changed, intrusted to the Executive department." "No officer can be created by Congress for the purpose of taking charge of it, whose appointment would not, by the constitution, at once devolve on the President, and who would not be responsible to him for the faithful performance of his duties." "Congress cannot, therefore, take out of the Executive department the custody of the public property or money, without an assumption of executive power, and a subversion of the first principles of the constitution."

The constitution! where does it give him the custody of the public purse? By that instrument, in the definition of his powers, the President shall be commander-in-chief of the army and navy of the United States; shall have power to grant reprieves and pardons; to make treaties; and to nominate, and, with the advice of the Senate, appoint ambassadors, public ministers, and consuls, judges of the Supreme Court, and other superior officers of the United States. But where is the single letter in the constitution which gives him the care and custody of the money of the nation?

That same instrument provides that the Congress shall have power to lay and collect taxes, duties, imposts, and excises, pay the debts, borrow money, coin money: and regulate its value.

Who can doubt that the care and custody of the money thus collected, borrowed, coined, is under the control of the Legislative department, which alone can direct "how it shall be raised, where it shall be kept, and under what checks it shall be received, secured, and paid?"

The care and custody of the money of the nation is clearly vested, by the constitution, in the representatives of the people, as the physical force of the country is placed under the control of the Executive, and for the wisest purposes. Keep those powers separated, and the liberties of the people are safe: combine them in the same hand, and the Government becomes an absolute, unqualified, and unmitigated despotism.

Doctrines so dangerous to the liberties of the people, and so subversive of the rights of the Legislative department, as are contained in the paper alluded to, could not long escape the notice of the representatives of the people, who should always be jealous of their rights: they were noticed, and in such a manner as to induce the persons around the President to think and feel, and send in a supplement, retracting the most obnoxious dogmas promulgated in that document.

And here, sir, I cannot withhold a merited compliment from my friend, [Mr. Wise, of Virginia,] (I know he will permit me to call him by that appellation, for he is connected with a family, the head of which was my oldest and best friend; and, now that he is gone, I may be permitted to say was one of the purest men that ever breathed the breath of life,) for his fearlessness in the discharge of his duty as a Representative on this floor, in presenting the resolutions repudiating the unauthorized assumption of executive power. He is the friend of the President; his personal, political, and sincere friend. Fawners flatter the incumbent of power and patronage, and cry peace, peace, when there is no peace! But to censure and condemn those in power, when there is ground of censure and condemnation, is an act of the purest and most disinterested friendship.

But, sir, to return to the Secretary of the Treasury. Within three days after his induction into office, he gave his order in form, (for it was in fact the order of the President, and had been announced in the Globe before his appointment,) for what? Not merely that the public moneys thereafter collected should not be placed in the Bank of the United States, but that the moneys already collected and there deposited should be withdrawn; that the deposites should be removed. These moneys had been collected and placed, in conformity to law, in the bank which was selected as the place of deposite, and was, as it were, the strong box or treasury of the nation. There they were perfectly safe, and could not be constitutionally withdrawn, except in pursuance of an appropriation by law.

Permit me here, Mr. Speaker, to say a word in relation to the safety of those deposites. It will be recollected that, in his annual message in December, 1832, the President intimated his apprehension that the bank was not a safe depository of the public moneys, and urged the appointment of a committee to inquire into its state and condition. The Secretary of the Treasury, entertaining similar suspicions, appointed a confidential agent, a gentleman of probity and worth, a friend of the administration, to make the necessary examination. He discharged that duty, and made a report to the Department, exhibiting the amount of specie in its vaults, its debts and credits, which demonstrated that the institution was as sound as the mines of Potosi, and that there could be no question about the safety of the public moneys. The Committee of Ways and Means, to whom the President's message was referred, took up the subject, and, after a full consideration, reported a resolution affirming "that the Government deposites may, in the opinion of the House, be safely continued in the Bank of the United States;" which was adopted by the overwhelming vote of 109 to 46 of the representatives of the people. Where, then, does the Secretary of the Treasury find any warrant or authority, in the law or in the practice of the Government, for thus abstracting from its vaults the moneys there already deposited, and scattering them abroad to sustain the credit of the tottering State banks?

It will be observed that it is not pretended that those moneys were drawn from the United States Bank for the purpose of making remittances for the payment of the claims against the Government, but were arbitrarily removed by the Secretary from the depository in which they had been placed by the Legislative power, and placed in depositories arbitrarily selected by him without any sanction of law.

There is no provision in the charter conferring upon the Secretary the power of removing or withdrawing; the only power he has on the subject is, to order and direct that the public moneys be no longer deposited in the bank, and for this order and direction, he is bound to submit his reasons to Congress.

The Committee of Ways and Means have, to be sure, labored to justify the conduct of the Secretary of the Treasury in this particular, by a reference to precedents and the practice of the Department. These precedents and that practice have been most elaborately examined by the distinguished gentleman from Massachusetts, [Mr. Adams,] who has, in my opinion, to use his own strong language, "proved to the very rigor of mathematical demonstration, that the Committee of Ways and Means, to bolster up the lawless act of the Secretary of the Treasury, in transferring the public moneys from their lawful places of deposite to others, in one of which, at least, he had an interest of private profit to himself, have ransacked all the records of the Treasury from its first institution, in 1775, to this day, in vain."

He was not then justified by law; his conduct was not sanctioned by precedent or practice; and, in this particular, whatever may be our opinion as to the propriety and expediency of his ceasing thereafter to deposite the public moneys in the bank, he acted without law, and against law, and for this ought to be rebuked and condemned.

Mr. Speaker, before I enter upon an examination of the nature of the reasons submitted by the Secretary of the Treasury in justification of his conduct in withholding the moneys collected from the bank, allow me to propound this question, and I do it with perfect respect to the House: Are there a majority, are there sixty members on this floor, who, in their consciences, believe that this measure was founded upon good, satisfactory, and substantial reasons? As I live, I believe there are not! But if in this opinion I should be mistaken, does not a regard for the character and feelings of the Secretary demand that the satisfactory nature of his reasons should be distinctly affirmed by their votes. A sorry compliment, indeed, must he consider it on the part of his friends if they elude the issue, and refuse to affirm that they believe he has done right!

And if, on the other hand, they believe that the reasons he has assigned for his conduct are unsatisfactory, futile, and insufficient, do not truth and justice, a regard for the rights of the bank, and fearlessness in the discharge of their duty, demand that they should put their seal of condemnation upon those reasons, and say to the Secretary, Whatever may be our opinion as to the expediency of restoring the deposites, we are satisfied that you had no good and substantial reasons for their removal. Approbation, if he did right, must be highly gratifying to his feelings; rebuke, if he has done wrong, may have a salutary effect upon his future conduct and that of his successors. Hitherto the fair and proper issue, by the ingenuity (I will not say the political manoeuvring) of the Committee of Ways and Means, has been avoided; it is now fairly and distinctly presented by the amendment offered by the gentleman from Ohio [Mr. CORWIN] to the resolution under discussion; and let me implore the friends of the administration, by the regard they have for the fame and feelings of the Secretary, as well as by the regard which they should have for the rights of the bank, to toe the mark, and affirm or disaffirm the validity of his reasons.

Sir, when the charter was granted to the bank, a solemn contract was entered into between the institution and the United States, founded upon a fair, mutual, and valuable consideration. On the part of the bank it was stipulated, in consideration of the immunities, privileges, and benefits conferred upon it, to pay one million five hundred thousand dollars into the Treasury, within four years after the date of its charter, which is fully equivalent to one hundred thousand dollars per annum, safely to keep the funds of the Government, and faithfully to transmit those funds from one point of the Union to the other, free of all charges, expenses, and allowances, as the necessities of the Government might require. This latter stipulation on the part of the bank was one of immense interest and importance to the Government, and by it millions of money, probably, have been saved to the Treasury.

On the part of the United States, banking privileges were conferred upon the institution; and it was agreed that no other institution of the kind should be established during the term of its continuance. It was further stipulated that the public revenues, when collected, should be deposited in the bank, to be used in carrying on the operations of trade; it being understood, however, that it should always be ready promptly to meet the requisitions of the Department. This stipulation is made in the 16th section of the act of incorporation, which is in the following language:

"*And be it further enacted,* That the deposites of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct, in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not immediately after the commencement of the next session, the reasons of such order or direction."

By the 15th fundamental article of the charter, the bank is directed to furnish to the Treasury Department, if required, a weekly statement of its condition, exhibiting the amount of capital stock and debts due to it, the moneys deposited in it, the notes in circulation, and the specie on hand. The right of inspection into the general accounts in the books is also reserved to the Secretary of the Treasury.

The first inquiry to be made, in looking at the several provisions of the charter, is, What discretion was intended by the framers of the act to be vested in the Secretary of the Treasury? Was it a wild, arbitrary, capricious discretion, to be exercised upon any or upon no grounds; or was it a sound, legal, discretion, to be exercised upon good and substantial reasons, and those reasons having a direct reference to the safety of the depository and the fidelity and promptitude with which the promised facilities were afforded by the bank?

The Secretary yields, in his argument, that there can be no danger of loss to the Government by the continuance of their funds in the depository designated by law; and that the bank has been prompt and punctual in the discharge of its duties in making transmissions of the public funds according to the demands of the Department. I cannot hesitate in believing that, if the question were propounded to any professional man, or any man of common sense, uninfluenced by party feelings and prejudices, that he would answer that, in making this concession, the Secretary has swept from under him the very foundation upon which the exercise of his power under the charter rests. But, sir, to proceed with a brief examination of the Secretary's reasons:

When he undertakes to pronounce the act of incorporation unconstitutional, the existence of such a powerful moneyed monopoly as dangerous to the liberties of the people and to the purity of our political institutions, is it not a perfectly satisfactory answer to say, that all the arguments which ingenuity could suggest, to show the unconstitutionality and impolicy of the measure, were urged at the time of the passage of the bill; that, in view of all the objections which could be raised, the law was enacted; and that it rests not with him, as the head of the Treasury, to question the constitutionality or propriety of an act which has received the sanction of the constituted authorities of the Government?

In answer to the reason assigned for the exercise of the power vested in him on account of the near approach of the termination of the bank charter, it seems to me to be altogether conclusive that this was a matter exclusively for the determination of Congress, whose intention he was bound to respect and carry into effect. It is clear that, if they had intended that the deposites should be removed two years before the expiration of the bank charter, they would have so provided in express terms; they were to judge whether the interests of the country would be promoted by continuing them in the bank until the charter expired, and having fixed no limitation as to time, it is manifest that they intended that they should there remain during the term of its continuance. In frustrating their views, the Secretary has arrogated to himself legislative powers, and, for it, can find no justification in the law.

All the allegations as to the abuse of the power and privileges of the bank, might well be addressed to Congress on the presentation of the question of continuing that power and those privileges, after the expiration of the charter, and if true, would be entitled to great weight and consideration from the representatives of the people; but I cannot, for the soul of me, discover how they can legitimately be made use of as arguments for the withdrawal of the public moneys so long as they are safely lodged and safely kept in the depository of the law during the continuance of its charter.

Whether the bank has committed gross and palpable violations of its charter is not a matter to be determined by the Secretary of the Treasury. He has not been, and never was intended to be, constituted its accuser, trier, judge, and executioner. When any serious charges of this kind are presented, the charter prescribes the manner in which those charges shall be investigated and tried; they are not to be determined by any officer of the Government, but are to be submitted to the decision of the courts of law, through the intervention of a jury of the country, which is the safeguard of the rights, liberties, and property of the people. The judicial tribunals cannot be operated upon by party, political, vindictive, and improper feelings; and, therefore, has the power of investigation and decision in all cases of alleged infraction of its chartered powers and rights, been most discreetly vested, by law, in those tribunals, and in no other. Before them the bank, when arraigned, can confidently expect a fair, unprejudiced hearing, and, if condemned, that condemnation will be just. The twenty-third section of the act of incorporation prescribes the mode in which it may thus be brought to trial: If, at any time, Congress or the President shall have reason to believe that its charter has been violated, a *scire facias* may be sued out of the circuit court of the district of Pennsylvania, and immediately upon the return of the writ, that court may, through the intervention of a jury, examine into the truth of the alleged violation, and, if the facts are found against the bank, pronounce and adjudge that the charter is forfeited.

Why, Mr. Speaker, has not this fair, legal, and constitutional mode of trial been adopted, instead of the Secretary's assuming to himself judicial powers not vested in him by law? The answer is palpable and plain, and is to be found in the contemptuous opinion entertained by the President, and deliberately expressed to the late Secretary of the Treasury, of the judicial tribunals of the country. They were committed and prejudiced, and, therefore, no confidence could be reposed in their decisions. Yes, sir, the Supreme Court of the United States, which is the purest tribunal on earth, could not be trusted with the determination of the question whether the bank had violated its charter or not!

To a similar feeling of want of confidence in the integrity and virtue of the people's representatives, is to be attributed the haste with which this measure was adopted, in defiance of the solemn and decided vote of this House, at the last session, and within sixty days of the meeting of the present Congress, who were about to come fresh from the people, and ought to have been presumed to be acquainted with their views and wishes on the subject. This is his language: "The matter under consideration (the removal of the deposites) is one of vast consequence to the country; unless the bank is broken down, it will break us down. If the last Congress had remained a week longer in session, two-thirds would have been secured for the bank by corrupt means, and the like result may be apprehended the next Congress."

Yes, Mr. Speaker, in the opinion of the Chief Magistrate, you may be bought by money, or the love of office; my old friend from New York, who sits near me, [Mr. Day,] and who is as true as steel, and as honest as the *day* is long, may be bought, and we are all, all corrupt!

Sir, the flatterers and parasites who surround the President, have taken advantage of his age and infirmities, and, by their fawning sycophancy, induced him to believe that he unites, in his character and person, all that is pure, patriotic, and perfect. One says "it is glory enough to have served under such a chief;" another, "Andrew Jackson will never bow down at the shrine of the golden calf;" another, not contented with making him a second Washington, says "that, in the success of his administration, he has surpassed the Father of his Country:" and thus, by continually pouring the incense of adulation into his ears, he has become transported beyond the bounds of reason; thinks there is no confidence to be placed in any other department of the Government; that the Judiciary is prejudiced; the representatives are corrupt; and that he, and he alone, is to be trusted with the interests of the people! Upon what other supposition can it be credited that the Chief Magistrate would so far lose sight of the dignity of his station as to indulge in language so derogatory to the fame of those against whom the imputation is made, and so injurious to the character of the nation?

My view, Mr. Speaker, then is, that, with the questions of the constitutionality of the bank, the alleged abuse of its powers and privileges, and the violations of its charter, the Secretary had nothing to do. His justification must rest upon other and better grounds. The only inquiry to be made by him, was, whether the bank had been a prompt and faithful agent of the Treasury, and whether it was a safe or unsafe depository of the public moneys.

I feel myself greatly strengthened and confirmed in this construction, by the provisions of the bill lately reported by the Committee of Ways and Means, "regulating the deposite of the money of the United States in certain local banks." It is understood to be the projet of the Treasury Department, and, of course, must speak the views of the Secretary as to the grounds upon which the power of discontinuing the depositories and withdrawing the deposites ought to be placed. I listened with some anxiety to the reading of it when it was reported, and have since examined its provisions with a view of ascertaining whether the approaching termination of the charter of any of the selected depositories; its abuse of its powers and privileges; its entering the political arena, and publishing political essays; its violation of its charter, were set forth as good and sufficient grounds for the exercise of the discretion proposed to be vested in the Secretary of the Treasury. But there are no such grounds for the exercise of the power presented. It is only to be exercised in the single case when any one of the selected banks appears from the exhibition of its statements, or from personal inspection, to have so extended or conducted its business as to render it, in the opinion of the Secretary of the Treasury, an unsafe depository of the public money. He does not claim in the bill that the discretion ought to be exercised on any other ground than a regard for the safety of the deposites.

How can it be believed, then, that the Congress which passed the act of incorporation of the Bank of the United States were guilty of the folly of conferring on the Secretary an unlimited power, which, in the bill emanating from the Treasury, it is not claimed he ought to be permitted to exercise?

Sir, the only reasons presented by the Secretary which bear any thing like a resemblance to those of a financial and proper character, are the conduct of the bank in relation to the three per cents. and the protested bill upon the French Government.

It is not my intention to recite the particulars of the transaction on the subject of the three per cents. which have been frequently and fully detailed to the House. It is enough for me to know that the Government suffered nothing, either in character or in purse, by that transaction; that the bank, by making the arrangement with the foreign holders of the stock, were enabled to accommodate its customers; to furnish capital for profitable employment to our own citizens; and that the whole subject was fully canvassed at the last session, when the House of Representatives, by the overwhelming vote before referred to, determined that the bank could safely be continued as the depository of the public moneys. The facts in relation to the French bill are few and simple. The United States held a claim upon the French Government, for which a bill of exchange was drawn and actually sold to the bank, which proposed to receive it for collection; but the Secretary of the Treasury, believing it would be more to the interest of the Department to sell, declined the proposition. When the bill was presented it was dishonored and protested for non-payment. The heinous offence, then, committed by the bank, in the opinion of the Secretary, was the daring to claim from the Government the damages to which it would certainly have been entitled if the bill had been drawn by a private individual and passed to the bank in the same way. In this transaction the bank was not the agent of the Government, but the purchaser of its bill. If the Secretary of the Treasury drew upon the French Government without authority, or if the French Government improperly refused to honor the draft, the bank, as the purchaser of the bill, was fairly, and equitably, and legally, entitled to the customary damages; and I venture to affirm that no court of law or equity in Christendom, if the question were submitted, would refuse to sustain the claim.

Thus, Mr. Speaker, have I, as hastily and briefly as possible, noticed the reasons of the Secretary of the Treasury in justification of his conduct; and, after the fullest reflection which I have been able to bestow upon the subject, cannot bring my mind to any other conclusion than that there is no substance, sufficiency, or satisfaction in them; and that the honor and plighted faith of the Government demand an immediate restoration of the deposites. There are some, however, who disapprove of the manner in which the affairs of the bank have been conducted, but cannot sustain the reasons of the Secretary for committing an act of the grossest injustice, that think it will not relieve the country from impending embarrassment and ruin to direct a restoration of the deposites, unless it be accompanied with a bill for the continuance of the bank charter, to which they cannot, on any terms, assent; that if the bank can, in any way, repossess itself of the public funds, it will fasten itself upon the fears of the people, and extort from public suffering a renewal of its charter. To these objections a ready and satisfactory answer might be given; and it is this: That, by contract, the bank is entitled to those moneys; it has been illegally and improperly deprived of them; and morality and justice demand that they should be restored, whatever may be the consequences. *Fiat justitia, ruat cœlum!* is a sound maxim for the conduct of Governments as well as individuals.

But, sir, something is due to the prejudices and apprehensions of our opponents; and, for one, (I speak only for myself, I have no authority to speak for others,) I would be willing to meet them upon middle ground, provided a single gleam of hope of restoring confidence, and administering relief to a suffering people, should break through the cloud of darkness which now overshadows the land.

I am satisfied that a national bank is absolutely essential to the stability and safety of the monetary system of the country, as well as indispensable to the safe and convenient collection and disbursement of the public revenues. A continuance of the present institution, under such modifications and restrictions as would obviate all reasonable objections, would, in my opinion, produce much less convulsion in trade, and much less distress to the community, than if it should be compelled to close its concerns, enforce the collection of its debts, and if a new bank should be established on its ruins. But I have not a friend or a constituent, so far as I know, who owes to it a single dollar, or holds in it a single share of stock; and I am not wedded to the institution. I believe it has been the instrument of great good; but I am willing to yield something to those who differ from me in opinion, provided the concession is received and met in a proper spirit. I say, therefore, to the friends of the administration who are in favor of a national bank, Redeem the plighted faith of the nation, heal the bleeding wounds of the constitution, do justice, restore the deposites which have been illegally taken from the bank, and I will join you, heart and hand, in devising a plan for the establishment of a new bank, to go into operation immediately on the expiration of the charter of the one now existing. This will relieve from any apprehension of the resuscitation of the alleged "monster;" and if, during the remainder of its short life, the amicable relations which have heretofore existed between it and the Government can be, in any measure, re-established, public confidence may yet be restored, and the country saved from ruin.

But, sir, I fear that there is little hope of the adoption of any expedient which can promise the slightest mitigation of the evils which are pressing upon and will inevitably overwhelm us. The edict has gone forth, that the deposites shall not be restored; that the charter of the present bank shall not be renewed; and that no new bank shall be incorporated! The bill reported by the Committee of Ways and Means, which speaks the views of the administration, promises nothing else than "to carry us back to all the horrors of a currency proceeding from five hundred irresponsible State banks," scattered throughout the country; and whose notes, with few exceptions, all experience shows, never will have a circulation beyond the immediate neighborhood in which they are located. It is impossible to maintain among the people such confidence in the shoals of local banks which may be created by all the different States of the Union as will furnish that sound and uniform currency which the interests of trade and the prosperity of the country demand.

Upon those States there is no restriction, over them there is no control; they may incorporate as many banks as they please; and we all know, when the banking mania seizes any people, what a disposition there exists among them to carry the system to excess. In the State from which I come, we have had a strong lesson of admonition on this subject. In 1814 the rage for banking was carried to such an excessive length, that public opinion forced upon the Legislature the necessity of incorporating, at one sweep, a batch of forty banks. They all went into operation, and were compelled, from their number and the competition, to push their circulation as far as possible; but that circulation was necessarily confined within very narrow limits. For a time money was plenty, property commanded an extravagant price, and there was a seeming, but short-lived prosperity; but soon, very soon, the day of reckoning came; the notes in circulation returned upon the banks, they could not redeem them, suspended specie payments, forced the collection of their debts, sacrificed the property of their debtors, and involved all in almost irretrievable ruin. Such has been, with us, and throughout the country, the result of the experiment to establish a general, uniform, and sound currency, through the agency of State banks, and ought to be a salutary lesson to all who may be disposed to experiment upon the currency and the interests of the people. Whatever may be the theories of visionary men, it has been found, and it will be found, to be utterly impracticable, through the agency of local banks, without any controlling, supervising power, to restrict their excessive issues, to furnish a safe circulating medium. In the notes of the Bank of the United States we have the best currency in the world. They are preferable to specie, inasmuch as they are more convenient. With them a man may travel, without any apprehension of loss, from the Gulf of Mexico to the St. Lawrence, from the Pacific to the Atlantic ocean, and even to India. Who can want a better currency? Where or how can a better be procured? The notion is chimerical; the experiment will prove unsuccessful and injurious.

If the merchants and traders of the country cannot carry on their operations of trade, and the general convenience of the public cannot be promoted, without the agency of a national bank, it will not require much proof to demonstrate that the business of the Treasury and the fiscal operations of the Government cannot be conducted with facility, efficiency, and safety, without such an institution. The amount of public revenues which are to be annually received, safely kept, transmitted from one point of the Union to the other, and paid out, averages from ten to twenty-five millions. Can it be believed that any State bank, or any league of State banks, can perform all the services and meet all the demands of the Treasury, without compensation for those services which have been performed and met by the United States Bank? Their circulation being necessarily limited and restricted, they cannot, upon the strength of the Government deposites, very largely extend their issues, for fear of their notes being immediately returned upon them. They must be in continual dread and apprehension; and will soon discover that the services they have to perform, and the expenses they have to incur, and the risks they have to run, will greatly more than equal the benefits to be derived from the agency they have undertaken. If they save their money, to be always ready to meet the requisitions of the Treasury, they must lose their interest, and it must be, of course, a losing concern to the stockholders. If they trade upon it, they cannot meet the demands of the Department, and then it may be ruinous to the Treasury. Nothing but a bank of large capital, and of a circulation coextensive with the country, can safely undertake, free of charge or expense, the collection, transmission, and payment of the public revenues, at whatever times and at whatever points the exigencies of the Treasury may demand.

In proof of the utter impracticability of the State banks performing all the duties required in carrying on the fiscal operations of the Government, we have the concurrent testimony of most of the distinguished men who have successively filled the Treasury Department, down to the present incumbent. Their testimony, as it is founded upon actual experience and observation, is entitled to great weight, and ought not to be disregarded. It is not my purpose now to detain the House by a reference to their authorities. There is one, however, which speaks volumes on the subject, and demonstrates the absolute necessity of a national bank. I allude to the letter of Mr. Crawford, who was for many years at the head of the Treasury Department, and was intimately acquainted with its operations and its wants. This opinion, thus founded upon experience, is irresistible. He says: "I was Secretary of the Treasury more than eight years, and during that time I had ample evidence of the great utility of the Bank of the United States in managing the fiscal concerns of the Union. I am persuaded that no man, whatever his preconceived opinions may be, can preside over the Treasury one year without being deeply impressed with the expediency of the Bank of the United States in conducting the finances of the Union."

But, Mr. Speaker, why shall we theorize?—why reason or produce the weight of authority of distinguished men upon this subject? The school of experience is the school of wisdom, and in it statesmen may learn important lessons. Do we not know, from the experience of nearly forty years, that, so long as a Bank of the United States has been in operation, we have had a sound currency; and that it was thrown into utter confusion when left to the control of the several States, each acting according to its particular views of the subject? Does not the history of the country and of the Treasury Department furnish abundant proof that a national bank may be safely and advantageously used as its fiscal agent; and that the experiment of employing the local banks for that purpose must be dangerous in the extreme? Within the last thirteen years, the Bank of the United States has received upwards of two hundred and fifty millions of dollars of the public revenue, collected in different parts of the Union, kept it safely, disbursed it, without charge or expense, at whatever time and in whatever place it was required by the Department, and faithfully accounted for every dollar of it.

And now let us reverse the picture, and mark the contrast. During the short time which transpired between the expiration of the charter of the old Bank of the United States and the creation of the present, when the State banks were used as the agents of the Treasury, the Government sustained an actual loss of about fifteen hundred thousand dollars, from the failure of those banks which had been selected as the depositories, and of those whose paper had been received in payment of the public dues. Those funds have been altogether unavailable, are now in your treasury, and, with the accumulating interest, must amount to nearly three millions of dollars.

The United States Bank has proved itself a safe, faithful, capable, and efficient agent. It would seem to be folly in the extreme to dismiss and destroy it, and to employ in its place fifty or more agents in the different States, at the imminent hazard, as dear-bought experience shows, of losing the funds of the Government. But, sir, I will not abuse the kind indulgence of the House, exhibited in suspending the rule to permit me to close my remarks, and will pursue the subject no further.

My efforts have been directed to show that the removal of the deposites from the Bank of the United States was arbitrary, unjust, indefensible, and inexcusable. That a national bank is absolutely necessary to the fiscal operations of the Government, of the mercantile and trading community, and to the general convenience of the public; and that no reliance can be placed upon the local banks, as instruments in establishing and continuing a sound currency, or as agents in managing the fiscal concerns of the Union. A few words more, and the attention of the House shall be relieved. Sir, a war, violent, vindictive, and exterminating, carried on against an institution which has existed for many years with great advantage to the country, and was about expiring, threatens seriously to affect the interests of the people, and involve them in bankruptcy and ruin. The transfer of the custody of the public moneys, without the authority of law, is altogether indefensible as a matter of policy, and has aimed a fatal blow at the peace and prosperity of the country. This is a crisis which demands the sternest efforts of the patriot, as well as the most fervent prayers of the Christian.

In this solemn crisis, will the people be true to their interests and to the constitution? or will they, from their idolatry to a man, submit to executive encroachments which may lead to the prostration of their liberties? I cannot, will not, believe they will so submit. There is a spirit abroad in the land—we see it at the North, at the South, in the cities, in the country, every where—which will defy the shackles of party and of personal attachment. It is the spirit of freemen, who know their rights, and, knowing, dare maintain them! My hope and trust is, that the mighty Ruler of the Universe, who holds the destinies of nations in his hands, will give success to their patriotic efforts to save the constitution and the country.

When Mr. McKennan had concluded, Mr. Galbraith obtained the floor for to-morrow.

GENERAL APPROPRIATION BILL.

The House then took up the general appropriation bill.

The debate on Mr. Selden's amendment, proposing to restrict the district attorneys of the United States from being paid separate bills of costs when they should bring separate suits on different causes of action which admitted of being consolidated, was renewed. Several propositions were suggested as substitutes; but, after a prolonged discussion, conducted almost exclusively by the members connected with the legal profession, it was finally rejected.

In the clause "for defraying the expenses of suits, in which the United States are concerned," Mr. EVERETT, of Vermont, proposed two amendments: one, to insert, after "suits," the words "other than those on custom-house bonds," and to substitute, for the word "concerned," the word "parties;" but both were rejected.

Mr. VANCE moved to amend the bill by striking from it the following clause:

"For the salaries of registers and receivers of land offices, where there are no sales, $3,500."

Mr. V. dwelt upon the uselessness of this expenditure, in supporting officers who had nothing to do, and animadverted with some severity upon the land system in general. He said, however, that he had but small hope of succeeding, as the present bill seemed to be more securely intrenched than any bill he had seen for a long time. If it was proposed to strike out any item of the bill as extravagant, up sprang the chairman of the Committee of Ways and Means, [Mr. Polk,] and immediately produced a precedent to sustain it; and, on the other hand, if it was proposed to insert any measure of restriction or reform, up rose his friend from Massachusetts, [Mr. Adams,] and objected to putting any thing into the bill but simple appropriation for objects previously sanctioned by law. Thus it was impossible alike to get any thing into the bill or any thing out of it.

Mr. POLK read the law creating the offices referred to, and prescribing the salaries of the individuals employed—when the amendment was rejected.

Mr. ASHLEY moved to insert a clause providing for the survey of certain lands in the southwest part of the State of Missouri, lately ceded to the United States by the Indians, and appropriating $20,000 for that object.

Mr. A. explained the circumstances of the case, and urged the propriety of the survey, which, after a short discussion, was agreed to.

Mr. FOOT moved to amend the clause "for surveying the public lands, in addition to the unexpended balance of former appropriations, $60,000," by striking out the words "in addition to," and inserting in lieu thereof, the word "including."

He said he was opposed to legislating thus in the dark. The former balance was not stated, and he could not, therefore, tell how much he was voting for. He never would consent to give any department money untold, because they asked for it. He was for preserving at least the appearance of some control by the House over the appropriation of the public money.

Mr. WHITE, of Florida, opposed the amendment, adverted to the large amount of public lands lately ceded to the United States in his Territory, and the necessity of having them speedily surveyed; and spoke of the great increase in the sales of the public lands within the last two or three years.

Mr. POLK now stated what was the amount of the unexpended balance from last year; which appeared to be about $12,000.

Mr. FOOT thereupon declared himself satisfied, and withdrew his amendment.

The clause "for the discharge of such miscellaneous claims against the United States not otherwise provided for, as shall be ascertained and admitted in due course of settlement at the Treasury, $20,000," was amended, on motion of Mr. POLK, by inserting $12,000.

The residue of the sitting of the committee was occupied in the discussion of the motion by Mr. FOOT, to amend the following clause: "For the salaries of the ministers of the United States to Great Britain, France, Spain, and Russia, $36,000," by striking therefrom the words, "Great Britain" and "Russia," and reducing the same to $18,000.

He said he would state, in a few words, the reason why he had made the motion. There had been an appropriation last year for these two missions, and the country had no minister at either of these courts. The money had not, he believed, gone back into the surplus fund.

Mr. ARCHER replied that the gentleman from Connecticut was mistaken: it was true that there had been appropriations for these missions, but the money had been exhausted. Mr. A. then read statements from the State Department showing the manner in which the fund had been applied, (in the payment of the charges des affaires, &c.) and exhibiting, instead of a surplus, a deficit.

Mr. FOOT said, in reply, that this statement showed, to be sure, in what way the fund appropriated for ministers had been transferred to the payment of charges des affaires, and other expenses of our missions abroad: but he would have been glad to have learned by what authority such a transfer had been made. The appropriation by the act had been specific; how came it to be transferred? There was a law which forbade the transfer of appropriations, save in the army and navy. The gentleman had said Mr. F. had been mistaken: but in what? Had not the money been provided for ministers at these two courts? and had not the nation been without such ministers there?

Mr. ARCHER insisted that the gentleman had been incorrect in saying that the country had had no minister at either of the courts referred to. "Minister" was a generic term. It did not necessarily mean a minister plenipotentiary, but applied to ministers of inferior grade, including charges des affaires; and this being the case, there had been no transfer of appropriation in applying the money granted for the salary of a "minister" to that of a charge. The Executive, for what reasons Mr. A. did not pretend to know, had thought proper to retain only a charge, and not a full minister, at these courts, or one of them. And the transfer, if so it might be called, was nothing new, unusual, or irregular.

Mr. FOOT said he had made his former remarks in no unfriendly spirit, nor did he feel such a spirit toward the gentleman from Virginia [Mr. Archer] when he directed his attention to a subsequent paragraph of the bill, where he would find that the House in its legislation did make a difference, in terms, between ministers and charge des affaires. In this item the bill said "for the salaries of the *ministers* of the United States to Great Britain," &c. Subsequently it said "for the salaries of *charges des affaires* to Portugal, Denmark," &c.

Mr. ARCHER said that, if the House should undertake to mark, by the language it employed in an appropriation bill, of what grade our ministers abroad should be, it would transcend its own constitutional authority. This was a matter the constitution had reserved to the discretion of the Executive alone. He would not say whether it would not form matter of valid accusation against the Executive, that he had not sent full ministers to a particular court: but he certainly possessed, under the constitution, the election of the grade of all ministers conducting our diplomatic intercourse with foreign nations.

Mr. FOOT said it seemed, at all events, that not much money had been saved by sending ministers (if such they were) of an inferior grade: for the whole appropriation had been expended which was intended for a full minister. It had only been lately that he discovered that, for the last two years, the whole amount appropriated by Congress, under the specific items, for the different ministers abroad, had been thrown into one consolidated mass, and called the "diplomatic fund;" and out of this consolidated fund the Executive expended here or there, according to his own will, without regard to the specific legislation of Congress. Thus the whole object of preserving specific legislation had been defeated by this Executive arrangement.

Mr. WAYNE said the gentleman from Connecticut would find himself wrong. The act of the last session provided [here Mr. W. quoted the act] no specific item for a charge at London or St. Petersburg; and either the term "minister" comprehended both grades, as had been stated by his friend from Virginia, [Mr. Archer,] or else there was no provision whatever for a charge at those courts. Now the appointment of such charges had been submitted to the Senate and approved, and the Senate had passed the bill with an item in it for a "minister," but none for a "charge." This established the position of the chairman of the Committee on Foreign Relations, [Mr. Archer,] and showed that the gentleman from Connecticut had been incorrect in asserting that the country had been without a minister at the courts referred to.

Mr. ADAMS, in reply to Mr. Wayne, said that, in respect to the money which had been appropriated for the salaries of ministers of the first order, (as they were called among us, though, strictly speaking, we never sent any of such as were recognised in European courts as such, viz: ambassadors,) he would observe that, although the nation had had no minister at two of the principal European courts during most of the last year, still the money provided for their support had all been expended. This might be said of the last three or four years. And what had been the cause of such a state of things? It was the effect of a new usage, one of the many which distinguished the present period of our history. Ministers would go abroad, remain at the courts to which they had been sent during a longer or shorter period, from six weeks to three, four, or six months, as the case might be, and then come home; by which arrangement he received his outfit, his salary, and his allowance for return. A full minister's salary was fixed, by law, at $9,000, and by such an arrangement as he had referred to, a minister of this grade would contrive to get, in the course of a single year, $22,500. In one case nearly that amount had been paid for a residence at a foreign court of but six weeks. This was an abuse. Nor was it satisfactory to him to be told that the sums appropriated for salaries had been exhausted by extra allowances for outfit and return. The sum allowed for outfit was given on the presumption that it was to be applied in forming an establishment at the court whither the minister was going, in the purchase of furniture, and other expenses incidental to a residence at a foreign court in a diplomatic character. This was all very proper, and the sum provided was very small—too small, indeed, as respected the missions to England, France, and Russia. But, he said that the manner in which these outfits had recently been employed was a great abuse. The system of allowance for outfits had commenced with the organization of this Government; but it was then accompanied with an understanding that the minister receiving such outfit should remain abroad at least three years. That was considered the ordinary term for a foreign mission; and $9,000 was held sufficient to provide for a residence of that duration. A minister, at that time, cost the nation for a foreign residence of three years, including outfit, salary, and return allowance, $38,500, an average short of thirteen thousand dollars a year. But in modern times, a residence of six weeks at a foreign court had cost the nation $22,500; and besides that, an outfit of $4,500, and a yearly salary of the same amount, for the charge d'affaires, who takes the place of the minister whenever he leaves the court to which he is accredited, to return home, or even for a temporary and voluntary absence.

Mr. A. said he wished to arrest this practice. He would not say but that the salary allowed was too small; he believed it was. It was insufficient to support an American minister at a foreign court in such a station as he ought to hold there. And the usual consequence was, that the moment a minister got to his destination, he became convinced that such was the fact, and immediately got home again as soon as he could; by which convenient and very natural arrangement he would receive, perhaps, 20,000 dollars in a single year. By this means a mission might be made a profitable concern; as, in some cases, it had been. What Mr. A. insisted on was, that Congress was not to presume that we had a minister where we had none, but where all the appropriation was exhausted by the employment of a charge d'affaires and the minister's return.

Since the commencement of this administration how many ministers had we seen appointed? They had been sent to almost every court with which we had political relations, and almost immediately after returned; then a charge immediately received an outfit and salary to occupy his place. Thus the country paid for a double set of public agents to do the same work. First we paid a minister, and then a charge in consequence of the minister's absence. For every time a minister left his post, the nation had to pay an outfit to the charge d'affaires. Mr. A. should therefore vote for the amendment proposed by the gentleman from Connecticut, [Mr. Foot,] and strike out the item for "Great Britain" and "Russia." If the salary was appropriated, the nation ought to have a minister at the foreign court. If there was no minister, there should be no appropriation.

But he had additional reason for the vote he should give. Not only had we no minister at the courts mentioned, but he did not know that we were going to have any. He thought it extremely doubtful. He did not, indeed, know that there was any very urgent occasion for a minister of the first order to Russia; but at the court of Great Britain there was a constant necessity for it. A charge d'affaires was not suited to confront a British minister of state, and speak with him on such terms as a minister there ought to speak. We, indeed, were not in the habit of making any great distinction in our notions or feelings between a full minister and a charge. A person of the latter grade could negotiate with our Secretary of State on nearly the same footing as one of the former. But it was very different in England. A mere charge was considered as a very small personage there, while a minister of state was always a man of high standing, great connexions, large salary, and extensive influence and power. To send a charge d'affaires to transact with such a dignitary was putting him on the rack. He knew, indeed, that this depended, in part, upon the character of the individual; he had known charge des affaires who were worthy to have been ministers, and ministers again, who were not even fit to be charges. But if we provided for having a minister of the first rank at the British court, we should have such a minister, and not be shuffled off with a charge d'affaires or a secretary of legation. Not one in ten of such persons would dare to face a British minister of state, and hold an argument with him, as he should do, on terms of the same equality as members of that House were wont to feel when discussing public affairs on that floor. This was the footing on which our minister ought to stand at St. James's, and not to appear there as a mere suiter, an asker of favors. These were not the terms on which this country ought to be represented at that court. We paid for a minister of the first order, and we ought to have such a minister. Mr. A. did not know that we should have such a one; he thought we should not, at least if the usage recently introduced was to continue. How did he know but that the next minister that might be sent to England would not go for a month or two to London, and then be off to Bath or Bristol, or go travelling over the kingdom or the continent, or that he would not immediately return home from motives of economy?

He, for one, wished to set the seal of reprobation on such a practice. If it had arisen from the fact that this Government, was too penurious in its allowances for diplomatic agents, let the salary be increased. Let our minister be placed in a position which would enable him to hold such a standing as befitted his country. He ought to be a man who had no superior in the world; he ought to be a man who could look in the face of Kings, and look at them as one man does at another on the ordinary level of society.

As to the necessity of a minister at the Court of St. Petersburgh, it was a matter with which he ought to be, and he presumed was, as well acquainted as any member of that House, and he did not know of the existence of any circumstances which demanded the presence at that court of more than a charge d'affaires. We had such an officer there already. He did not know why we must keep a minister there. If, however, the honorable chairman of the Committee on Foreign Relations had any information to submit to the House which would show such necessity, Mr. A. would listen to it with all the respect it demanded.

In Great Britain we should never remain without a full representative. If, on no other ground, this was fit and proper as a matter of delicacy between the two courts. Nor should he be greatly surprised, after what had been now the state of things for two years, if Great Britain should recall her minister now near the United States; especially if it should strike the Government of that country as not probable that we should soon have a minister at that Court.

Mr. A. said he had taken ground precisely the same with that which he now maintained at the first session of the last Congress, and the assurance was given in the strongest terms that a minister would be appointed.

There was another idea which he wished to present. Before he could consent to appropriate for a minister to England, he should require an assurance from the honorble chairman of the Committee on Foreign Relations, not only that a minister would be appointed, but that his nomination should be made before the close of the present session of Congress. If this were not done, it would, he presumed, be made another case of vacancy, and the minister would be appointed without the advice and concurrence of the Senate. This was another novel practice, and one to which he would lend no support. There had been a great and unjustifiable extension of the construction of the provision contained in the constitution in reference to the right of appointment during the recess of Congress. It had been repeatedly construed as meaning, when it spoke of a vacancy occurring during the recess, such a vacancy as the Executive could create. Nor did Mr. A. object to this construction. But in this case, the vacancy of the office of plenipotentiary rank already existed, nor could it, by any art of construction, be made out to be a vacancy which had "occurred during the recess." It was a vacancy which had existed before the session of Congress, and had continued during that session. But in the place of a minister of that rank, there was now a charge d'affaires whose office would be vacated by the appointment of a minister plenipotentiary. He, therefore, repeated the declaration that, before he voted for this item, he must have an explicit assurance from the chairman of the Committee on Foreign Affairs that a nomination would be made during the present session of Congress.

Mr. W. R. DAVIS, of South Carolina, said that, when he offered to yield the floor to the chairman of the Committee on Foreign Relations, it was under the belief that he desired to respond to the interrogatory of the gentleman from Massachhsetts, [Mr. ADAMS,] but as no disposition to discuss at this time had been shown, he would proceed to say what little he intended to present to them. In the first place he wished it to be understood that, in supporting the motion of the gentleman from Connecticut, [Mr. FOOT,] to strike out the appropriation for the salaries and outfits of ministers to England and Russia, he did so for no particular objects connected with the opposition to the administration, for he should support the amendment on grounds very different from those assumed by the gentleman from Massacusetts, [Mr. ADAMS.] In the first place, he should oppose the appropriations for these ministers, because these officers were not at present in existence. Neither was it known when they should be created constitutionally by the nomination of the President, and the confirmation of the Senate. Then, and not till then, had this House to pass this appropriation. To do it would be going beyond the limits of proper constitutional legislation. It would be dictating to the President of the United States, and to the Senate, and requiring or at least officiously indicating the propriety of instituting those missions, the duty of which belonged exclusively to themselves. The House has no more right of instituting missions to England and Russia, before the nomination and confirmation of ministers to these nations respectively than to vote or the appointment of ministers to China or Constantinople. The House could not, with Parliamentary propriety, vote for an office which does not exist. These officers, it must be borne in mind, are not dead, but merely *functus officio*. The late incumbent of the one has returned on account of the refusal on the part of the proper authority (the Senate) to confirm his appointment. The other has returned, because, as it may be supposed, the object of his mission has been accomplished. Admitting, however, that the offices do exist, what are we now about to do? Why, to dictate to the President of the United States the propriety of sending ministers to those countries. Mr. D. would ask if it were proper that this House should be considered as possessing the power of creating, by a clause in appropriation bills, missions which might extend over the face of the whole earth? In ordinary times these officers were not looked upon as of such importance as at present some deemed them to be; and he was ignorant of any circumstances connected with the present political relations of the world which could render them otherwise now. The truth is, these offices are mere matters of feathers and plumage, a sort of hospital for yellow admirals—a place of refuge for broken down and useless politicians.

The first objection he had to the appropriation was, that the offices not being now in existence, required to be created anew; and the power of creating them was constitutionally vested only in the President of the United States and the Senate. He objected, however, to the whole system of these two missions, England and Russia, for which the grants were proposed to be made. It seemed to him that there was no evidence of the necessity of either, inasmuch as the President and the Senate had not thought it requisite to ask for them. He (Mr. D.) did not himself believe they were necessary. What is the object to be effected by sending a minister to Great Britain? Is there a solitary subject open for, or requiring discussion with the Court of St. James? Is there any business with that nation which a consul is not fully capable to transact? If there is not, and if no new treaty is to be made, why incur this useless expenditure?

And what, Mr. Speaker, (said Mr. D.) unfinished business have we with Russia? Why every body knows that we have none. The only plausible argument, then, that can be adduced for sending ministers to these courts is, that it is a customary act of courtesy between, not nations, but crowned heads, who have established this international system of etiquette, requiring an interchange of politeness between one monarch and another.

This was proper enough for them, and a fit rule to be applied to such personages; it was, however, a mere matter of etiquette, and of no sort of consequence in a national point of view. Where is the King or minister of a country, desiring the commerce of this distant and peaceful republic, who would raise a question, ground a quarrel, or make any sort of difficulty merely because there was not a minister plenipotentiary resident at its Court? None. As for ourselves, we want nothing but a consul--a competent one, to attend to our commercial relations with foreign nations, and to all the business connected with them. It is objected that a consular agent cannot correspond with the Court of the country to which he may be despatched. So much the better. He can always correspond with the ministers of that court, and in the event of any case arising which requires the presence there of a minister on our part, we can accredit one, and withdraw him when he shall have despatched the special business for which he had been sent.

Mr. D. concluded by assuring the House that he made these remarks in no spirit of opposition to the present Chief Magistrate, or his administration. Not, however, that he considered him blameless, as only following the example of his predecessors, but because he did not choose to oppose any administration on such small matters.

Mr. ARCHER said that he rose to respond to the inquiries of the honorable gentleman from Massachusetts. But before he did this, he wished to submit a remark to the committee. Every member of the committee must perceive that the ground which the gentleman had taken could not be maintained. The gentleman was wholly mistaken. But supposing there were force in his objection, when the gentleman found that the administration, instead of expending the sum appropriated for a full minister, had deemed it convenient to send a minister of lower grade, could any blame attach to them for this? It was but a few years ago, when all the money provided for conducting foreign intercourse was appropriated in one gross sum. And would it then have been considered a valid objection that it had expended less than the House contemplated? In the present case, there has been a general appropriation for a minister. And the discrimination made between outfit and salary was sufficient. There was no necessity for more. But if the gentleman desired more, it could be constitutionally obtained, because the constitution had confided to the discretion of the Executive, and not to the Legislature, to say what should be the grade of a minister sent abroad. And, if the House should require the President to send a full minister to Russia, when he supposed that a charge d'affaires was sufficient, it would be his duty to disregard that expression of the legislative will. If the course of the Executive had involved a greater instead of a smaller expenditure of money, there might have been more force in the objection. But the complaint was, that the Executive had not gone so far, in expending money upon our diplomatic relations, as the House had warranted him to go. This was all Mr. A. had to say to the committee. He would now address a few remarks to the gentleman from Massachusetts, [Mr. Adams.]

He had not been a little surprised to hear that member, above all other members of the House, express a doubt whether it was necessary for us to have at all times a full minister at the Court of St. Petersburgh. If any other member had expressed a doubt on its propriety and necessity, Mr. A. would have sent him to that gentleman as authority to have all his doubts removed. With what Governments ought we to keep up diplomatic relations if not with the first Powers in the world? And among these, with that one with whom we have had ancient and friendly relations from the very foundation of our own Government. In all our foreign difficulties to what Power had we always looked as to an assured friend? It was to Russia; now the greatest Power in the world, and the very centre of all the diplomatic relations of Europe. And could it be the gentleman from Massachusetts, a gentleman, who, with that ability which always distinguished him in whatever he undertook, had represented this country at that very Court, who now affirmed that it was of no consequence that the United States should be fully represented there. If that gentleman had charged it as a neglect upon the administration, that it had not applied for means to send a minister of the first grade to the Russian Court, Mr. A. would have been at a loss for a reply, because he would have deemed it a most serious charge, and the neglect grievous and inexcusable. Sorry should he be to think that there was any gentleman in that House, or elsewhere, who condemned more strongly and more decidedly than he did the course of the administration in relation to that mission at a former period, to which the gentleman from Massachusetts had alluded. All candid men must admit, for every intelligent man could not but know, that this Government had not been at that time properly represented at the Court of that great Power.

The gentleman from Massachusetts admitted that, if it was proper, in relation to any foreign Power, that we should be represented by a minister of the first grade, it was so in relation to Great Britain. And Mr. A. considered that gentleman as entirely justified in saying that he would not vote for the appropriation asked for that Court, unless the present vacancy was soon to be filled. Mr. A. said that he was justified, from the connexion which his situation gave him with the Department of State, (with which Department alone, and not with the Executive, he held official relations,) to declare to the House "that it was the intention of the President, at present, to nominate a minister to England, and also one to Russia, during the present session, unless something should occur in the meantime, connected with the public interests, which, in my judgment, may render it unnecessary." This was the reply which had been given by the Department of State to Mr. A.'s inquiry on that subject, and as he had deemed it important to give with precision the communication which had been made to him, he had immediately reduced it to writing, and now read to the House from the memorandum he had made at the time. He had no comments to make.

Mr. WAYNE said he had listened to the gentleman from Massachusetts with less pleasure than usual. There was more of insinuation than there ought to be in his remarks. He had complained of the increased expenses for our ministers abroad; and afterwards as to the minister of England in particular. He would ask that gentleman if the practice of the present administration had differed from that which had been pursued at any time since that gentleman had been connected with the Government? If so, he would then have some ground for complaint. He had understood the gentleman to speak of one instance in which a minister had cost the Government $90,000 for a residence of six weeks at a foreign Court. This was true to a certain extent. But it reflected no discredit, it called for no blame on this administration. It was one of those misfortunes to which Governments, as well as individuals, were liable. He could cite many parallel cases. In that of Mr. King, he was seized with the sickness, which ended his life on the passage. The mission was defeated, and expense was incurred. But surely no one would have blamed the then administration for that misfortune. The gentleman from Massachusetts had also, somewhat hastily, in his opinion, complained of the time our ministers staid at foreign Courts. He had said we had not had less than three or four at every court. What were the circumstances? One had returned to fill the honorable post of Secretary of State. But he did not come back empty handed. No. He negotiated that which Government had been for years trying to accomplish, without success. The treaty he made, although it affected some immediate interests, yet had been subsequently shown to be beneficial. He was succeeded by Mr. Van Buren. Why did he not stay? The Senate of the United States recalled him. Not because they did not think a minister necessary at the Court of St. James, but in consequence of certain instructions given by Mr. Van Buren on a former occasion. They rejected his nomination, and he came back to receive higher honors from the hands of the American people. He was not the eulogist of Mr. Van Buren; he was merely relating facts. It was objected that from that time they had not been adequately represented in the English Court.

The President not conceiving that there was a necessity for a higher functionary than a charge d'affaires, sent out Mr. Vail to England in that capacity. The Senate was a party to this, in confirming his appointment. Up to July, 1832, therefore, the administration was entirely exonerated from blame. Although it might be desirable, in the opinion of gentlemen, to have had this country fully represented in the Court of St. James last year, why might they not suppose that circumstances had existed between the two countries which justified the President in not sending a minister? Did it become the President to come to Congress to give his reasons why he did not send an ambassador? He apprehended not. He did not believe that the interests of this country had suffered because they had had only a charge d'affaires in England. On the contrary, he hesitated not to say that no minister, whatever his grade, could have matured negotiations of more importance than those which had been matured during the past year.

The gentleman from Massachusetts [Mr. Adams] seemed to forget another fact in asking the question which he had asked. With what propriety could he ask it, when he knew that the practice of the Government was against him? If the gentleman had any information to give on the subject, let him give it; and if he could even give a colorable reason for supposing a minister would not be sent, he, (Mr. W.,) for one, would vote against this appropriation. Mr. W. then briefly adverted to some remarks which had fallen from a member from South Carolina, [Mr. W. R. Davis.] He was usually called on to admire the good sense and logical arguments of that gentleman. Such had not been the case to-day. There was no validity in his reasoning. His argument would go to give them the double guard of rejecting nominations, and also of refusing the salary of ministers. If the Senate had the slightest suspicion of an intention to practice a fraud, and to deprive them of their constitutional rights, by delaying the appointment of a minister until after the adjournment of Congress, they ought to make inquiry; and they would be traitors to their trusts and the American people if they refused to do so.

Mr. POLK observed that the gentleman from South Carolina [Mr. Davis] had said that, to pass this item of appropriation would be equivalent to a dictation to the President as to what grade of ministers he should send to the Court of London; and that the Executive had not asked for the appropriation. The answer to this was, that the Executive department had asked for it, in the customary mode by which that department of the Government was wont to intimate its wishes in respect to appropriations, by sending an estimate to the Committee of Ways and Means. The Executive was presumed to know more about the foreign intercourse of the country than the Legislature could. And the Senate, as the constitutional advisers of the President, participated with him in knowledge upon that subject, of which the House of Representatives must necessarily, as such, be ignorant. The bill provided no outfit to England; because there was already an outfit appropriated and unexpended. The outfit for Russia had been used by Mr. Buchanan, our late minister to that Power. The outfit for France had, in like manner, been used by Mr. Rives. At the Court of England we are represented, at present, by a charge d'affaires, no minister having yet been sent out. The appropriation, in its present form, was nothing unusual; and it would require a very strong case to justify the House in withholding it. It was true the House was not required to act blindly; and there might be a very strong case in which they would be justifiable in refusing the money; but this was no such case. It was useless to occupy time in drawing comparisons between different administrations on the score of public expenditures. Had the mission been to a place that never was found by our ministers, or to a place where they would meet with no foreign Power, nobody would censure the House for refusing to appropriate.

Mr. P. said it was with the financial part only of the question that he was particularly connected; and what he maintained was, that, in the application of the money formerly granted for the missions under consideration, there was nothing unusual, illegal, or wasteful. The case had been fully explained. He did not agree that the mission to Great Britain was now vacant. We were represented at that Court by a minister of inferior grade; and an intimation had been received from the Executive that it was his purpose soon to send there one of the highest rank.

Mr. DAVIS, of South Carolina, rose amidst loud cries of "Question! Question!" Mr. D.—Not yet, sir, not yet. I have the floor—intend to keep it, and will not be "questioned, questioned" out of it. I do not mean that this matter shall be thus hurried over and smothered. As to the mere cost of the mission, he said it was comparatively unimportant; but there were principles involved worthy of deliberate consideration. We are asked for appropriations to cover the outfits and salaries of ministers to the respective Courts of England and Russia, neither of which offices are in existence—neither of which officers have been appointed. But it is said (indeed we are told by the Chairman of the Committee of Foreign Relations) that it is the intention of the President to send out, before the adjournment of Congress, ministers to these countries; and has given us as his authority for this declaration, the assurance of the Secretary of State. Sir, we have been asked for, and have accordingly made appropriations for two successive years for a minister to England, yet one was not sent, although the British Government had a resident minister here. Can you have forgotten, sir, the declaration and complaint of the President, which the administration presses rung, in prolonged peals, throughout the country, on the occasion of the Senate refusing to advise and consent to the appointment of the late minister of England? Do you not remember that, to the contumacy of the Senate, was charged the arrest and consequent failure of a most delicate and important negotiation? But delicate, important, and pressing as the subject of that abortive negotiation was, no other minister, notwithstanding we made the appropriation requested, has ever been sent, and this very delicate, important, and pressing affair has not since been heard of. Why is this? What excuse has been made for this apparent neglect? If there was a subject of dispute between this country and Great Britain, there has been neglect on the part of the administration, from its own showing. But I am at a loss to conceive what difficulty could have occurred since Mr. McLane's treaty. We have heard of none. I did, to be sure, see something in the newspapers about the subject of impressment; but I hope no gentleman on this floor will insult the moral sense, the pride, the honor of the people of the United States, by admitting, for a moment, that to be a fit subject for negotiation. That is not an open question; and the minister who should dare, of his own mere motion, to make it a subject for discussion abroad, would deserve to lose his head on his return home.

Sir, I would as soon think of stipulating and contracting with a man not to kick me whenever he met me in Pennsylvania avenue, as to negotiate on the subject of impressing American citizens with any foreign Power whatever. But the honorable gentleman from Georgia [Mr. Wayne] states, by way of excuse for the apparent neglect of the President in not sending a minister to England, that the people of that country were, during a part of the period alluded to, in a state of great excitement and agitation, and the Government itself in a very unquiet and unsettled state. And what of that? What have we to do with the forms or reforms of foreign Governments? It is with the Governments *de facto* that we are to treat and hold relations, and not make any questions of their forms of Government, intestine dissensions, or even civil wars. What have we to do with the internal affairs of other countries? Nothing, sir, nothing at all. Have we already forgotten that Mr. Pitt, by acting on, and prying into the form of a foreign Government, (this very principle of intermeddling,) and refusing to acknowledge or treat with the French Directory and Consulate, poured a tide of blood and fire over Europe for more than a quarter of a century? But, sir, was there any revolution in England? Was the Government unsettled? Sir, the deep foundations of that Government were unshaken: the changes alluded to by the gentleman from Georgia were but a wholesome, salutary, and glorious reform. A reform that met the approbation and excited the sympathy and applauses of our whole country? A reform that liberated the conscience of a whole people, and made every generous heart beat high with joy for Irish Catholic emancipation. A reform that excited and won our warmest salutations and gratulations for a nation ransomed from the slavish shackles of religious intolerance, bigotry, and despotism.

If, said Mr. D., our foreign intercourse were a new and original subject, untrammelled by precedent and usage, he would, without hesitation, refuse to vote appropriations for foreign embassies on the broad ground that they were not merely useless, but positively inexpedient; and he could sustain himself on the authority of two names eminent for patriotism and practical good sense, Mr. Jefferson and Mr. Paine. Will the honorable gentleman from Massachusetts, [Mr. Adams,] who is an advocate of these things, or the chairman of the Committee on Foreign Relations, or any other gentleman, favor the House with an explanation of the necessary duties and beneficial agencies of our diplomatic corps? Will they, or either of them inform us of what probable use any, or the whole of our foreign errands are likely to be to this country? Of what use they had been for some years past? Does a quarterly letter from your minister to Spain, informing the President that there is nothing new there, contribute to the interest or to the honor of our country? Will gentlemen point to the mission to England which consummated a treaty on the subject of the West India trade? where, as Paddy says, "we gained a loss." Will they tell us of Mr. Rives's French treaty? The Chamber of Deputies refuse an appropriation for its fulfilment. And in what has the late mission to Russia resulted? In nothing that I know of, except an improvement in the complexion of my friend, the envoy, Mr. Buchanan.

Sir, these offices are sinecures. As I said before, they are places merely for the reward of partisans; places of refuge for worn-out, useless, second-rate politicians. No, sir, I am wrong; they are not merely useless—that would not be so bad, they are corrupting; they spoil the "light unmeritable things" you send abroad, and they return, in the language of Mr. Paine, with their heads as full of kings, queens, and knaves, as a pack of cards. Look, sir, over the list of gentlemen we have sent on foreign missions for the last twelve or fifteen years, and see the changes wrought, in almost every instance, in their political character and principles: staunch republicans converted, in a year or two, into rank consolidationists. Whether the change be effected by the perfumed atmosphere of the Court, the glittering stars, orders, insignias, &c., that captivate the fancy, or the habit of only hearing of the Federal Union as a national Government, and hearing no mention of the States as composing it, I shall not undertake to say; but I have a list, and were it not invidious, I would put my finger on the names, especially of the Southern gentlemen, who have undergone this unhappy conversion. But, sir, it is not merely spoiling the good republicans you send abroad, but the tendency of the system is to spoil your good Presidents that your twenty-five thousand dollars keeps at home. Nothing has been considered more flattering through all ages, to the vanity of kings and monarchs, and all the tribe, under whatever name, who exercise the chief Executive office, than to be surrounded by a large bevy of representatives of foreign countries. Their brilliant, gaudy, laced, jewelled, and plumed finery, adds vastly to the gilded show of an American President's soirees and levees, and he (if a vain, fatuitous old man, would be tempted to multiply useless missions abroad, under the expectation that the courtesies of foreign nations would make a return in kind, and by that means surround the President with a mimic Court of his own. It is wrong, sir, altogether wrong! Ours are a plain people, and this fudgery is utterly unsuited to their taste. I repeat, sir, that our system of foreign intercourse is radically wrong, unsuited to an agricultural, distant, peaceful republic; useless at the best, corrupting in its tendencies of our officers abroad and at home; and it will be a God-send if they do not, as four of them were near doing, embroil us with foreign nations.

The policy of this country, Mr. Chairman, in regard to foreign nations, I consider as fixed and established by public opinion; that is, to cultivate friendly commercial relations with the whole world, but to have no political relations or connexions with any foreign Government whatever. To attend to our commercial relations, I reiterate, our consuls are amply competent.

It has been said, sir, I think by the honorable chairman of the Committee of Ways and Means, that this is not the proper place, time, occasion, or manner, of opposing the system of foreign intercourse and foreign missions. I crave pardon, sir, for entertaining an opposite opinion; under favor, I think it precisely the place, time, occasion, and manner, most fit and proper for opposing the system itself, as well as the mode of making appointments under it. My leading motive--and I am not so squeamish as not to avow it—is, to restrain the President within the constitutional limits of the appointing power; to compel him, by means of a specific and limited appropriation, to consult the Senate, to which body the constitution and the people have confided a moiety of the appointing power, before he sends ministers on all sorts of errands, and to all sorts of places. I intend, before this clause is disposed of, to move an amendment restricting the expenditure to appointments made "by and with the advice and consent of the Senate." That is the constitution, sir; and I intend to sustain the Senate in the maintenance and exercise of the powers confided to it by the people, to the utmost of my poor ability; and if this amendment be rejected, I shall vote for striking out, according to the motion of the gentleman from Connecticut, [Mr. Foot,] the entire appropriation. But, it is said, the annual appropriation bill is not a proper occasion to make war on these abuses. When, or where else can I contest it? If the Committee on Foreign Relations had reported a separate bill, as I think the better plan, and have permitted the appropriation bill to contain nothing but those expenditures established and regulated by law, I should have said so too, and acted accordingly; but, instead of that, they are crammed into this bill, and I am not allowed to choose a field even between Pharsalia and Philippi. But, sir, the appropriation bill, or vote of supplies, is a fit time and occasion, and the very best means of checking executive abuses and usurpations. The power over the supplies is worth, in practice, all your parchment and paper constitutions; it has been the great conservative principle of English liberty in all its struggles with the Crown, throughout the long line of her usurping Plantagenet Kings, her treacherous Stuarts, and stubborn Guelphs.'

Sir, it is the Spanish bit to curb rampant executive power here, as well as in that illustrious country from which we obtained some of the soundest principles and safeguards of liberty. It is the best hold that the people have upon the rein to check abuse or usurpation of power; and as long, and it will not be long, as I am intrusted with a portion of that power, as their representative, I shall hold fast to it for their benefit, and put it to stern and practical purposes. Yes, sir, withhold the money of the people from their proud, forgetful servants, and the rampant lion becomes as gentle as the timid lamb!

It is said that this appropriation for the salaries and outfits of ministers is small and inconsiderable; and, indeed, that the salaries of all our foreign ministers are too low, and altogether insufficient to sustain the dignity of their diplomatic character in their association with those of other countries. In regard to the first, I answer that, no matter how small the appropriation, (but thirty-six thousand dollars is not so very small a sum,) it does not avoid the necessity of obtaining the consent of that consultative branch of the Government established by the people. As it respects the supposed insufficiency of the outfit and salary, I am not prepared to decide from any specific information; but this I will say, that he who seeks an office, the allowance of which he knows to be $9,000 as outfit, and $9,000 salary per annum, should be forever stopped from making a poor mouth about its inadequacy. I have heard, from sources I am disposed to trust, that the allowances to our agents at some Courts are too little; but I am again forced to doubt this, when I see what you all have, nay, do now see, applicants for these offices moving heaven and earth; using all their means, high and low; throwing aside the very principles that gave them all their consequence; abandoning the people whose voice cherished and supported them, and stooping to a course of political prostitution that compels their friends to blush and hang their heads for very shame, for the purpose of obtaining these appointments. I have some other views to present, but I fear I have wearied the House--I am wearied myself, and that is reason enough to stop.

Mr. ADAMS rose to make some explanation, but gave way to

Mr. MERCER, who said, as this amendment was not to be disposed of lightly, and it was then close upon six o'clock, he would move that the committee rise.

The motion prevailed, and

The House adjourned.

Thursday, May 1.

Mr. ADAMS, of Mass. (agreeably to notice,) asked and obtained leave to bring in a bill to prevent the Corporation of Washington, Alexandria, and Georgetown, from issuing bills of a less denomination than ten dollars.

After some discussion between Mr. Adams and the Speaker, in reference to the rule providing for cases of bills introduced by leave, the bill was referred to the Committee on the District of Columbia.

Mr. MERCER being under an impression that the bill referred to banks, suggested that its passage would utterly ruinous to every bank south of the Potomac, as nine-tenths of their circulation consisted of notes of the denomination prohibited.

Mr. ADAMS set him right as to the object of the bill, and observed, if any serious inconvenience was likely to ensue from its adoption, that would, of course, be a matter for the consideration of the committee to whom the bill has been submitted.

Mr. LINCOLN said he had a suggestion to submit to the House on a subject which he would explain. In the official paper published at this place, with the sanction, as was generally understood, of the Government, he observed this morning a gross and base aspersion on the character of one of his colleagues and himself—

Here the **SPEAKER** interposed and said that, if the gentleman had any motion to submit to the House, he must make it; otherwise his remarks were out of order.

Mr. LINCOLN replied that it was his intention to ask the House to take up a resolution he had offered a day or two since, and he wished to state the circumstance he had alluded to as an inducement to the House to do so; supposing that it could not be a matter of indifference to them that the character of their members was assailed: but if the Chair had any objection, he should not insist on proceeding, and would at once move to take up the resolution he had offered.

Objection being made—

Mr. L. said he would move for a suspension of the rule, to allow it to be taken up; and, as this was probably the last time he should trouble the House on the subject, he would ask for the yeas and nays on the subject. They were ordered.

Mr. Lincoln's resolution was then read, as follows:

Resolved, That the Postmaster General be directed to lay before this House a statement of the number, and names, and dates of the appointments, respectively, of the clerks, agents, and other officers and persons employed in his Department, (other than postmasters and persons employed in the respective post offices,) and of the distribution and assignment of the appropriate duties of each; and especially of the character of the services required by the solicitor, and clerks of the solicitor's office; and the duties and official employment of each of the persons who, in the register of the officers and agents of the Government, called the "Blue Book," who are denominated "clerks of appointment;" and that he do inform the House from what fund or appropriation all the officers and persons aforesaid, employed in his Department, have received their compensation; and that he be further directed to state to this House, to what corporations or individuals (if any) the Post Office Department is indebted for money borrowed, and to what amount to each of such corporations or individuals respectively, and at what rates of interest such loans have been obtained; whether the Department has overdrawn the amount of deposites to its credit in any bank or banks; and, if so, in what balances it is now indebted to such banks; in what instances (if any) and to what amount, the Department has anticipated its revenue by drafts on post offices in advance of the current quarter, and whether there are arrearages due to any contractors, according to the terms of their contracts, either executed or continuing for the conveyance of the mails, and to whom, and to what amount respectively, and what is the aggregate amount of the indebtedness of the Department, beyond its present means and resources, to discharge all its pecuniary obligations in time, and according to its engagements and liabilities."

The yeas and nays being taken, stood as follows: Yeas 93, nays 63. There not being two-thirds in the affirmative, the rule was not suspended.

GENERAL APPROPRIATION BILL.

On motion of Mr. POLK, the House went into Committee of the Whole on the state of the Union, Mr. Hubbard in the chair, upon the general appropriation bill. The question being upon Mr. Foot's motion to strike out Great Britain and Russia, and to insert eighteen instead of thirty-six, in the following clause:

"For the salaries of the ministers of the United States to Great Britain, France, Spain, and Russia, thirty-six thousand dollars."

Mr. ADAMS said that, at the adjournment of the House last evening, he had been desirous of saying a few words in reply to the remarks which had been made to what he had before said. He should confine himself as much as possible to those remarks. The gentlemen who had spoken after him yesterday, particularly the honorable chairman of the Committee on Foreign Relations, [Mr. Archer,] had entered upon subjects of an exciting nature, and which, as they had been discussed heretofore, it was not so necessary to bring now into debate. Mr. A. had had particular reasons for wishing to avoid these topics; but it was no longer left to his choice.

The true ground taken called for the amendment he had offered. He had not expected that it would call up the friends of the administration as it had done; nor that they would have considered it necessary to put forth their whole strength in vindicating the course pursued.

The chairman of the Committee on Foreign Affairs, with that high and honorable spirit which belonged to him, had considered himself called upon, by the place he occupied, to come forth in support of so much of the course of the administration as he believed capable of defence, and its conduct had been further and more at large defended by another member of the same committee, [Mr. Wayne,] and also by the chairman of the Committee of Ways and Means [Mr. Polk.] Each of these gentlemen had submitted considerations peculiar to themselves, in support of the present item of appropriation.

Mr. A. should confine himself, in reply, to those considerations which belong to the merits of the question, and to the grounds on which he should support the motion of the gentleman from Connecticut, [Mr. Foot,] to strike out the words "Great Britain" and "Russia."

He did not advocate the amendment on the grounds assumed by the gentleman from Connecticut, who had moved it: and still less on those which had been taken by the eloquent gentleman from South Carolina, [Mr. Davis.] As to the principles laid down by the latter gentleman, they would have all that weight with the House which they ought to have. Mr. A. did not attach the same importance to them which that gentleman did.

As to the honorable chairman of the Committee on Foreign Relations, [Mr. Archer,] so far as Mr. A. recollected, the principal answer given to his previous remarks, had been the expression of great surprise on the part of that gentleman, that Mr. A. should underrate the importance of a mission to Russia. He did not underrate it. He knew its importance. There was no gentleman in that House who knew it so well. He ought to know it better than others, as his opportunities had been better. He had been in circumstances fully to appreciate the value of a good understanding with that Power, in critical circumstances of our own affairs. There had been a period in which Mr. A. well knew the value of maintaining diplomatic relations there; he did not attach the same importance to it now; but he held it still to be of quite sufficient importance for us to have a minister of the highest grade constantly residing there.

His objection to the appropriation did not rest on that ground at all. He objected to it, because Congress was appropriating, year after year, for a minister to Russia, when we had no such minister there. The House appropriated for a full minister's salary; and the country ought to have a minister of that rank contantly on the spot. There ought not to be an interval of a month in which either of these important missions should be vacant. The House went on appropriating from year to year, and at the end of the year they were still asked for more. When they inquired the reason, and adverted to the fact that no minister had been sent, they were then told that the money had all been spent, just as it would have been had a minister of the highest grade been resident at the Court in question during the whole year. This was Mr. A.'s objection.

In reference to some of the topics which had been touched upon by the gentleman from Georgia, [Mr. Wayne,] and the chairman of the Committee of Ways and Means, [Mr. Polk,] he felt himself under a restraint which would compel him to avoid reply, were he otherwise situated. He had stated, when up on the previous day, that this state of things to which he objected had happened not at the Court of Russia alone. A minister would be sent, and, on arriving at his destination, would remain but a brief space of time, and then return home, or go elsewhere. He had noticed a case in which one staid but six weeks; this, to be sure, was the strongest instance that had occurred; but there were others not much less exceptionable.

The chairman of the Committee on Foreign Relations, [Mr. Archer,] with that candid, open, manly, and magnanimous spirit in which he always acted, had undertaken the vindication of the case more particularly adverted to. He appreciated the feelings of that gentleman; but the nation had agreed in the opinion he had expressed in relation to that embassy. The gentleman from Georgia [Mr. Wayne] had endeavored to turn what he had said into a personal reflection on the character of the minister who had been sent. Sir, said Mr. A., I am incapable of making such a reflection, because the person alluded to is in his grave. That is of itself sufficient to seal my lips for ever in silence respecting him in this House. It was not to the individual sent that my remarks were intended to apply; nor shall I refer to him now, with any design of passing censure upon his conduct. Sir, he is far beyond the reach of my censure, or that of any other human being. But I mentioned that case, in which the conduct of this administration had been justly subject to censure. I do not speak merely of the appointment of that individual; I refer to the whole course preceding his appointment; and I mention it only as one instance out of many of a similar kind.

The same gentleman from Georgia [Mr. Wayne] has undertaken, as a sort of apology for what he seemed to admit to have been not very defensible, to bring before the House the important purposes which had been effected by the diplomacy of the present administration; as if the ministers had rendered services which, from their great importance, amply compensated for the shortness of their stay abroad. Under this head, the gentleman adduced certain treaties which had been made, and negotiations which had been successfully carried through.

Sir, I admit, that if all the negotiations to which the honorable gentleman alluded had been concluded as successfully and honorably as he says they have been, it might better have answered the objection that, although absent but a month or two, they had been paid for a year. But is that any answer at all? Is it any reason why a minister should go and return in a single year? and should get double and treble the compensation allowed him by law? This is the case to which the gentleman from Georgia should have directed his attention. Sir, this reminds me of an anecdote of Frederick II. King of Prussia. He had appointed a certain judge, who turned out to be unfaithful in his office. Complaints multiplying against his numerous malversations, the King sent for him, and inquired into the case. The judge appeared in his own vindication, and was going on to tell a long story in his defence, when the King stopped him short in the midst of it, exclaiming, "Stop, stop! I have heard enough; the fault is not in you, but in me, for appointing such a knave." I do not find so much fault with the minister who leaves the Court to which he was sent, and visits all the watering places in Europe, and on his return home pockets his salary; the blame rests not so much on him, as on the administration who permits such things. What I say is, that the practice which has arisen, ought not to be suffered to continue. Every foreign minister should be confined to the place and the duties of his mission.

As to the achievements of these gentlemen, there was much panegyric, and particularly in reference to the arrangement made with Great Britain on the subject of the West India trade. This, sir, is a subject which I purposely pass over; it is fit to be commented on by any person rather than by me; it is a subject concerning which there has been much controversy, and great difference of opinion. I could wish that much of the angry disputation to which it has given rise were forever forgotten. I may say of it—

> "Incedo per ignes suppositos
> Cineri doloso."

Sir, I wish the gentleman had not brought up this subject. How must it apply? What will be its unavoidable bearing? Is there not a gentleman in another hall of this building, who must be immediately and personally affected by any remarks on this subject? And will I say anything in reference to that gentleman any where but in his own presence? No, sir. And is there not another gentleman now in the Department of State, whose character is deeply implicated? And shall I go into any observations on his conduct when he is not present to answer? I will not. But, sir, if we are to judge of these marvellous negotiations by their effects, I should send the gentleman from Georgia to that portion of the Union more immediately affected by their results, and let him ask of them what they think of the matter. I therefore pass over this topic entirely. I wish to say nothing about it. Not that my objection to discussing it has any reference to myself: on that score I have none whatever. My objection has respect to individuals not here. I will not censure any man in this House in a manner which I would not were he personally present.

The gentleman from Georgia, in answering my objections to the short duration of certain missions abroad, alluded, by way of retort, to an unfortunate appointment made by the administration preceding the present, in which case the individual appointed happened to fall sick and to die, and on that account did not remain seven years, or three years, at his post. Does a case like that justify us to appropriate, from year to year, for a minister at a foreign court, when we have no minister there? The case referred to has hapened, but not in the way the gentleman had stated it. It is true that the eminent individual was appointed, nor does this nation contain a greater statesman, nor one who has rendered to his country more important services; and it is true that he was prevented by illness from continuing abroad. But does this justify an administration in appointing a man, with liberty beforehand, to go where he pleases, instead of remaining at his post? The gentleman will no pretend it does.

But further. In that very case, although the gentleman stated that he imputed no blame to the administration for the appointment, and only brought it forward by way of precedent; but if the gentleman will go back beyond the last four years, (I will not say what that gentleman said on the subject,) but if he will take the trouble of looking at the journals of that day, or if he will consult the record of the debates of this very House, he will find that that appointment was held up before the whole country as one of the most heinous sins of that administration. Well, sir, and are we now to have the very worst acts of that administration adduced as precedents for the very best acts of this?

I will add a word as to that letter from the State Department which was read to us by the honorable chairman of the Committee on Foreign Relations. Sir, it is an oracle.

[Here Mr. ARCHER interposed, and meminded Mr. A. that the paper he had read was not a letter from any body; but his own written memorandum of the reply he had received from the Secretary of State.]

Well, sir, it was information in some shape. It was the answer of the State Department, made in such manner that the gentleman thought proper to take it down, word for word, as he received it. The gentleman could not have considered it as a casual communication, in an ordinary form, or he would not have immediately reduced it to writing. Sir, I again say it was an oracle. I did not say that my friend, the chairman of the Committee of Foreign Affairs, was the god from whom this oracle was issued. He was only the——[priest said Mr. ARCHER]——yes, the priest, [resumed Mr. ADAMS] to communicate the response of the deity to the worshippers.

Mr. ARCHER here rose to explain. He said, that, in consequence of the peculiar position he occupied in respect to the administration, he considered it his duty to let the House understand why he had been so exceedingly precise in stating what had been said to him by the Secretary. He had thought that if he should answer in any different mode, he might perhaps commit the administration further than the President wished. There was a reservation in the answer which he was bound to give precisely as he had received it—lest he might be represented as having made a positive declaration that the President would nominate during the session. Mr. A. did not wish to commit himself, or to commit the President further than he was warranted in doing.

Mr. ADAMS. Precisely so. The chairman acted with perfect prudence, and perfect honor, as he always does. But still, sir, I say this statement is an oracle. Understand it who can, I am unable to penetrate its meaning. It is much such a reply as that famous response of the Oracle to Pyrrhus, "*Aio te Æacida Romanos vincere posse.*" I declare that you will conquer the Romans, or the Romans will conquer you. Sir, if the answer is equivocal, it is not my fault, or the fault of the honorable chairman of the Committee on Foreign Relations. For myself, I take it for granted that no nomination will be made. My word for it, some little incidents will arise, connected with the public interest, which will cause no nomination to be made. And this is reason enough for me to vote against this appropriation. I will not put it into the power of the Executive to make the happening of a vacancy, and then enable him to fill it. I do not, indeed, adopt this as a general principle, but, owing to the peculiar circumstances of the times, I will not be accessary to granting any appropriation, so long as this matter remains *in dubio*—not until this oracular style shall be laid aside, and the chairman of the Committee on Foreign Relations shall say distinctly that the nomination will be made as it ought to be made. Sir, I will not pledge myself to any thing, (because, if I do, I shall be accused of a bargain,) but I will say, that, with a distinct and explicit declaration that the nomination will be made, I shall lose all my objections to this appropriation. I would vote it most cordially, and I believe Congress will do the same, if that gentleman will give us a pledge that the nomination will be made to the Senate before the close of the session. I say that the nomination ought to be so made. I say that no contingency that can arise can take from the Executive the duty of making it. Sir, in these portentous times, it may not be proper for me to speak of any doctrines of which I have heard, but concerning which I can produce no conclusive or authentic testimony. But I have heard of certain messages sent to the other House of Congress, signifying, that if certain nominations submitted to them shall not be confirmed, no others for the same offices will be made. I have heard of such things: and I would call for copies of such communication, if I were not confident that any thing I shall ask for from the Executive department will not be obtained.

In this matter of calls, a new practice has obtained, (I do not charge it upon the present administration;) but in the days with which I have been acquainted, it was enough for a member to say that he wished for any information for him to obtain it. Why, sir, in the days of a former administration, I well remember that all the departments were ransacked, at every session of Congress, to satisfy the calls of members on this floor: at that time, any member could obtain whatever information he demanded. But how is it now? I have offered resolutions calling for information on the Departments, which have lain there for weeks and months. I have endeavored to get them up, but never could succeed. This House is hermetically sealed. Why, sir, what did we see this very day? My colleague [Mr. Lincoln] offered a resolution calling for information touching the condition of the Post Office Department--a resolution going to the deepest foundations of its honor and honesty; but the House, after hearing the resolution read, refused to permit it to be sent. And this is our situation. We can get no information, or I would send an inquiry to the Executive, and endeavor to learn if the fact be as I have stated. But as this would be vain, I am reduced to the necessity of believing that it is so. The character of the answer given by the honorable chairman does not, certainly, tend to remove such an impression. I say again, that, assuming that the appointments are to be made, it is the duty of the Executive to present the nominations at the present session. It is his duty, under the oath of God which is upon him, to carry the laws into effect. But if, instead of this, the Executive refuses to tell us whether he will make any nomination or not, I am compelled to conclude that he does not intend to make them. I connect this conclusion with rumors that are abroad. The next step will be to make a vacancy, and to fill it by his own authority. At the next session, he must be convinced that his nominations will not be confirmed by the advice and consent of the Senate. It will be the duty of that body to reject it. And what then? The minister will come home, and you will have another minister, who, for an absence of a few months, will thus receive 20 or $30,000.

Sir, these are changes in our fundamental laws. They are changes not produced by a change of the constitution--not by an open ostensible proposal to the people of the Union, but simply by the possession of the Executive power. "The Executive power shall be vested in a President of the United States," and "the President shall see that the laws are faithfully executed." By these two talismans have all these metamorphoses been effected. It is time for this House to awake to its duty; and this is one of the occasions on which it is their duty to act. They have the power to act, and it is their duty to exercise it in emergencies like the present.

There was one observation which fell from the chairman of the Committee of Ways and Means, that struck me as somewhat oracular. Sir, it was much like that with which we are favored from the Department of State. The gentleman referred to a case in which a minister had been sent out, but had not been able to find his place of destination. My reply to this will be nearly the same as to the remark made by the gentleman from Georgia. I ask the gentleman what was his opinion respecting that mission? What did the gentleman think and say? And what did all those that acted with him tell the people concerning such appointment? Was not that one of the heaviest charges which they preferred against that administration? And will the gentleman stand here, and bring up one of the worst acts of an administration he opposed, in justification of a measure he now recommends? I am not, however, quite certain that I know what he means. He says that there was one minister who went out from this country, and never could find the place to which he was sent. Yes, sir! And why could he not find it? Because he found a grave in seeking it. Of that man I will say as I said of another, to whom allusion was made in this debate, that, if he was not a man whose name ought ever to be mentioned with reverence and honor in this House, then I know not who is deserving such feeling. The result of their labors was not anticipated. Sir, as to that mission, it would be a waste of time for me to undertake to justify it. It is now a part of our history. But if the gentleman will take the trouble of looking at the executive documents, he will see that the result of that unfortunate mission was not unforeseen. It was foreseen, and it was foretold, too, as not improbable; and when the House was called upon for the requisite appropriation, it was with full notice to them that the result could not be foretold with certainty, but was in the decision of the Supreme Disposer of events. And is this to be thrown up as a charge against that administration, and to be quoted in support of what is asked from us now?

Mr. A. concluded with an apology for the desultory character of his speech, and for the time it had occupied.

Mr. WAYNE had no desire or intention of occupying the time of the House, by pursuing the course taken by the gentleman from Massachusetts, [Mr. Adams.] Did he consider it to be proper or necessary, it would not be a difficult task to show that the present administration, in its negotiations, particularly with Great Britain, had accomplished what the former one had not done. The gentleman declines going into the particulars of the negotiations with Great Britain, because two distinguished gentlemen, who were engaged in them under appointments by the present administration, were not present in this House to defend their conduct. He had only to say that the conduct of those gentlemen, on that subject, was part of the public history of the country. Individual statements from those gentlemen were therefore totally unnecessary. Their conduct was upon paper, and had become a part of our political annals. No consideration of delicacy towards those persons, as being absent, should prevent the fullest discussion that was necessary to throw light upon their conduct in this negotiation. The gentleman had introduced this subject, on the preceding day, by insinuating that the ministers appointed by the present administration had remained but a very short time at the places of their mission. In referring to the case of Randolph, it was natural to recollect that of Mr. King, who had been sent to negotiate with Great Britain, respecting the colonial trade, without his instructions. The gentleman had not been pleased to allude to the sending of Mr. Gallatin, who was directed by the former administration to abandon the principles which had been persisted in by our Government for a long series of years, and which were the basis of the instructions given to Mr. Rush in 1824. Ministers, he believed, had been sent quite as often by the former administration as the present. He did not allude to this circumstance as a matter of reproach; but it would have been at least desirable that the ministers sent by the former administration should have been furnished with the necessary instructions. They might possibly, in that case, have closed the negotiations, which were not finished until it was done by the successor of Mr. Barbour. If he understood the grounds of apprehension now expressed by gentlemen, they were, that a minister might be sent to England without the consent of the Senate. The House had the authority of the gentleman from Massachusetts, [Mr. ADAMS,] that a minister at London was necessary. Why, then, strike the provision for his salary out of this bill? Is it upon suspicion that the President will not do his duty? Suspicions of that kind were, perhaps, suitable for newspaper discussions, but he could not regard them as furnishing any basis for legislative action. The gentleman stated, in the former debate, that the interests of the country required the appointment of a minister to London; that a charge d'affaires was not capable, from his inferior rank, to afford adequate protection to the interests of the country at that Court; and he now advocates the motion for striking out the proposed salary for a minister, and proposes to substitute the salary of a charge. He did not understand the consistency of this course, any more than he did the criticism upon the reply which had been made to the inquiry of the chairman of the Committee on Foreign Affairs. That reply had been called oracular. He could not imagine why it should be so called in an offensive sense. He did not know what other answer could be given to the inquiry than what had been made. It was a subject upon which, from the nature of things, a precise answer could not, and ought not to be given. It might be absolutely necessary to have a minister sent to England forthwith. The customary appropriation for the salary should not, therefore, be withheld. On the other hand, a question deeply important to the territorial extent of one of the States of the Union might induce that State to request that no minister be sent at this time. He disclaimed knowing any thing relative to these affairs, which was not equally well known to others. As to these inquiries, he deprecated any attempt to go beyond the constitutional rights of the House. If it was rightful to require official information relative to the intention to send a minister, it was equally so to know who is the person intended to be sent; then the question as to the propriety of the appropriation might turn upon a discussion of the character and fitness of the individual proposed to be nominated. Such signs of the times he deprecated. As to one of the insinuations of the gentleman from Massachusetts, that a minister had been appointed with permission to go wherever he pleased, what minister had been so appointed? In the case of Mr. Randolph, no latitude had been taken which common reason would not justify. We are daily granting permission to the members of this House to leave their duties, upon less pressing grounds than those upon which Mr. Randolph absented himself, for the benefit of his health. To the other topics alluded to by the gentleman, he felt capable of making conclusive replies, but did not feel justified in trespassing any further upon the time of the committee.

Mr. COULTER asked that the question might be divided, and put first on striking out the item for Great Britain alone, and then upon that for Russia.

As to the mission for Russia, Mr. C. was prepared to vote for the appropriation. He saw no valid reason for refusing it. The Government was now represented at that Court by a minister of such grade as the Executive thought sufficient. It was usual, indeed, that we should be represented there by one of a higher order; and, a short time since, a minister of that grade had been resident there. Whether his functions had ceased, or whether he was at home on leave, Mr. C. could not say. The House had no information on that point. He had seen a suggestion of the latter kind in the papers.

[Here Mr. ARCHER observed that Mr. Buchanan's appointment had ceased.]

As it was but a few months since a worthy and talented gentleman, a native of his own State, had returned from that country, it was but justice to the Executive to permit him to judge of the propriety of sending another, or of retaining only a charge. It was not according to the usual courtesy of the House, when it was requested in the usual forms of business, to refuse an appropriation of this kind, in so short a period. Believing that the mission, though now vacant, would soon be filled up again, he should vote for that item of appropriation.

But as to the provision for the salary of a minister to Great Britain, Mr. C. was constrained to say that he should not vote for it. He had abundant reasons thus to constrain him. They were found, not in conjectures as to what would be the conduct of the Executive in reference to the appointment, but grew out of the course of the administration heretofore. Mr. C. said he agreed fully in the position which had been taken on all sides, that, according to the course of management of our foreign affairs, the Executive had the exclusive right to judge as to the propriety of sending foreign ministers, and also of their grade; and, therefore, the House ought not, too long or too often, to proceed in a course of dictation to the Executive. During the last two years, the House of Representatives and the Senate had both expressed, in a solemn form, their opinion that a minister of the first grade should be constantly resident at the Court of St. James. They had put that judgment upon the statute book. Yet the Executive had declined to send any. He had thought proper, and it was his right, to disregard entirely this manifestation of the opinion of the Legislature.

It seemed to be his opinion that the dignity of the country did not require that we should be represented at that Court by a minister of higher grade than a charge d'affaires. Here was the solemn and deliberate decision of the Executive. And now, after an overture of this kind having been made for two years in succession, and disregarded, would this branch of the Legislature make that overture again? Would it suffer the expression of its judgment again to be slighted? He presumed not. Certainly he should not, for one. The Executive, by the expressive language of action, which spoke louder than words, has said that he considered the Legislature as intruding on him. And Mr. C. had lived long enough in the world to know that advice, when too often repeated, was of little value in the eyes of those who rejected it. It seemed to him that the dignity of the House of Representatives required that they should consider this course of action, on the part of the Executive, as conclusive; and that they could not thus continue to intrude upon him their advice without a loss of dignity and character.

It had been said by the gentleman from Tennessee [Mr. POLK] that, notwithstanding the President had not seen fit to accept the offer of the House for these two years past, it was still proper that the offer should be repeated, and that the House should go on and make a third appropriation for a mission still vacant, because the Executive had, in the usual mode, asked of the House to do so. But how had he asked it now—in a mode at all different from that he had employed in former years? This sum had been included in the estimates from the State Department. He presumed those estimates had been supervised by the head of the Department. But this afforded to the House no pledge that the Executive would appoint a minister. The same estimates had been furnished in two preceding years; yet he had not appointed one. Here was the action of the President himself, in direct contradiction to the requirements of the Secretary of State; and it furnished evidence that the Secretary was not informed of the intentions of the President. He could not believe that the President, who stood so high for determination of purpose and consistency of character, should twice have told Congress that he designed to send out a minister, and should twice have disappointed their expectations. He took it for granted that the Secretary could not have been informed of the President's views, but that the President chose to keep his intentions to himself. In the present aspect of the matter, the House had evidence of his opinion, that no other minister was needed at the Court of Great Britain than a charge d'affaires. For that he (Mr. C.) would vote, but for no more. But it was said that the House ought to pass this law for the third time, in the faith and hope that the Executive would now make the appointment, because the Secretary of State had intimated to the gentleman from Virginia [Mr. Archer] who was at the head of the Committee on Foreign Affairs, that it was the intention of the President to nominate during the present session. Mr. C. considered this as no higher evidence than was furnished by the annual estimates. They were sent to the House by the same officer, as the foundation for its action. But it was manifest that the estimates did not furnish any certain instruction of the purposes of the Executive; and the communication the gentleman had read was liable to the same objection; it did not truly set out the intention of the Executive. This was the ground on which Mr. C. should refuse his vote.

Mr. C. said that he agreed in the view taken by the gentleman from Massachusetts, who had so handsomely expressed himself as to the nature of the communication read to the House by the gentleman from Virginia. He had believed, when he heard that paper read, that it was due to the character of the Executive to have expressed his purposes with less equivocation. What must be the opinion of every enlightened man as to what might be denominated the civilities which ought to be observed in the intercourse of this country with England? Was it not that they ought to be of a more marked and distinguished kind than with any other foreign nation? The relations between that people and ourselves should bind the nations closer together; there were connexions and affinities which bound the destinies of the two nations more nearly together than those which connected us with any other of the European Governments. And it was probably a universal opinion that we ought to be represented at that Court by a minister of at least as high a grade as she maintained in this country.

That was the only public mode of showing that we wished to preserve the friendly relations which now so happily prevailed. But England had here a full minister, while we had no more than a charge there. These circumstances would have demanded from the President the sending of a minister of equal grade with theirs, if he thought any minister was needed. But he had not done it: nor could Mr. C. conceive that any thing would arise in the short space of two months to render the appointment unnecessary, or less necessary than now. The country had been now for two years in this situation, and there was nothing to warrant a conclusion that any thing different was likely soon to arise. If the President meant to send a minister, no doubt he would have told the Legislature. Mr. C. looked to his acts, and he should wait till he made the appeal to the House for its aid. The first moment such an application was made, Mr. C. would vote for the appropriation.

There was already an appropriation for the outfit of a minister. But if, during the recess of Congress, the President should believe that the public interest imperatively required the mission of a full minister to the Court of London, he had the outfit already provided, and the salary could be taken out of the contingent fund for foreign intercourse. There could therefore be no serious evil in leaving things as they were at present, until the President should distinctly indicate to the House his purpose to send out a minister.

Mr. C. said, in conclusion, that he could indeed conceive of one case in which the appointment of a minister might become unnecessary before the close of the present session. The Court of England had been represented for two years at the seat of our Government by a minister of the highest grade; a man, too, of the highest personal qualifications and character. And how were we represented at the Court of London? By a mere charge; and he a young man, unknown in the public relations of his own country. He questioned much whether the Court of Great Britain had ever so far condescended before. No doubt, England had been actuated in this case by reasons of State policy, because that was a Government which never acted without reason, and the fullest consideration. But though such a state of our relations had been suffered to continue for two years, it might very possibly be suffered to continue not much longer. The national pride of that powerful people might be wounded, and the minister now here withdrawn; in which event a state of things might arise in which it might be not only unnecessary, but improper, to send a minister. He earnestly hoped, indeed, that this would not be the case, and trusted that the continuance of a minister of the highest grade, for so long a time, while no minister of corresponding rank had been sent to England, was a proof of the amicable intentions of that Government towards us. Mr. C. concluded by moving to strike from the amendment the word "Russia."

Mr. DAVIS, of South Carolina, said that he had an amendment to offer, in the nature of a substitute to that which had been moved by the gentleman from Connecticut, [Mr. Foot,] and which he hoped that gentleman would accept as a modification of his own.

The amendment was read for information, as follows:

"*Provided,* That so much of the sums herein appropriated for the payment of the salaries of the ministers to Great Britain and Russia shall not be expended, unless the appointment of said ministers shall have been made with the consent and advice of the Senate; nor shall any part of the sum herein appropriated for the contingent expenses of all the missions abroad, or for the contingent expenses of foreign intercourse, be expended in the salary or outfit of such minister or ministers, unless such appointment shall be made during this session of Congress, by and with the advice and consent of the Senate."

Mr. FOOT said that the amendment which had now been read met his views fully, and, to enable the gentleman to offer it, he would withdraw his own.

Mr. EVANS observed that, by the acceptance by the gentleman from Connecticut of the amendment, the question before the committee had been somewhat changed. The proposition had been to strike out this item, and the reason given had been the short residences of ministers abroad, and the non-appointment of ministers to courts of great importance. Those objections had been met by the gentleman from Georgia, [Mr. Wayne,] partly on the ground of precedent, but mainly by adverting to the great achievements of the present administration in the foreign relations of the country. On the question of precedent, the gentleman from Massachusetts had said all that could be required. The case of Mr. King, which had been brought forward as a parallel to that of Mr. Randolph, was no parallel. Mr. King had never abandoned his post until the near approach of death; but when the gentleman was pressed with the case of a minister being appointed to Russia, and being permitted by the Government to reside every where else, he had brought forward the very singular excuse that the mission had been accepted on that condition; and yet this was alleged to be a parallel to the case of Mr. King.

Mr. E. had supposed that, when an administration had been run down for its great public abuses, those very alleged abuses would not be relied upon as grounds on which to justify the administration which had thrust the other out of place. This was not according to promise; and such an argument came with a very bad grace from those who had taken grounds against the other administration for these very things.

The gentleman from Georgia had endeavored to justify the short residence of Mr. Randolph at St. Petersburgh; but how long had his successor remained there, and why had he too returned after so short a residence? He was told by a gentleman near him [Mr. SUTHERLAND] that he had effected a treaty, and brought it home with him. And was that the practice? Must a foreign minister always return home whenever he had negotiated a treaty? The same gentleman now reminded him that the mission was not vacant, and Mr. Buchanan must therefore be home on leave; but the chairman of the Committee on Foreign Relations had informed the House that the mission was vacant, and Mr. Buchanan's commission had expired. Why had he returned so soon? Was there any necessity, in the month of August last, that we should be represented by a full minister at the Court of St. Petersburgh? If there was, why did not Mr. Buchanan remain? But the treaty. He had effected a treaty, and this was represented as one of the achievements in diplomacy which formed the glory of this administration. Mr. E., however, believed that it had been a matter of no great difficulty. It was a mere treaty of reciprocity, recognising the condition on which our trade had long been conducted with that Power. At all events, there could be no need of the minister's coming home to bring it. The evasion of the constitution by the President, in not getting the consent of the Senate before he appointed our late minister to England, was attempted to be justified by the great success which had attended that mission; and the same assertion was made in general terms. Mr. E. believed that the first of these achievements was the obtaining from Denmark a sum of money as indemnity for spoliations on our commerce. If there was any glory in this, it belonged entirely to a minister who had been sent out by the last administration, and had acted under instructions received from them. Yet great credit was claimed by their successors, who had little to do with the affair but to boast over it. The same remark would apply to the treaty with Brazil. The instructions had been given by a former administration, and the substance of the treaty effected before that administration went out of power. The ratification of the treaty, indeed, had been accomplished by the present administration. Another treaty, and a very important one, had been concluded with France, and of this he admitted the whole credit was due to those now in power; but every one knew the peculiar circumstances which had led to this arrangement.

The whole world knew that it was a consequence of the revolution of "three days," which had brought the best friends of this country to the head of the French Government. If the last revolution of France was to be set down to the credit of this administration, the world ought to know it. But he had hitherto thought that the opportunity of concluding that treaty had arisen under the auspices of the early friend of America, and was owing entirely to the establishment of a liberal government. It was certainly not the fault of the last administration that this revolution had not happened in their day; and the only credit which the present could claim, and he willingly accorded it to them, was that of having promptly availed themselves of circumstances. As to the indemnity granted by Naples, that was almost a matter of course, after France, so much greater a Power, had yielded to the equity of our claims.

[Here Mr. WAYNE interposed, and reminded Mr. EVANS that a minister had been sent and a treaty concluded with France previous to the revolution of three days; and that revolution, so far from having been the cause of the treaty, had retarded its execution.]

Mr. E. resumed. How that might be he did not know. It was possible the treaty might have been brought nearly to a conclusion under the late dynasty, but the treaty itself had certainly been made by the present Government of France.

But the chief ground of the gentleman's glorying is the success of this administration in arranging the question of the colonial trade; and the gentleman had added, that, if any member was disposed to deny that the present state of that trade was as advantageous to this country as it had ever been at any former period, the gentleman was prepared to go into a history of it from the foundation of the Government. Mr. E. regretted that he was not himself so prepared; but, if the gentleman could show the correctness of what he had alleged, Mr. E. would beg him by all means to do it, for he had constituents who were deeply and personally interested, and who thought themselves much injured by the arrangement. If the gentleman could relieve them from their delusion, and convince them that their affairs were in a prosperous condition, he would do them a very great service. Mr. E. had not the documents before him, and could, therefore, only speak from general recollection. But he would present to the gentleman his own views of what had been done. [Mr. E. here went into a full discussion of the West India question, in an able and lucid speech of more than an hour.] He was followed by

Mr. WAYNE, who went at large into a history of that entire negotiation, as conducted by former administrations, and concluded by the present, and argued to show that, in the result, this country had come nearer to the attainment of the utmost extent of what it had at any time claimed, than at any former period of our history.

Mr. H. EVERETT said he did not rise to make a speech, but merely to propose a question to the honorable chairman of the Committee on Foreign Relations, the answer to which would determine his vote. He would state why he asked it. The last minister to Great Britain returned in July, 1832. Since that time, a charge only had remained at that Court. An appropriation is now asked for by the Executive for the salary of a minister, required by the public interest to be appointed. The honorable chairman, in reply to a question from the honorable member from Massachusetts, [Mr. ADAMS,] had stated, by authority of the Secretary of State, in substance, that it is the present intention of the Executive to nominate a minister to the Court of Great Britain during the session of Congress—depending, however, on contingent events. With great deference to the gentleman from Massachusetts, he thought the answer sufficient, so far as it disclosed the necessity of a mission, and the intention of the Executive to fill it. He thought it a sufficient ground for an appropriation that a mission might be necessary. But the answer did not cover the whole ground. Should the contingency happen, to prevent a nomination during the present session, the fears expressed by gentlemen were, that the appropriation might be applied to the salary of a minister unconstitutionally appointed. The answer to his question would allay or confirm those fears. He would now ask, whether power is claimed for the Executive to appoint, under the present circumstances, a minister to England during the next recess of the Senate.

He contended the Executive had not the power; that, by the constitution, the appointment of foreign ministers can only be made by the President, by and with the advice and consent of the Senate, except in the case of a vacancy happening in the recess of the Senate. If the office of foreign minister (plenipotentiary) is a continuing office, then a vacancy now exists. If a charge is considered as filling the office for the time being, then the occasion, the necessity for a full mission is the vacancy; and the call for an appropriation, accompanied by a declaration of an intent to fill the mission during the session, is proof that such vacancy now exists. But, if the office of minister is not a continuing office—if it expires with the return of the minister—then no vacancy has happened; and, as a new appointment, it must be filled by the President, by and with the advice and consent of the Senate.

If the honorable chairman was authorized to answer the question, he desired to know whether the power was claimed or disclaimed.

Mr. ARCHER replied that it was not for him, as the organ of the Committee on Foreign Relations, to decide what construction the Executive would put upon a clause of the constitution. Should he even inquire, he presumed that no answer would be given him from the head of that Department. Mr. A. construed the constitution for himself; and, according to his own understanding of that instrument, it would not be in the power of the President to make the appointment referred to during the recess of Congress. He understood, from the response he had received, that it was the President's intention to nominate a minister to each of these courts during the present session, with a reserve, however, that nothing should arise to render such a nomination unnecessary. Mr. A. could not, indeed, conceive of any circumstances which would render it so; and his own opinion was, that it would be an enormity to let two sessions pass by, and then, in the recess, to make the appointment referred to. The respect he was bound to entertain for the Executive branch of the Government would not permit him to believe it possible that any such act was contemplated.

While up, he would make a suggestion to the gentleman from South Carolina, [Mr. Davis,] as to the expediency of withdrawing the amendment he had offered. He felt sure, indeed, that that gentleman would not hesitate, if he reflected a moment on the nature and bearing of the amendment. It was competent to the House either to grant or to deny the appropriation asked; but it had no right to annex any conditions to a grant of money. If the House thought the contemplated mission unnecessary or improper, it would withhold the means of carrying it into effect; but it was not competent for them to annex a condition like that which the gentleman had proposed. If the honorable gentleman wished to prevent such an appointment as he dreaded, the proper mode would be to renew the motion of the gentleman from Connecticut, to strike out the item altogether.

Mr. DAVIS said that, after the declaration on the part of the administration, his amendment would imply no want of confidence in the Executive. The gentleman, he thought, was mistaken in supposing that we could not restrict appropriations. What was the meaning of specific appropriations? Was it not appropriations limited to specific objects? He had used the language which was always used to effect limitations.

Mr. BINNEY said that he would submit a few remarks upon the principle of the amendment proposed. With the form of it, as moved by the gentleman from South Carolina, he was not entirely satisfied. It was new as a limitation upon a grant of money, which was of itself an objection; but a greater objection was, that the proviso presupposed a belief that, unless the restriction should be made, the missions to England and Russia would not be filled according to the constitution, and this was ample reason for striking out the appropriation altogether, leaving them to be provided for when the nominations to the Senate should be made and approved. He personally entertained this belief, and he should, therefore, vote against the present amendment; and, if the original amendment should not be again proposed by some other gentleman, he would renew it himself.

The amendment originally moved by the gentleman from Connecticut was sustained by reasons which, to his mind, were entirely satisfactory. He supposed that no member of this House, in possession of clear and conclusive evidence that the President intended to supersede the Senate by waiting until the recess and appointing, as in case of a vacancy then happening, would agree to an appropriation for the salaries of ministers so to be appointed. He understood the gentleman from Georgia [Mr. Wayne] to say that he would not. It was impossible that any gentleman, holding the opinions which usually prevailed in regard to the meaning of the constitution, could give the slightest aid by a vote of appropriation to such a violation of its provisions, if he was satisfied by full proof that any intention so to violate it existed. The case of full proof appeared to leave no alternative. The degree of evidence, at the same time, made no difference in principle. Evidence far short of that which was conclusive ought to be satisfactory. Full proof of the intention was rarely attainable. It ought not to be required in a case in which, if the intention did not exist, it was easy to disprove it. It was the right and the duty of the House to infer it from circumstances which fairly imported it. A great constitutional provision was involved, which it was the duty of every member of this House, and of every citizen of the country, to sustain. That part of the constitution which regulated the power of appointment to office presented as little ground for doubt or controversy as any other. Its spirit and meaning was perfectly clear. The full power of appointment, as given by the constitution to the President, was, in every case, and without any exception, subject to the restraint of the advising power of the Senate.

The constitution meant that, in every case in which a casualty, or something equivalent, did not prevent a recurrence to the Senate for its advice and consent, the nomination of the superior officers mentioned in it should be submitted to that body. No such officer, unless so nominated and appointed, could hold this office by its regular tenure, either of good behavior or at the pleasure of the President. The supplementary clause of the constitution, which permitted an appointment by the President alone, was intended for a case of exigency occurring when the Senate was not in session, and could not be consulted; and the limitation of the office so created, by terms which prevented its continuance, under any circumstances, beyond the end of the next session, showed a manifest design to require a resort to the Senate for its consent, in the case of such occasional appointments, as soon as the opportunity should be presented. Whether the supplementary clause should be taken strictly or liberally, whether the happening of the vacancy must be entirely casual, or was held to occur when the President himself occasioned it by removing an incumbent, or was also held to occur when circumstances required an original appointment in the recess, was of no importance at the present. The power granted by that clause was, in its spirit, confined to appointments, the necessity of which existed, and first existed in the recess of the Senate. The constitution required the advice and consent of the Senate to be taken in every case in which there was an opportunity to take them; and it was a plain violation of that instrument, in a fundamental point, to withhold an intended appointment until the adjournment of the Senate, and then to proceed as in case of a vacancy happening in the recess. It was equally a violation of the spirit of the constitution to appoint in the recess, and, instead of seeking the advice and consent of the Senate as soon as they could reasonably be obtained, to withhold the nominations of such officers altogether, or until many months had elapsed, after opportunity had occurred to consult the Senate. The spirit of the constitution required the advice and consent to be asked whenever an opportunity existed, or as soon as it should occur; and a practical evasion of it, by postponing appointments to the recess, or by withholding nominations for an unreasonable time after the recess was over, was a violation, and both were equally violations, though not equally striking.

The question, then, which was presented to the House was, whether, in regard to the missions to England and Russia, there existed such circumstances as to compel a belief that it was not the intention of the President to nominate the ministers to the Senate. The intention of the President to send a minister to England could not be doubted. He (Mr. B.) personally entertained no doubt of it. He must have been deaf and blind to all around him, and incapable of making an inference from evidence, if he did not entertain a firm belief that such was the President's intention. This was perfectly clear, and almost equally so that the nomination would not be made at the present session. He inferred this, not only from several circumstances of public notoriety, but from the very communication made by the chairman of the Committee on Foreign Affairs.

He would not, among the circumstances alluded to, dwell upon the present relations between the President and Senate, nor upon a communication said to have been made by him to that body, in derogation of this very right to advise and consent; nor to the flagrant design of certain presses in the country to break down the influence of the Senate, and to prepare the people to receive with favor an encroachment by the President upon the constitutional powers of the Senate, and particularly upon this power. But he would advert, and he could do it with perfect confidence, to the known public course of the President in filling such offices in the recess, when the case did not come within the fair meaning of the supplementary clause --of insisting upon nominations rejected by the Senate, on grounds inconsistent with the full exercise of the advising power, and especially to the fact, altogether new in the history of our country, that the offices of Secretary of State and Secretary of the Treasury, among the most important of all offices in their respective relations to foreign and domestic affairs, had been held from eight to nearly twelve months without a nomination to the Senate, though it had been in session now five of those months. The inference, from all these circumstances, was inevitable that the President meant to avoid nominations to the Senate whenever he could, and as long as he could; and holding this to be a most clear as well as most dangerous violation of the spirit of the constitution, in this great particular of appointment to office, Mr. B. said he would do nothing to further it, directly or indirectly. These opinions, in regard to the general course and designs of the President's measures in relation to office, were held by many members of this House, and by large portions of the country. The fact that they were so held, and that many circumstances had occurred to justify these doubts of the President's intention, was well known; they were reasonable doubts. The President was himself apprized of them, and he knew them to be reasonable. The communication made by the chairman of the Committee on Foreign Relations was, of itself, the highest evidence of both positions; and it was that communication which, as soon as it was made to the House, satisfied him that, while the doubts adverted to were known to exist, and were deemed by the President to be such as to require some communication to the House, the terms of the communication at the same time increased and confirmed those doubts.

What was that communication? How did it originate? What was its meaning? Whether it sprung from an inquiry originating with the chairman, or proceeded in the first instance from the Department of State, was not material. The chairman had himself deemed it reasonable that the doubts he knew to exist should be removed, and the Department concurred with him, or the Department of its own motion suggested the communication. Either way, it was the same thing. The matter had been well considered and matured in the Department of State, and the language of the President had been recorded by the chairman with proper caution, and doubtless with perfect accuracy. What was that communication? The only view of it which he could not take was that which described it as oracular. It had no ambiguity. It admitted of but one construction. It set forth that "it was the present intention of the President to nominate a minister to England, and also one to Russia, during the present session, unless something should occur in the meantime connected with the public interests, which, in its judgment, might render it unnecessary." Render what unnecessary? Without doubt, the nomination. This was the subject of the sentence. It had no other. The President would nominate, unless, for the reasons alluded to, he should think it unnecessary to nominate; and these reasons would be such as his policy in regard to the Senate, and to appointments to office, should commend to his judgment. Had the President seen fit to say that he would nominate, unless he should deem it unnecessary to send ministers, the assurance would have been of a different import. For one, (Mr. B. said,) he would on this occasion have accepted it. But, looking at the terms of the qualification, it was obvious that it was the nomination that was to be postponed, and that reasons were in reserve for this, after the power of this House over the subject had passed away. There could be no valid reasons for postponing the nomination beyond the session, if a minister was now intended; and this intention was admitted by the communication itself.

This was a question of the very first moment to the House and to the nation. It did not regard the Senate alone, nor in a greater degree than it did the whole frame of the constitution. Whatever tended to diminish the constitutional influence of the Senate over appointments to office, and to augment that of the Executive, tended equally to diminish the authority of this House and of the people. The necessary effect of such measures was to expand the dimensions of the Executive, and ultimately to establish one great power in this nation, in the shades of which no other constitutional power would live. Holding this to be the tendency of Executive measures, and particularly in the matter of appointment to office, and inferring from the communication itself that the appointments to England and Russia were to be affected by this policy, Mr. B. said he should vote against the appropriation.

Mr. BEARDSLEY said that, although it was certain that the President of the United States possessed the whole appointing power, yet, under certain circumstances, he must have the advice and concurrence of the Senate in its exercise. But there were other circumstances in which this was not necessary; and an officer appointed in the one way was lawfully appointed, and as truly entitled to his office as one appointed in the other. The tenure of office in the two cases was, to be sure, different; but in both cases it was equally valid. As far as he had understood the gentleman from Massachusetts, [Mr. ADAMS,] and the gentleman from Pennsylvania, [Mr. BINNEY,] their views, so far as he could recollect them, were, that this Government ought to be represented at the Court of St. James by a minister of the highest grade.

Indeed, no gentleman, he believed, had put forth a different opinion, except the gentleman from South Carolina [Mr. Davis] yesterday. To-day, however, the gentleman seemed to be willing that a minister should be sent, provided his appointment should receive the assent of the Senate. All, then, seemed to agree in this, that we ought to have in England a minister of the highest grade. What, then, would seem to be the obvious duty of the House? He asked the question in seriousness and candor. If gentlemen believed we ought to have such a minister there, was it not their duty to provide the means of paying his salary? Were they to look beyond this necessity, and inquire whom the President intended to appoint, and in what way he proposed to appoint him? Was that the duty or province of that House? Had they any thing to do with the matter, (provided, always, that the minister was appointed according to the constitution?) And when all were agreed that a minister ought to be sent, would they withhold the means of paying him, lest the President should send an improper person, or send him in an improper manner, in the view of Congress, although according to the constitution? Was not this a new doctrine? Even in the discussion of the famous question of the Panama mission, although the objections were pushed to the point of extravagance, no such ground as this had ever been taken. If the House performed its own duty, by providing for a mission which they all held and admitted to be a proper one, they might, without any improper obsequiousness to the Executive, leave it to him and the Senate to do what belonged to them in the matter. What had that House to do with appointments? Nothing. It was not their function to watch the appointing power. The House must act on the presumption that the other departments of the Government would do their duty; and, on that presumption, let the House do its own. Gentlemen told them that there ought to have been a full minister at the Court of Great Britain for the last two years; yet they now insisted on withholding the appropriation, because there was a suspicion, or a surmise, or, to use a New England phrase, a guess, that the President would not appoint the minister in a way which suited gentlemen's notions of propriety.

Might he be pardoned if he suggested, in relation to the amendment proposed by the gentleman from South Carolina, [Mr. Davis,] that, to be consistent, the House should interpose a similar proviso in reference to the appropriations for all other officers mentioned in this bill? When appropriating for the salaries of the heads of Departments, the solicitor, auditors, and all the other officers nominated by the President, they might, with the same propriety, add a proviso that the President should appoint them with the assent of the Senate. Was such a thing ever thought of before? Could the gentleman from South Carolina show a precedent in all our history? The gentleman might with propriety say that no person should receive his salary unless he should be constitutionally appointed. But the constitution allowed the President to make appointments in the recess of the Senate, under certain circumstances, without the advice and consent of the Senate. Yet the gentleman from South Carolina would allow the salary of a minister when appointed in one way, and not in the other, though the constitution recognised both. This was an invention entirely new.

But it was said that gentlemen did not believe that any nomination would be made during the session. And what proof did they produce in support of such an opinion? Mr. B. said he should not go into an examination of the paper which had been read by the chairman of the Committee on Foreign Relations: but, from hearing it read, he understood its meaning to be that, if the President should think it was proper that a minister should be sent, he should do his part toward that object during the present session of Congress. This was fair—though the language employed might not be technical. Let it be remembered, however, that the paper which had been read to the House had not been written by the President or the Secretary of State, but by the gentleman from Virginia himself. He believed the President, the Secretary of State, and the chairman of the Committee on Foreign Relations, to be incapable of duplicity in this matter. The House ought to assume that the Executive would do his duty under the constitution, and in the way most acceptable to the other branches of the Government.

But it was further said that there were circumstances which led to the conclusion that the President would not nominate before the adjournment of the Senate, but would, in the recess, create a vacancy, and fill it by appointing a minister. Mr. B. had not that opinion of the President: he trusted no man there could believe that the Executive would refrain from performing his own duty, until the session of the Senate should have expired, with the view then to appoint the minister in his own way. But even if this was certain, it would not, in Mr. B.'s opinion, furnish a good reason for refusing the appropriation. He would try to do his own duty, and leave the President to do his, in good or in bad faith: if he did it in bad faith, he would be responsible to the country, and to the House, in another mode. It would be a poor apology for our having no minister at the Court of St. James, because the House of Representatives believed that the President would appoint a minister in bad faith. It was wholly a new idea. For the last forty years, he believed, we had generally had a full minister at that Court, save during the interval of war; and the appointing power had always selected them and appointed them in its own way.

There had one suggestion been made by the gentleman from Pennsylvania, [Mr. Binney,] which seemed to him scarcely in conformity with the constitution. That gentleman had said it was a violation of the constitution to let months elapse after the session had commenced before the President nominated officers to the Senate for confirmation, who had been appointed in the recess.

Mr. BINNEY here interposed. What he had said was, that such a course was a violation of the *spirit* of the constitution.

Mr. BEARDSLEY resumed. So he had understood the honorable gentleman, and the remark would apply to the Secretary of State, the Secretary of the Treasury, and the Attorney General. But the constitution authorized the President to fill vacancies happening in the recess of Congress; and persons so appointed held their offices until the expiration of the subsequent session of Congress. They would so hold, even if the Senate should refuse to confirm their appointment on the very first day of the session. The language of the constitution is: "The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session."

Was it against the spirit of the constitution for the President to delay their nomination, provided he nominated during the session? This was all the constitution required of him. Suppose the officers in question should be nominated to-day, and rejected by the Senate to-morrow, (and perhaps that was gentlemen's object,) they would still hold their appointments till the end of the session. Mr. B. admitted that, if the delay was permitted with the direct purpose of evading the action of the Senate, it would be a violation of the constitution; one for which the Executive ought to be held responsible to the country; but this must be shown.

He concluded by expressing his hope that the amendment offered by the gentleman from South Carolina would be rejected, and that, if the House thought it proper we should be represented at the Court of Great

Britain by a minister of the highest rank, they would provide the means of paying his salary.

Mr. CHILTON said that he was of opinion that the ministers were necessary, and was disposed to vote for the appropriation; but, without qualifications, he could not do it. Gentlemen seemed to think that it would be out of character to refuse the appropriation, if the House thought there ought to be a minister, and that there were no grounds to distrust the intentions of the Executive. Now, Mr. C. should endeavor to call things by their proper names. He was neither afraid nor ashamed to follow the example set him by high authority, and should, therefore, "take the responsibility" of doubting the mode in which the money would be used, should the House appropriate it. He asked gentlemen to look at facts; he was free to confess that the remarks of the gentleman from Pennsylvania [Mr. Binney] had struck him with great force. Here had the Congress been five months in session; and yet by what tenure did some of the principal officers of the Government hold their offices? On the appointment of the President alone, without any concurrence of his constitutional advisers, although they possessed an equal, and, as Mr. C. believed, by much the greater portion of the appointing power. Would any gentleman tell him why the President had withheld these nominations? Had such a case ever occurred before? There had not.

The gentleman from New York [Mr. Beardsley] had very confidently inquired whether an instance had ever happened before, when an appropriation for the salary of a foreign minister had been asked for by the President, and refused by Congress? When Mr. C. had heard the gentleman ask this question, it had occurred strongly to him to ask, in turn, whether the country had ever before had such a President? And to ask a further question, whether the appropriation had ever been asked under such circumstances before? He would ask the gentleman from New York when this vacancy in our mission to England had occurred?

Mr. BEARDSLEY here interposed, and said that he had not admitted that there was any vacancy. He had neither said that there was, or there was not, because he did not know how that matter really was.

Mr. CHILTON resumed. He still inquired how long it was since we had been without a full minister to the Court of London? He believed that next July would complete the second year since the return of Mr. Van Buren, and no minister of that grade had been deemed necessary by the Executive, or else the President had been unwilling to trust the Senate with a nomination.

The gentleman from New York insisted that officers appointed in the recess continued to hold their offices under the constitution until the close of the succeeding session of Congress. That was true; but what was the natural inference from the present course of things, but that the President intended to hold up the nominations until the last day of the session? and, in that case, the question would arise, when would the vacancy occur? Not till the last second of the session; therefore, not before the recess. Now Mr. C. would not undertake to decide whether, in such a case, the President would appoint a minister; but this he would say, without hesitation, that, under such circumstances, it would not take the President more than half a minute's deliberation to decide that it was such a vacancy as he was authorized to fill.

The gentleman from Virginia [Mr. Archer] had indeed expressed it as his own opinion, that the President would not make the appointment after the present session had expired, because he had an opportunity now to make it by and with the advice and consent of the Senate. But if it were admissible to reason from facts, then the question would very naturally arise, when had the President deemed such consent necessary? Need he refer to the case of Gwinn? Who could ever forget it? We in this day were called to witness a novel state of things; and he begged the gentleman from New York [Mr. Beardsley] in particular to reflect upon what had occurred. The President had nominated this Mr. Gwinn to the Senate for a certain office: the Senate rejected the nomination: the President then waited till the session had expired, and had immediately appointed him in the recess, in direct and open violation of the spirit of the constitution. When the Senate had subsequently, with a view to compromise, indefinitely postponed the case, the moment the Senate rose the President appointed him again. The gentleman had called for precedents; but he again demanded of him to say when had the nation known an Executive of this Government to pursue such a course? As to the reply which had been given to the gentleman from Virginia [Mr. Archer] by the Secretary of State, let it pass for what it was worth. Mr. C. thought that it had been correctly interpreted by the gentleman from Pennsylvania, [Mr. Binney.] But supposing that the President did *bona fide* intend to nominate a minister during the session, and supposing him to have made his selection, if the President had once arrived at the conclusion that a certain individual was fit for that station, every one, who knew the President, must know that all the men in the world could never take that conviction out of his head; (for, whatever other deficiencies the President might have, he certainly possessed no lack of firmness;) and if, under these circumstances, he should be able, in any way, to ascertain that the Senate would not ratify his nomination, Mr. C. would consent to sacrifice all he possessed in the world, if the President would not in half a minute come to the conclusion that "circumstances had arisen, connected with the public interest, which rendered it proper" that he should make no other nomination. If he nominated an individual, he did it because, in his view, the public interest required that man to go abroad as minister.

If the Senate thought differently, the President would nevertheless adhere to his own view of the public interests, and would continue to nominate and re-nominate till the Senate should adjourn, and then he would put the man into office, as he did in the case of Gwinn. Was the gentleman from Georgia [Mr. Wayne] prepared to sanction this? The gentleman had said that, if he believed the President intended to pursue such a course, he should vote to strike out the appropriation. Well! Mr. C. had shown what the President had formerly done; and he asked, what new consideration, in reference to the public interests, was likely to arise, or could arise, before the close of the session, to render it improper to make the nomination? The gentleman from Virginia [Mr. Archer] had said that he did not believe any such reason could occur. Neither did Mr. C. If the President could not get his minister through, he would then think that the public interests required him to wait a little. Expose Mr. C. to what it might from the attacks of editors politically opposed to him, he cared not; entertaining these opinions, he had expressed them, and should continue to express them. It was very true that the House could not interfere with the President and Senate in the matter of appointments; but though they, said Mr. C. make the officers, it is we that pay them; and that I never would consent to do unless they were constitutionally made. He confessed that his distrust of this administration was deeply rooted. If those who had claimed and promised to do such marvellous things for the country had suffered Congress to remain five months in session without submitting the nomination of a single great minister of State to the constitutional action of the Senate, and gentlemen could still see no circumstances to warrant the suspicion of any design to usurp the rights of that body on the subject of appointments, Mr. C. was at a loss to conceive what those circumstances could be which would justify such a suspicion. For himself, he believed that the time was come to take a stand for the institutions of this country; but if the substance of those invaluable institutions was doomed to be destroyed, then the poor forms of liberty might as well, and better, perish with them.

Mr. **LANE** said that his object in rising was not to make a speech: he should not follow the example of the gentleman from Kentucky, [Mr. Chilton;] his only object was to call upon the committee to observe the result of all the speeches which had been made. What was the subject under consideration? It was an appropriation for the salary of ministers to England and Russia. And what was the impression, the avowed belief, of all who had spoken on the subject? That a minister to each of those courts was indispensable. All agreed on this. And how was this object to be accomplished? By withholding the appropriation, and rendering it impossible? This was the plain state of the case. If gentleman could retreat from this, he did not see how.

One word to the very eloquent and learned gentleman from Pennsylvania, [Mr. Binney.] The argument of that gentleman had struck him with peculiar force: indeed, he always listened to that gentleman with peculiar delight, even when he differed from him the most widely. The Secretary of State had informed the chairman of the Committee on Foreign Relations [Mr. Archer] that it was his intention to nominate a minister to England and to Russia during the present session of Congress: and he had added the reservation "unless the public interest should render such a measure unnecessary." And this annunciation had, it seemed, satisfied the gentleman that the President did *not* intend it. Now, he thought, the gentleman from Pennsylvania must either be very credulous, or very much the opposite, to hold such an opinion. It put Mr. L. in mind of an anecdote he had once heard respecting a very affectionate young lady. She was called on by a young gentleman, towards whom she had very tender feelings—for she was a young lady of great sensibility. It was a bright star-light evening. He asked her to take a walk; to which she assenting, they went out of the house together: when the young man casually remarked that the moon shone very brightly, the young lady promptly replied, "not the least objection in the world." It seems that the gentleman from Pennsylvania was about as willing as that young lady.

Mr. **REED** observed that the gentleman from New York [Mr. Beardsley] had not very exactly hit the argument to which he was replying. That gentleman had said that if the House were convinced that a minister of the highest grade was needed, they were, as a matter of course, bound to provide his salary. This Mr. R. denied: because, though this was a reason why they should give the money, there might be other and stronger reasons why they ought not to give it; and that was the question.

The gentleman had asked, with an air of confidence, whether this had not always been done? Admitting that it had, it was no reason at present; because the country had now a President who had avoided the concurrent action of the Senate in questions of appointment. We had lived to see a new day in the history of this Government. Had other Presidents omitted for five months after Congress had been in session to nominate the principal officers of Government? They had never thought of such a thing. But the nation had now a man at its head who claimed new powers; and if there were good grounds to believe that he meant to absorb to himself the whole power of the Senate, then there were grounds to hesitate on the present appropriation. The gentleman from New York had advanced what was to Mr. R. a new doctrine, viz: that an officer, appointed in the recess, though rejected by the Senate when it met, still retained his place until the end of the session. It might be so, but it was certainly a new position. It seemed to be the order of the day that all power of every sort was to go to the President. The plan seemed now to be to take from the Senate its power to advise, and from the House its right to consider, whether it would grant or withhold money. When this should have been successfully accomplished, the country would have one man alone to govern it, and the representatives of the States and the people might very quietly go home and attend to their own business. The doctrine was the most completely aristocratic he had ever heard advanced. It had once, indeed, been contended that, as a treaty was the supreme law of the land, the House had no liberty of judging whether they would or would not appropriate to carry its provisions into effect; but even that construction had been abrogated as too aristocratic; but the gentleman went beyond all that. The House was bound to appropriate for as many ministers as the President should ask, without looking how the money had been or was likely to be applied. In ordinary cases, Mr. R. would not press such an inquiry; but the present was not an ordinary, but a highly extraordinary case. The President, apparently out of resentment that a minister whom he had nominated had been rejected by the Senate, now refused to nominate another in his place. Such a course was in perfect conformity with the leading characteristic of the man. He never would consult any will but his own; and such seemed to be the notion of the constitution.

If the House believed that the President would use the money in an unconstitutional manner, they were not bound to give it to him. It was, no doubt, an evil that we should have no full ministers at these courts; but it would be a greater evil to put an iron rod into the hand of the President wherewith to break the constitution. It was the duty of the House to consider this alternative; and not to sit there and vote blindly for whatever the President or his Secretary might choose to ask. As at present advised, Mr. R. should vote to strike out this appropriation.

Mr. **ADAMS** was opposed to the amendment of Mr. Davis, though in favor of that which had been withdrawn to make room for it, and gave his reasons at length. He predicted that no appointment for London would be made during the session, but in the recess; and the minister would thus obtain outfit, infit, and salary, and return in a few months, and a great glorification be made over it at the next session.

Mr. **DAVIS** further advocated his amendment, and adverted to the use made of the Russian mission as a sort of hospital for refractory members, where they might enjoy *otium*, but not *cum dignitate*.

Mr. **FILLMORE** suggested that the amendment would reach beyond the mission to England, and injuriously affect others.

The question was thereupon put, and the amendment proposed by Mr. Davis was rejected.

Mr. **FOOT** then renewed his motion to strike out the appropriations for Great Britain and Russia.

Mr. **COULTER** asked for a division of the question. It was accordingly put first on the item for Great Britain, and negatived: Ayes 69, noes 101. It was then put on Russia, and negatived without a count.

Mr. **FILLMORE** moved for the rising of the committee, but it was refused: Ayes 81, noes 90.

The reading of the bill then proceeded until that clause was reached which provides for charges des affaires to Portugal, Denmark, Sweden, Holland, Turkey, Belgium, Brazil, Buenos Ayres, Chili, Peru, Mexico, Central America, and New Grenada, $58,500.

Mr. **ADAMS** now inquired of Mr. Archer, as chairman of the Committee on Foreign Affairs, why these items had been inserted for Belgium, Buenos Ayres, and the South American States? He wanted information on the state of our relations with those countries.

Mr. WILDE, adverting to the late hour, and the extent of the inquiry which had been put, moved for the rising of the committee:

Which motion prevailing, the committee thereupon rose, and

The House adjourned.

FRIDAY, MAY 2.

Mr. JARVIS called up the resolution heretofore presented by him, providing for the appointment of a committee to inquire into the causes of the failure of the Bank of Washington and Patriotic Bank, with the amendment proposed by Mr. HARDIN, extending the inquiry into the state of the Bank of the Metropolis.

No objection being made, the resolution was read.

Mr. CHILTON, who was entitled to the floor from a previous day, consumed the hour appropriated to morning business, in an animated speech in favor of the amendment, in which he contended that the Bank of the Metropolis had violated its charter by issuing notes of a less denomination than five dollars. Before he had concluded his remarks—

Mr. BOON called for the Orders of the Day.

SPECIE TENDER BILL.

The engrossed bill, making certain foreign silver coins a legal tender in the United States, was read a third time.

Mr. FILLMORE objected to the provisions of the bill as he understood them. Its object was to provide that, in payment of all sums over one hundred dollars, certain foreign coins should be a legal tender, according to their weight and fineness. Now, in practice, it would be very inconvenient for the person making a payment, not only to weigh, but assay the coin. He thought it should be provided that if the coin bore a certain recognised stamp, the burden of showing its inferiority to the standard of that stamp should be cast upon the objecting party. Besides, the weighing was very inconvenient. He would much prefer having foreign coins made a legal tender by tale, as they were now, in the ordinary circulation of the country.

Mr. C. P. WHITE said, the making foreign coins a tender by tale would entirely defeat the object of the bill, which was to give such coins currency in large payments only at their intrinsic value, keeping the general circulation of the country supplied with our own coinage.

Mr. BURGES was opposed to the bill. He considered it as proposing an experiment of a very hazardous character; anciently the precious metals when used as money had been current by weight; but the progress of improvement had introduced the practice of milling the coins upon the edge, by which their size was fixed, and both sides being marked with a stamp impressed by public authority, the coin passed safely by tale, without the necessity of the tedious process of weighing. But the present bill proposed a retrograde movement—it went backwards instead of forwards, in the course of improvement, and returned to a practice now antiquated for centuries, of passing money in the daily transactions of traffic by weight. It proposed to make bullion a legal tender. Such a thing was unknown in any part of the civilized world. In England, the attempt had been made to render bank bills redeemable in bullion as well as specie; the practical result of which must have been highly advantageous to the bankers; because, when an individual demanded a sum of money to be paid him at the bank, the officers would weigh him out buillion, which he did not want, and could not pass without re-weighing; the consequence of which was, that he preferred receiving the notes of the bank, and thus their circulation would be increased. It was a project to aid the banks in pushing out their circulation upon the community. But the English would not permit such a scheme to go into effect; they were too wise to do so. Mr. B. trusted we should not adopt such a scheme which they had very properly rejected. The advocates of the bill urged the fact that, under the present state of the currency, our gold coin went abroad. He knew that it did: and why? Because our standard was more pure than that which prevailed abroad. If it were not, our gold would stay at home: for the merchants bought only that they might sell, and money was subject to the same laws with other merchandise. But if the plan of this bill should succeed, we should, by and by, have to weigh our own coin, as it was now proposed to do that of other countries. There was, however, an easy way to prevent the currency from going abroad; put a seignorage upon it, to cover the expense of coining, and then it would not go out of the country. Make the coin better by adding labor to its value. By this means, a dollar recoined would be, while it remained here, two cents better than an equal weight of bullion; but this added value must cease the moment such coin was taken out of the country: and, of course, the coin would remain here. But this bill, instead of availing of the experience of all commercial nations, would carry us back to the very commencement of Hebrew history, when the patriarch Abraham could not pay for his land without weighing out the shekels of its price to the children of Heth.

Mr. CAMBRELENG observed, that when Spain held the mining countries, she was in the practice of coining Spanish milled dollars, which were universally known, and every where circulated. But since those countries had passed into the hands of the various recent Governments of South America, the old dollars had gradually disappeared, and a considerable portion of the metallic circulation in this country consisted of five-franc pieces, and the new republican dollars. This bill went to secure the circulation of this sort of currency at its actual value; and what more did gentlemen want? He thought it not wise to sacrifice a practical good for mere refined speculation. For his own part, his only objection to this bill was, that it limited the amount of the tender. He could not see why coin made and stamped here was any better, or any more fit for circulation than that made and stamped in Mexico. He knew no good reason why coin, which was current in all countries, and in every part of the world, from the Indies to the Americas, should not circulate without restraint in the United States.

Mr. FILLMORE said that the bill before the House proposed to make foreign coin a legal tender to a certain amount. [Here he quoted the terms of the bill.] But, under what circumstances was this coin to become a tender? If a man owed a debt, and had a quantity of this foreign money, what must he do? He must first get it assayed, to see if it was of the requisite fineness, and then he must have it weighed, to determine whether it was of the full legal weight, and then, after all this trouble and ceremony, he might tender the money in payment of his debt. But why did men coin money? To what end? That it might, in the public stamp it bore, carry with it *prima facie* evidence both of fineness and weight, and that thus the constant necessity of weighing and assaying might be saved. The present bill threw this advantage quite away. The friends of the bill themselves admitted that the coins of Mexico were usually of the requisite fineness, and they ascribed great credit to the Government of Mexico that such was the fact. Now, all he asked was a law to give this credit in a substantial form; to allow that coin to pass, *prima facie*, as the requisite weight and quality, and to throw the proof to the contrary on the individual who should refuse it when tendered. Why should not this money be a legal tender in payment of small debts as well as larger ones? Why allow banks and rich capitalists to pay their large debts in a way the small debtor cannot pay his? It was said, that the value of our metallic currency must be raised: he had no objection to this; but let it be a whole currency, and not a partial one. Let it be a universal tender for sums great and small, and not a currency for only a part of the community.

Mr. GORHAM said that the great object of the bill was to introduce the circulation of a certain description of coin already used to a great extent in our country. The course of trade connected the United States with Mexico, and we consequently received large quantities of their coin. This, though taken as coin in Mexico, when it arrived in the United States was only bullion. The dollars of that republic were in this treated as nothing more than so many bars of silver. The gentlemen who were opposed to the bill seemed to forget that the coins of Great Britain and France, and the Spanish milled dollar, were all a legal tender until the year 1827. The whole history of our commerce and domestic transactions went clearly to show that no inconvenience was suffered from rendering foreign coins a legal tender in this country. We had the light of experience to guide us. The plan was not a new one: it only put back the country where it had been before the expiring of a former law. The bill contained some limitations, which the gentleman from New York [Mr. FILLMORE] did not seem entirely to understand. The burden of proof was, it was true, cast entirely upon the debtor, who wished to pay his debt in foreign coin. So it had been under the former law, yet no inconvenience attended such an arrangement. The gentleman also desired that this foreign coin might be made a tender as well for small sums as large ones.

[Mr. FILLMORE here explained. He only wished that foreign coins should be freely current in this country; and he had suggested what he conceived to be a defect in the provisions to make them so.]

Mr. GORHAM resumed in reply. There were some reasons why foreign coin should not be current in the payment of small debts. The effect would be in a great measure to exclude the circulation of our own coin. The Mexican dollar was not exactly equal to ours: it was worth a little more; and that was a reason why they ought not to go by tale. It was intended to restrict their use as a legal tender to sums over $100. They would then be used chiefly by the banks, who had their own modes of proof as to the fineness of the coin. It was impossible for our national mint, at present, to coin enough silver coin for the use of the community. Mr. G. said he had come on from Boston with a gentleman who had taken 500,000 Mexican dollars to the mint, to get them re-coined. This was an expense to the nation, without any corresponding benefit. No alarm or difficulty of any kind would attend the adoption of a plan like that proposed in the bill: the country was full of this Mexican money; and it would be a great facility to the banks, and all engaged in business on a large scale, to have it rendered current by law.

Mr. BURGES said that his chief objection was to the necessity of weighing the coin. If a man took a hundred dollar bill to a bank and demanded specie for it, if he was paid in Mexican dollars, he got no more than ninety-nine and a half of them for his bill; yet these dollars, when he wanted to use them, passed for no more than so many dollars of our own coinage; so that he lost half a dollar by the transaction. Of course no man would take his bill there. The character of the bill was retrograde; it was for the few and against the many. A man that held half a million of these foreign dollars saved half a cent on every one of them. But if the money were made a lawful tender, and allowed to pass by tale, trade would take care of itself. It was a bill enabling bankers and capitalists to sell bullion at a gain of one-half per cent., and obliging the mass of the people to lose in exactly the same proportion.

Mr. WILDE said it was with great reluctance he rose to speak upon this bill. He should have suffered it to pass in silence would his duty have permitted. He had been placed, two years since, upon a select committee of the House to whom was referred the subject of the national coin, and although he did not enjoy the same honor at the present session, the result of former investigations led him to believe that this bill ought to pass. He would not, indeed, pledge himself for the entire accuracy of every feature of it, because he had not minutely examined all its provisions. It was obvious that since the time of the passage of the law regulating the weight and fineness of the dollar of the United States, a great change had taken place in our currency. The milled dollars of Spain were no longer legal coin, and the Mexican dollars, and those of other South American states, had come in their place. The coin of Colombia was the only one of these which had been debased: that of the other new states in the South was of a better quality than our own. The banks of course preferred to pay out dollars of this description, because they made one-half per cent. by the transaction: and hence the gentleman from Rhode Island [Mr. BURGES] thought that a conclusive objection arose to the bill. That gentleman had said that he obtained at the bank no more than ninety-nine dollars and a half for a one hundred dollar bill: and he had asked whether he could pass these by tale for more than a dollar a piece? Certainly he could not; but if he would take his ninety-nine and a half Mexican dollars to the mint, he would get one hundred American dollars or two hundred half-dollar pieces for them. No injustice, therefore, was done to him. He might, indeed, have to wait a little, but that was the only inconvenience he would sustain. This showed the importance that the mint should coin the bullion sent to it with as little delay as possible. And the advantage from the bill would be, that when an amount of Mexican dollars came in, they might be deposited in bank, and there remain as specific deposite, and be issued again without the expense and delay of re-coining: for, if made a legal tender, it would answer all the purposes of American coin. This would be a great convenience to our banks, and a great facility in our commerce, while it produced no injury whatever to the community.

Mr. W. thought there was an obvious advantage in denying the use of this foreign coin for the minor circulation of the country. Such an arrangement would keep open that circulation for our own coin when the circulation of bank notes of a small denomination should be curtailed. This must be the result, because our own coin being of an established and certain value, its use would of course supersede that of a coin whose value was uncertain, not being fixed by law. It must, however, be acknowledged that our own coin had been deteriorated by abrasion, perhaps to the amount of twenty per cent., yet it continued to pass by tale. And it was desirable that the minor circulation of the community should be carried on in our own coin.

It was, indeed, a prerequisite to such a state of things, that the circulation of bank notes of small denomination should be curtailed. This was the doctrine of the President, of his Secretary of the Treasury, and of the Committee of Ways and Means: and in it Mr. W. heartily concurred. The present prevalence of such an opinion was evidence of the progress that truth was making among us. Three years ago it was deemed unworthy even of an inquiry: now it was the acknowledged theory of the Government, the administration desired to see it carried into effect, and every body seemed to concur in such a wish. As to the matter of assay, there was no such great inconvenience connected with it as some gentlemen seemed to apprehend. Annual assays were made of this

South American coin, and they presented one uniform result. The dollars were found to hold the same fineness as formerly. Supposing, then, the tender to be made at the risk of the person tendering, that person had for his security, first, the fidelity of the mints of Mexico, and in the second place he had the annual assay of our own mint: and this annual assay was required by this bill to continue. This security was amply sufficient for all practical purposes.

Mr. GORHAM replied to the objection of Mr. Burges. That gentleman did not seem to understand the object of the bill, which was to retain a double advantage, that of employing the foreign coin to be used in large transactions, and our own for those of a minor amount. If the gentleman took the ninety-nine and a half dollars the banks gave him to the mint, he would get his hundred American dollars: but not if he attempted to use them in small transactions. This was the very end intended: it excluded foreign coin from the minor circulation, leaving that open to our own: while it availed itself of the use of the foreign silver amongst us for the purposes of commerce. Were the foreign dollars allowed to pass in small as well as large transactions, the American would of course be exported.

Mr. COULTER said this was a bill the effects of which reached every man in the country: he would, therefore, offer a word or two in regard to it: for no axiom should be more implicitly followed than that every bill of a general character and operation ought to be well and ripely examined. If the gentlemen who introduced this bill into the House expected it was to pass without examination, they would find themselves disappointed: and he must beg gentlemen who assumed to understand the whole subject so well, to allow others to understand it also. The objection urged by the gentleman from New York [Mr. Fillmore] had great force: and it had not been removed. The provisions of the bill must be productive of great inconvenience in common business. The House was told by the gentleman from Massachusetts [Mr. Gorham] that the plan of making foreign coin a legal tender was not new. No doubt every body knew that foreign coin had been formerly made a legal tender in the United States: nor had Mr. C. any objection to its being done again: but let it be done according to the former usage, and let not gentlemen introduce a new system which the people did not understand. Let the coins pass by tale, as they did by the old law, and there would be no difficulty in the case. But this bill provided that they must not only pass by weight, but be also of a certain fineness. A gentleman had assured them that this would be attended with no inconvenience, because there was no debasement of the Mexican coinage. If such were the fact, why require it to be assayed? Why not make its good quality the basis of certain legislation?

If there was no debasement at the foreign mints, why not let their coin pass by tale? Why not let credit be given to the stamp it bore? Then the present law would resemble all former laws for the like purpose. The gentleman from Georgia [Mr. Wilde] insisted that there would be no difficulty, because the assay was repeated at our mint every year; and no man would refuse these coins when tendered but a man who previously desired to give trouble. But suppose a man did desire to give trouble, and another went and tendered to him an amount of these foreign dollars, in what position would he stand? The law required that the coin should be of a certain prescribed degree of fineness. How was the holder to prove this? Would it do to give in evidence the laws of Mexico? How could he give the assay at Philadelphia as proof of the quality of the coin he offered? Mr. C. could not see how he was to prove its quality unless he had the very pieces themselves assayed. If it should be answered that the fact of the fineness of these dollars was so notorious that a jury would presume the money to be good, why not make it so by law, as was done in relation to the Spanish dollars? In practice this money was now in circulation every where, and it was every where received, save by here and there a troublesome man. All that was wanted was a law to make the course of business, where this money was used, easy and certain. Such it would be if the dollars were allowed to pass by tale; but if the bill retained its present form, nothing but mischief could ensue. The objection urged by the gentleman from Rhode Island was, in his opinion, conclusive. There was a vast amount of bank paper circulating, and the effect of this law would be to reduce it half per cent. in value; would the House consent to do this? He trusted not. Would they compel the holder of a hundred dollar bill to take ninety-nine and a half silver dollars for it? It was said, indeed, that, if these dollars were weighed, no loss would be sustained. True; but how was a man up in the mountains to get his money weighed? He went to the bank to get his note changed, and the bank would give him no more than ninety-nine and a half dollars for it: unless he would take this, he must keep his bill. Thus the banks would make money out of the farmers. Could they carry their bills all the way to the mint? Were gentlemen serious in proposing to them such an alternative? A measure which thus went to injure the humblest of his constituents should never receive his sanction. Mr. C. said he had great respect for the gentleman from Massachusetts, [Mr. Gorham,] and relied much on the information he possessed on all subjects connected with trade and commerce; but that gentleman was mistaken in supposing that these Mexican dollars lay in the banks as bullion. Such was not the case beyond the mountains: there the dollars circulated freely by tale; he presumed the same was the case throughout the country generally. This coin answered, in practice, all the purposes of money, and would continue to do so unless this bill should operate to prevent it. He hoped, therefore, that the bill would be so amended as to allow the foreign dollars to be a tender by tale, without requiring every piece to be weighed.

Mr. SELDEN said that the information he possessed, on the subject under discussion, he received from practical men, who understood the operation of this sort of currency in matters of trade and contract. By such men, the plan of making the foreign coin a legal tender was decidedly approved. He should first say a few words in reply to what had just fallen from the gentleman from Pennsylvania, [Mr. Coulter.] The gentleman was alarmed at the thought that his constituents would get only ninety-nine and a half dollars for a hundred dollars worth of bank bills. There was an easy remedy for this difficulty. Let them present their money by fifty dollars at a time, and they would receive its full amount in American silver without any loss whatever. Two minutes would be sufficient to remove the whole difficulty. As to what his colleague [Mr. Fillmore] had urged about the necessity of making the foreign coin a tender for small as well as large sums, and the inconvenience of compelling every man to weigh his money, he could answer that gentleman, that this sort of coin never would be employed in the small contracts of every day business. It was not intended to be introduced in reference to them; but only in those vast contracts which were continually occurring in the money transactions of so great a country as ours. In these the contractors would, indeed, be compelled to take these foreign coins, but only at their real value as ascertained by quality and weight. If this money should be made to pass by tale, they would be exposed to foreign adulteration. It would not do to compel ourselves to receive them by their impress alone, but there could be no danger if both the weight and the value were fixed. This was done by the bill in its present form;

both weight and fineness were provided for, and the money was to be received only at its true and actual value, neither more nor less. He admitted that if our own coinage was sufficient in amount to meet the debts of our population, there would be no necessity for such a bill as the present; but instead of being equal to the amount required by the business transactions of the country, it fell $400,000,000 short of it. Our own coinage did not exceed $4,000,000; would gentlemen leave their constituents with but one-quarter of a cent to pay a debt of a dollar? The South American coinage now supplied three-fourths of the circulation of the world, and yet in this country we had no legal use of it. Ought such a state of things to continue? Surely not. Let the money be received, but only at its actual value. As to the burden of proof, it was certainly a just presumption that the coin tendered was of the proper weight and fineness, and the proof that it is not ought to be thrown upon the person refusing the tender. But in practice such a case scarcely ever occurred. The bill, he was very sure, would meet the approbation of the business men. Almost the whole commercial community was crying out for some such arrangement as the bill provided. He hoped it would become a law.

Mr. S. JONES advocated the bill. The gentleman from Pennsylvania, [Mr. Coulter,] he observed, was under an impression that there could be no need of passing such a bill as the present, because the foreign dollars passed currently from hand to hand, at least in some parts of the country. It might be very true that this sort of coin passed by courtesy; but if a man was disposed to be troublesome, he might refuse to receive it, and the bill was necessary as a means of compelling him. The coins were not at present a legal tender; and if a man insisted upon standing on his rights, he could create a great deal of embarrassment and difficulty. This bill would prevent the banks from troubling their creditors; or the people, on the other hand, from perplexing the banks, by obliging both to receive the coins tendered at their true value. Mr. J. regretted that the operation of the bill was to be confined to a period of three years. He saw no need of any such limitation, nor could he perceive the good consequences of restricting the tender to sums over $100; but he should not insist upon these objections. The gentleman from Pennsylvania [Mr. Coulter] was opposed to the bill, because it enabled the banks to pay $100 with only $99½ in these coins of South America. But if the $99½ of Mexican coinage was really equal in value to 100 of our own dollars, where was the injustice? If the two sums were of equal value, where was the harm of exchanging the one for the other? They would both command the same amount in gold. If the Mexican coin was purer, it was worth more, and ought to pass for more. The bill prescribed no limit to the measure of its fineness; it only set a limit below which it must not pass; and the coin, in fact, was always of this degree of fineness. No injustice, therefore, was done on either hand.

Mr. KING, of Pennsylvania, said that there was one objection to this bill which had not been mentioned. Its real purport was to raise the value of foreign coin in the United States. Hitherto, when silver coin had been exported, it had always been the foreign coin, and not that of our own coinage. But this bill would enable the banks to pass money of this description for more than it was worth, and of course our own dollars, being of less value, would go abroad, while the foreign were retained in the country. The present importation of silver was from six to seven millions: the exportation would of course be to the same amount, as our own silver would not be needed for circulation. The mint had been in operation long enough to coin twice the amount of American dollars now in the United States. The inference was that we must have exported American coin to the amount of all that was now in the country. The appropriation bill of the present session contained an item of 58,671 dollars to cover the annual expenses of our mint: why should so large a sum be expended every year in coining dollars only to be exported? If this bill should become a law, the value of foreign coins would immediately be raised; and as the people would not take them from the banks at this enhanced valuation, the banks of course would retain this foreign money, and export our own. This was the necessary and natural result. The Government would do, in respect to our own silver coin, what was at present done in regard to our gold. Under such an arrangement they never could get more, but rather less, of our own coinage into circulation, because they in fact offered a premium of half per cent. upon its exportation, and restricted that of foreign dollars to precisely the same amount.

Mr. WHITE, of New York, now proposed that the further consideration of the bill be for the present postponed. He said that the gentleman who had just spoken, and himself, had the selfsame object in view, viz: to retain the circulation of our own coinage in the country, and to send the foreign money abroad; by which means we should retain the balance of value. He agreed that the fifty-eight or sixty thousand dollars now annually expended on coining at the mint was little better than thrown away, and would be, so long as the present law continued in force. The origin of the present bill was to be found in a fact which took place in the city of New York: the Branch Bank of the United States, in that city, with two millions of specie in its vaults, had a sum of fifty thousand dollars to pay, and offered Mexican dollars at their real value, and they were refused. Another of the banks there, out of six hundred thousand dollars in coin, which lay in its vaults, had twenty-five thousand dollars in these foreign dollars. The same was the case in all our commercial cities. Those who had framed and introduced this bill had the sanction of all the banks in New York, Boston, and Philadelphia, in favor of the measure, besides the personal experience of such of them as were engaged in business.

Mr. DENNY said that he was not entirely satisfied with all the provisions of the bill. He had no objection to it as far as it went; but he was opposed to this species of legislation. It was not for the benefit of the country in general, but only to remove the difficulties experienced by the banks in our great cities. He admitted that it was beneficial to banks, merchants, and brokers who dealt in large amounts of money. He wished to see its benefits more extended; he wanted them to be dispensed to the interior as well as the Atlantic cities. Let the benefit pervade the whole country, and be equally enjoyed every where. As the bill now stood, it certainly could not have the effect of retaining our own coin; because it gave currency to a foreign coinage which must displace our own. Every man would rather pay his debts in foreign silver, because he would save half per cent. by it. He hoped the bill would be amended.

The question being put on Mr. White's motion to postpone the bill, it was carried, and the bill was laid over accordingly.

GENERAL APPROPRIATION BILL.

Mr. POLK asked the consent of the House to proceed to the consideration of the appropriation bill.

Mr. ADAMS, of Massachusetts, wished, he said, before the House resumed the subject, to obtain some information on the item now under consideration, and objected to the motion.

Mr. POLK moved to suspend the rules for the purpose of proceeding to the consideration of the bill, and it was agreed to.

The House then went into Committee of the Whole on the state of the Union, (Mr. Hubbard in the chair,) upon the general appropriation bill, the following clause being under consideration:

"For the salaries of the charges des affaires to Portugal, Denmark, Sweden, Holland, Turkey, Belgium, Brazil, Buenos Ayres, Chili, Peru, Mexico, Central America, and New Granada, fifty-eight thousand five hundred dollars."

Mr. ADAMS rose and said: I observe that in this bill there are provisions for seven charges des affaires to South America, besides one to Belgium. And I have included this in the inquiry I put to the honorable chairman of the Committee on Foreign Relations, because the newly instituted kingdom of Belgium is itself a novelty in the political world, and we have never before had an item of this description in our appropriation bills. We have already a mission in the Netherlands, that is, to Holland. And the kingdom of Belgium is a mere separation of a portion of the territory lately included in the United Netherlands, erected into a kingdom of the fourth or fifth rank in Europe. We have had commercial relations with that country, of the greatest importance, ever since the foundation of this Government; and a diplomatic mission has been maintained there much of the time since our missions abroad were first instituted. But it was never considered as a country of the first order; and, therefore, we have seldom kept there a minister of higher rank than a charge d'affaires. Now the kingdom has been divided into two, and we have two charges, at a joint cost to the Treasury of a minister of the highest rank.

I do not doubt it is in the power of the chairman of the Committee on Foreign Affairs to give the House such information as may induce us to consent to the item as entirely proper; and I have the less reason to doubt this, as I see that there is a charge here from that kingdom. Still it is no more than proper that the House should be informed why it is judged necessary to establish permanent relations between that country and this. And it is the more proper, because with Austria, one of the first countries in Europe, an empire containing from twenty to thirty millions of people, and claiming the first rank in the scale of European states, we have never had any diplomatic relations. At no time since the declaration of our independence have we had even a charge residing at that Court, with the exception of an appointment, during the revolutionary war, of a minister who was not received; nor have we had any mission to Germany, nor to the Republic of Switzerland--a nation with whom, on general principles, we might, as republicans, be expected to sympathize more than with any other people of the old world. Yet the Swiss Cantons have ministers at the other Courts of Europe, and receive ministers in return.

I might mention other countries to which similar remarks would apply. We have had missions for many years at the Courts of Sweden, Denmark, and Prussia. We have now no minister at the Prussian Court, although that kingdom maintains a charge with us. I mention these cases with a view to show that it has never been the principle of this Government to have missions in Europe unless there is special cause for them. The principle on which we have thus abstained has been that of economy alone; for, were it not for the expense, it would doubtless be considered expedient to have missions to every Government in Europe. It is with reference to this principle that I have made the present inquiry—a principle which is fundamental in the practice of this Government; I mean fundamental in its policy, not in the constitution; for there is nothing in the constitution to prevent our maintaining five hundred foreign ministers, if it were deemed expedient. Prudential considerations have prevented it, first on the part of the Executive, and then on that of Congress. We have looked to the principle of economy; and hence our rule has ever been to maintain no diplomatic relations with any foreign Power, unless there be special occasion for it.

As I wish to satisfy the committee that I do not prefer any unreasonable request, I will beg leave to refer to the course of our diplomatic proceedings at the first organization of the Government.

In the year 1791, two years after the adoption of our constitution, before we had any ministers abroad, President Washington, on the 14th of February, sent a message to the Senate, informing that body that he had employed a private informal agent (Gouverneur Morris) to conduct a negotiation with the British Government. He did not nominate him at that time as a minister. Afterwards, on the 18th of February, in the same year, he sent another message, stating that he had set negotiations on foot with the Portuguese Government, (at which Court we had already had a charge sent out under the old Congress.) In this message he proposed Mr. Humphreys to be commissioned as minister resident, a grade of minister which, in the diplomatic scale of European Governments, is reckoned of a rank between a charge and a minister plenipotentiary. A minister of this rank, rather than a full minister, was preferred by President Washington on considerations of economy. He was of a higher grade than a mere charge d'affaires, and not as high as a minister of the first grade; and his compensation, at that time, was the same with what is given now to a charge. The Portuguese Government did not choose to negotiate with a minister of no higher rank than a charge d'affaires, and a resident minister was resorted to as the cheapest that would answer the purpose. Mr. Humphreys was confirmed by the Senate. I cite this case as one which goes to show that this principle of economy has been fundamental in our policy ever since the foundation of the Government.

The next mission established was that to France—a Court where Mr. Jefferson had already been residing for three or four years, but had obtained leave of absence and come home, and was at that time Secretary of State. From that period to 1792 we had no minister but a charge at that Court. In 1792, a very critical period, being that of the extremest heat of the first French revolution, President Washington nominated Mr. Gouverneur Morris minister plenipotentiary to France. The nomination met with objections in the Senate; the subject was referred to a committee, and they reported that, in their opinion, there was a special occasion for a mission to London. A motion was thereupon made that it was inexpedient to appoint a minister plenipotentiary to any foreign Government. This resolution was offered immediately on the back of the President's nomination, so that it would seem there was not much of the collar at that time. Members felt no scruples then at bringing forward resolutions in open opposition to the opinions and purposes of the President of the United States, though that President was George Washington. The Senate, as will appear by what I shall now read to the committee, advised and consented to the mission recommended by President Washington, on the proof being furnished to them that there was special occasion for it.

Mr. Adams here read from the Executive journal of the Senate, of 6th January, 1792:

Resolved, That a special occasion now exists for appointing a minister plenipotentiary to the Court of France.

And, on the 12th of January, 1792,

Resolved, [by yeas and nays, 16 to 11,] That the Senate advise and consent to the appointment of Gouverneur Morris, of New York, to be minister plenipotentiary for the United States at Paris, conformably to the nomination in the message.

The same course was pursued as to the mission to London. The Senate settled the principle that they would not sanction a mission to any foreign Court, unless it should first be proved to them that there was a special occasion for it.

Then he recommended a minister resident at the Hague: a minister of lower rank. A resolution was moved that there existed no present occasion for such a minister. On which resolution there was a tie, 13 to 13; and the question was decided in the affirmative (that is, advising and consenting to the appointment) by the Vice President. This confirms still more the principle I assumed, that there should be no appointment unless a special necessity should be made to appear. Although, in respect to France and England, the necessity was so obvious that little difficulty occurred, yet, as to Holland, there was an even vote. This was one of the principal reasons why I have asked the honorable chairman of the Committee on Foreign Relations to show us some occasion for this mission to Belgium.

With regard to the South American missions, one reason why I desired to have the vote deferred was, that I might have an opportunity to look at the documents, and to show from them that it has ever been the sense, both of this House and of the Executive, from the time our diplomatic relations were first formed, that a necessity must be shown before a foreign mission might be established; and further, that when that necessity should cease, the mission should also cease. I wished to show that such was the sense of Mr. Monroe and of the House of Representatives during his administration. All on the principle of economy—a principle which, I hope, we have not discarded; or, if we have, that we shall speedily return to it.

On this ground it is that I wish the honorable gentleman from Virginia [Mr. Archer] to show us reasonable cause for all these South American missions. I have no doubt the reasons he shall show will be entirely satisfactory with respect to two or three of them, especially that to Mexico. That country lies immediately upon our own border, and there are obvious reasons which render it expedient and proper that we should always have a minister at that republic. But I wish the gentleman to turn his attention to those states which have no ministers with us. From Mexico we have one. But there are others of these Governments which have not, and never, at any time, have had a minister in this country. Why do we keep up diplomatic relations with them?

As to Buenos Ayres, the question is peculiar: it is a different case from all the rest. I ask the gentleman to tell the committee what has become of our quarrel with Buenos Ayres. It was of such a nature that our charge d'affaires, the brother of my honorable colleague over the way, [Mr. Baylies,] thought it proper to demand his passports and come home—a step which is usually considered as the signal for war between nations; a step for which I trust the gentleman will be able to give satisfactory reasons. But I want to understand the present state of that affair. We know nothing, as a House, of our relations with these South American states. No communication has been made to us on the subject; the whole subject is altogether unknown to us. I, for one, want some information; and I ask it from the honorable chairman of the Committee on Foreign Relations, because I have had some experience which leads me to conclude that I cannot get it elsewhere.

Mr. ARCHER, in reply to Mr. Adams's inquiry, answered, in substance, as follows:

I feel such an extreme degree of respect for my friend from Massachusetts, that I am obliged by his declaration, however it may contradict what I had previously thought, as I had supposed that that honorable gentleman was the very last man in the House who stood in need of the information for which he had applied to me. I understand his inquiry to be so very large in its terms that it covers, in fact, almost all the diplomacy of the country. But, although his question has this very extraordinary extent, I should not be indisposed, nor, as I hope, unprepared, in some good degree, to answer it, were it not for a physical indisposition, which must disable any man (unless, indeed, it be the honorable gentleman from Kentucky, Mr. Chilton) to respond at large to such an inquiry. I might certainly, and that without just censure, refuse to take the attitude of respondent on this occasion; nor do I assume it under any conviction of duty, but voluntarily, from the desire which I at all times feel to comply with the wishes of the very highly respectable member who has made the inquiry.

The gentleman from Massachusetts had said that, if there was any body in that House who assumed the ground that, in calling for an appropriation for foreign intercourse, the *onus probandi* did not lie on the Executive, he was confident that it would not be myself. Now I can only take this compliment, which I certainly esteem very highly, as intended to have reference to my fidelity to the trust reposed in me, in the station which it is my lot to occupy. Yet I am compelled to declare that, in reference to the greater part of the missions provided for in this bill, the burden of proof lies not on the Executive, who asks for the money, but on a member of the House who advocates its refusal. And why? To what department is it that the constitution has confided the duty of deciding what shall be the diplomatic relations between this Government and Governments abroad? Are we parties participant in that duty and its correspondent obligation? We certainly should be; and coequal with the President in this department of the public service, were the principle advanced by the gentleman from Massachusetts well founded. That gentleman goes upon the ground that, before any foreign mission should be established, the subject must first pass under our review, and have our approbation and concurrence. And is that the theory of the constitution? Suppose a certain foreign mission has been submitted to the Senate, approved by them, and in existence for years, are we to presume that that mission is improper, and not to appropriate for it until the contrary shall be shown? To put such a question is to answer it. And it would be sufficient, in answer to an inquiry so large as that which has been propounded to me by the honorable gentleman from Massachusetts, to say of all these missions but two, that it has been the judgment of the Executive department that they are expedient and proper, and that we have ministers now resident at these several Courts.

What, sir, can a Government like ours, maintaining numerous diplomatic relations with foreign Governments, on both continents, justly be required to re-prove every year the necessity of providing for each of its missions abroad—missions, the propriety of which has long since been decided, and which have been maintained without interruption for a series of years. Surely such a requirement must be pronounced useless, if not wanton, and might be repelled as an outrage upon a co-ordinate department of the Government. I therefore say again, that I should be fully authorized to answer, that those to whom the constitution has assigned the authority to judge, have decided that we ought to have ministers at those Courts. But, though that answer woud be sufficient, and though I could, on this subject, appeal to the authority of the gentleman from Massachusetts himself, I will not take that ground. What did the gentleman say but a moment ago? That there were other Courts, where we were now unrepresented, where we ought to have ministers resident. The gentleman is right. It is undoubtedly true, and nothing but a terror of that temper on the part of this House, which the present debate has so clearly exemplified, has prevented our having before now a diplomatic representative near the

Austrian Government—a Government which is not only one of the most important upon the continent, but one which has manifested a disposition to preserve and extend commercial relations with this country, and has even gone so far as to send a person to the United States with the express view of negotiating a treaty with us. I hope we shall, before long, be represented at that Court; and I am authorized to say, that, though that kingdom possesses but one commercial port, it is the desire and purpose of this Government to enlarge our commerce with her. Should this take place, a minister will be indispensable to conduct and watch over the interests of that commerce.

It is with the most unaffected surprise that I find any gentleman, above all, a gentleman so able, so enlightened, and so experienced as the gentleman from Massachusetts, and one who, as every body in this country knows, has ever been remarkable for attaching a very high value to the importance of diplomatic relations, should advance an objection on this floor which goes to sweep away the entire diplomacy of this country, except as it relates to one or two Courts. For what has this Government instituted foreign relations at all? Is it not mainly for the interests of commerce? Our social economy, and the peculiar structure of our Government, have secured to every man in this country the full and exclusive fruits of his own industry; but to what use is this, unless some mode should be provided, by which the benefits resulting from his industry and enterprise may become available? If it were not for commerce, there would be little motive for a Government, situated as ours is, to maintain any diplomatic relations whatever. We send missions abroad, to propose to other nations terms of commerce, to facilitate commercial intercourse, to reduce tariffs, and thus prepare the way for the mutual enterprise of two friendly Powers. Am I to be told that a nation like this, the richest save one upon the face of the globe, whose commerce is spread abroad over every sea, must suffer this highest interest of her citizens to languish, rather than appropriate the sum of $38,000? This is all that is asked for this whole array of missions, which has excited so much solicitude in the mind of the honorable gentleman from Massachusetts.

In reference to Governments where we have long had missions, and with whom we have extensive and valuable commercial relations, it is manifest we must have agents to watch over them. With respect to Belgium, I will tell the gentleman why an item for that Government has been inserted. It is well known that this country has had, for a long series of years, an important commerce with Holland. Belgium is a portion of what formerly passed under that name, but has been recently erected in a separate Government.

If our interests with the two portions of that country, when conjoined, were deemed worthy of preservation, why are they not equally so with each portion as now separated? Can it be that our interests with one of those Governments is not worth the expenditure of 4,500 dollars a year? And what is this new state of which the gentleman from Massachusetts speaks so contemptuously? It is a state which occupies one of the most important stations in Europe—the ancient theatre of continental wars, and the subject of complicated and protracted negotiations. The Belgian Government has sent its agents to us, intimating a wish that diplomatic relations should exist between the two Governments; and shall we, when the Government of so rich and fertile a country, possessing such a commercial port as Antwerp, and with which we already hold an extensive commercial intercourse, proposes to us the establishment of friendly relations, refuse to meet its advances, and put at hazard all the advantages we might gain, for the sake of avoiding the expenditure of $4,500 a year?

I put it to the gentleman from Massachusetts, if we had received a message from the President, stating that such a request had been made by the Belgian Government, but that he had refused to send any minister, what would that gentleman have said? Above all, what would he have thought and said had the President given as a reason for his determination that the mission would cost this country $4,500 a year? We have now here a minister from Belgium; we have with that country a great and growing commerce; and this appropriation is for a mere charge. Suppose the money should be refused, and the advances of the Belgian Government repelled, will it not be a breach of the comity of nations? may it not lead to the interruption of our commerce? or at least to an augmentation of their tariff on our products? Would the President be justified in hazarding these consequences for the sake of saving an annual salary of $4,500? What would be the judgment of every sober-minded man upon such policy? It would pronounce a merited sentence of unequivocal condemnation.

I come now to the provisions for the South American missions. I could not but feel a good deal surprised that the gentleman from Massachusetts should be the person to object to the appropriation for these missions, when he was himself at the head of that administration under which all the diplomatic relations we have with these states were originally instituted. Nor did we then, as is now proposed, maintain only a charge d'affaires at these Courts. When that gentleman's administration came into power, they found three full ministers commissioned to South American Powers; and, so far from their disapproving the arrangement, the honorable gentleman continued all these missions, and continued to fill them with ministers of the same grade. I mention this, not as any imputation against him. I know, indeed, that many unfounded censures were heaped upon him for this part of the policy of that administration. (I made many remarks upon it myself, which I should be glad of an opportunity to disclaim.) The committee doubtless recollect that one of the questions which then agitated this country was, whether this Government ought or ought not to recognise the independence of the South American republics. We did recognise it; and, in my judgment, we did wisely. Mr. Monroe, to give the greater effect to the recognition, sent ministers to those Powers, as he had a perfect right to do. And it was certainly a sound line of policy. It was so on two grounds: first, as it tended to establish their independence; and, secondly, as it promised to extend our own commerce, and to secure to our citizens important advantages in trade. Such a connexion with this country was viewed by those states themselves as an object of importance; nearly all of them applied for it; they were anxious that diplomatic relations should be established between us; and we conceded to them what they had asked for. Does the gentleman from Massachusetts recollect that the independence of those states has not, to this day, been recognised by the Court of Spain? and that the good offices of this Government have been exerted to effect that object? Are we to abandon the objects for which we instituted these relations in the first instance? Are we to disregard our community of interest with these states in a trade and commerce equally beneficial to both? And for what? To save a few thousand dollars. I said that our commercial relations were mutually beneficial to both parties. This, however, is true only to a certain extent. The chief benefit is on our side. We had commercial objects to secure, in first instituting these missions. Those Powers had none. They possessed little or no commerce; and what little they had was all contraband. And does the gentleman from Massachusetts think that a nascent commerce, still in its infancy, but rapidly increasing, does not need to be more assiduously watched over than one which has attained to the full vigor of established permanency? The gentleman cannot be aware that the possession of the rising commerce of those South American states is an object of earnest competition and rivalry among the European Powers. He must know that Great Britain in particular, from having been too open and unguarded in showing her extreme eagerness to secure the boon, has become the subject of extreme jealousy on that ground; insomuch that the republic of Central America, in particular, has become almost hostile to the British Government. Their commerce, fed, as it will be, by one of the richest countries on earth, is expanding in geometrical progression; and are we to abandon such an object for the pitiful sum of $4,500? I shall read to the committee a statement of the amount of our existing commerce with these Powers: and then I will put it to the gentleman from Massachusetts to say whether a trade like this is to be sacrificed to the rivalry of foreign Powers.

Mr. A. here submitted the following statement from the Treasury Department:

Statement of the imports from, and of the exports to, the Netherlands, (Holland,) Belgium, Mexico, Colombia, and the several South American States, in the year ending on the 30th September, 1833.

	Imports.	Exports.		
		Domestic.	Foreign.	Total.
Netherlands,	$1,166,856	$1,634,353	722,409	$2,356,762
Belgium,	139,628	644,112	361,499	1,005,611
Mexico,	5,452,818	1,649,314	3,751,777	5,401,091
Colombia,	1,524,622	439,984	517,559	957,543
Central America,	267,740	267,760	307,256	575,016
Brazil,	5,089,693	2,474,555	797,566	3,272,121
Argentine republic,	1,377,117	494,391	205,337	699,728
Chili,	334,130	730,140	733,800	1,463,940
Peru,	654,630			

TREASURY DEPARTMENT,
Register's Office, May 15, 1834.
T. L. SMITH, *Register.*

With regard to the republic of Central America, (continued Mr. A.) so strong is the feeling of dislike towards the English that every facility is open to an advantageous treaty with this country. But it is very difficult for us, or any other Power, to get a minister there, because such is the unhealthiness of the region through which they must pass, that the most of those who set out for that Court die upon their way.

I remember that this subject of the republic of Colombia occasioned a somewhat amusing scene in this House a few years ago. The whole House, including such men as my honorable friend from Massachusetts, was at that time wholly ignorant of the geography of this new state. One member inquired what were its commercial relations? And this led to an inquiry from another, as to what were its ports? or, whether there was a single commercial port belonging to that Government? None could answer these inquiries, because none knew with precision what were the territorial limits of that state. I did not know them—the Department of State did not. But I am now better prepared; and if the gentleman from Massachusetts wishes to propound the same inquiry he put to me on that occasion, I am in circumstances to answer it. Its ports are numerous, and its trade so important, that it is obvious to any one acquainted with the facts, that the avenues to that trade should be kept open to our citizens. But this can only be done by keeping up diplomatic relations with that Government at an expense the honorable gentleman seems to shudder at. It will cost us $4,500.

Mr. **ADAMS** here interposed, to inquire why it was that, although the bill contained provisions for seven charges des affaires, there was none for Colombia? The gentleman said our relations with that republic were of such great value, how was it that, while he argued to show the necessity of our having a minister there, he had inserted no provision for one? Two years ago, indeed, it was true that this republic of Colombia could not be found; now it seems the gentleman had found out where it was. Why was it omitted in the bill?

Mr. **EVANS** said that it certainly was not proper that matters of so much consequence should be acted upon with so thin a House. He observed that many gentlemen would vote to go into committee at 12 o'clock, who never appeared in the House again till about 5 o'clock, when they came in to vote stoutly against the rising of the committee. He believed the gentleman from Virginia [Mr. ARCHER] was willing that the subject should be postponed, and he trusted that the gentleman from Massachusetts [Mr. ADAMS] would also consent to wait a little longer for the information he had asked for. He therefore moved that the committee rise, that the House might proceed to the business on the Speaker's table.

Mr. **POLK** requested Mr. EVANS to withdraw his motion; but he refusing to do so, the question was taken, and the motion was negatived: Ayes 57, noes 75.

Mr. **ADAMS** said that, as the republic of Colombia had been discovered, why, he asked again, was it not named in this bill? The gentleman thought it a Power of so much importance that we ought to send there a minister of the highest grade. Where was it? He did not read it in the bill.

Mr. **ARCHER** said that it was in the bill. The mistake was on the side of his honorable friend from Massachusetts. The republic of Central America had been broken into three distinct states, viz: Venezuela, New Granada, and Ecuador. The Government did not ask for a mission to that country, and strange indeed it would be if it had not done so. Mr. A. was told by our former minister there (Mr. Moore) that living at Bogota was very expensive, and the salary of even a full minister would be none too large; it was proposed, however, to allow for a charge only. The gentleman would find in the bill an item for a charge to Venezuela. So far was the Government from being chargeable with extravagance in its appropriations for South America, that the gentleman seemed now disposed rather to complain of it for having omitted to put more in the bill. When the item for Colombia had formerly been proposed, it was suggested as an objection that the whole republic did not contain a single seaport. This ground must now be abandoned; as, since the republic had been discovered, it had also been ascertained to possess many very important seaports. Mr. A. would take this opportunity of reading to the honorable gentleman a list of them, together with a statement showing the population of each of these states as ascertained from the best sources within his reach; as also the trade, as taken from the last returns to the Treasury.

Venezuela had not fewer than seven seaports, New Granada had three, Ecuador but one of importance.

Venezuela Ports.	*Population.*
Angostura,	8,500
Cumana,	12,000
Barcelona,	14,000

Laguayra, (The port of Caraccas, about 30 miles off.) With this port we have more trade than any other on the coast.

The population of the port is only 8 or 10,000

The population of the city is about	40,000
Porto Cabello,	7,500
Coro had some years ago	10,000
Maracaibo, with which our trade is considerable,	20,000

New Granada Ports (on the Atlantic.)	*Population.*
Rio Hacha,	3,000
Santa Martha,	5,000
Carthagena,	20,000
San Blas, (on the Isthmus,) Porto Bello, Chagres,	These three are very inconsiderable places.
Panama, (on the Pacific,)	8,000
Bonaventura, (inconsiderable.)	

Ecuador Ports.	*Population.*
Guayaquil, (on the Pacific,)	30,000

The population was as follows:

Venezuela,	790,000
New Granada,	1,300,000
Ecuador,	600,000

The trade was as follows:

Imports,	$1,523,622
Exports,	957,543

I have thus shown, (said Mr. A.) to the satisfaction, I trust, of the committee, and of my honorable friend from Massachusetts, first from the population, and then from the trade of this republic of Colombia, as now subdivided, that we ought to have diplomatic relations there, even though it should cost us the unconscionable sum of $4,500 a year to maintain them. Although I am a great advocate for economy, and hope that the honorable gentleman will stand by his principle of never consenting to an appropriation till its propriety and necessity be shown, yet I am such a very heretic that I should be willing to sustain three charges des affaires, one to each of these Governments, rather than jeopard our trade with this part of the South American continent: a country containing a dozen seaports, a population of four millions of people, and a commerce amounting already to four millions of dollars. With a disposition certainly not too friendly to the present administration, I yet cannot find it in my heart to say that, in this branch of the public service, they want to spend too much of the public money.

And now, sir, for Mexico. We had a full minister to that Government under the administration of my honorable friend from Massachusetts. We have now but a charge d'affaires. This country possesses a commerce in imports of four millions, and in exports of three millions of dollars. Ought an interest like this to be exposed, unprotected, to the rivalry of other commercial nations, to avoid the annual charge of 4,500 dollars? I have heard it said that our commercial interests with the Mexican Government may be as well, or sufficiently well, protected by consuls. Suppose we had a consul there, could he supervise all our interests with that Government on a less salary than 4,500 dollars? We give our consuls 2,000 dollars. Would any man competent to the charge accept it on such terms? No, sir; if it is to be done by consuls, we must have them in all the principal seaports; and then their salaries will amount to more than is asked for this charge. I say that to resort to a charge d'affaires to the Government of Mexico is an expedient of economy; and the honorable gentleman ought to support rather than resist it. The opposite plan goes on a narrow view of economy, and whoever advocates it is mistaken as to the true interests of our commerce in the southern hemisphere. Commerce with old countries is, comparatively, a fixed thing; but with new countries, such as the liberated states of South America, it is quite a different thing; no man can calculate or conjecture the rapidity of its increase, or the greatness of its future amount. Now, there is not one of these southern Governments in which there is not, present and active, a rival interest to ours, seeking in every way to undermine us, and to obtain a commercial treaty to our prejudice.

As to this republic of Colombia: Great Britain, our great commercial rival, maintains a minister at Bogota, and gives him 30,000 dollars a year, besides a consul general with a salary of 10,000 dollars, and another consul at Carthagena. Are we, then, to shrink from the appropriation of 4,500 dollars, to counteract such opponents? What would be the consequence to the interests of this country, if Great Britain should succeed in establishing commercial relations with such a country as that, to her benefit and injurious to us? And what would be the blame inevitably and justly cast upon an administration that should permit such arrangements to be made before their eyes, for the sake of saving a poor allowance of 4,500 dollars a year?

There is one consideration which applies to all these South American Governments. It is more important that we should have diplomatic relations with them than with the Governments of the old world. In support of which position, it is sufficient to state that there is not one of them where our citizens have not pending claims for spoliations; not, indeed, for vessels and cargoes taken upon the high seas, but for injuries done to us by seizures after our vessels had entered their ports. Suppose us to have no minister there, and these acts of unlawful violence should take place upon the commerce of our citizens, what remedy should we have? The citizen injured would make his protest. Should we send our demand for redress through a consul? The answer would be, we regret the occurrence, but our Government is too poor to compensate the loss. But if we had a minister present at their Court, either the injury would not be attempted, or one menace from him would be sufficient to prevent its being consummated. They know and dread the power of our navy. Why, sir, it is but to-day that I was told of a cargo worth $200,000 which had been lost in this very way. Will not $4,500 have been well spent, should it prevent but one such loss as that?

I have peculiar reasons for wishing to discharge my duty fully on this occasion, because it is the last time that I shall occupy the position I now fill in relation to the business of the House. I might have repelled the inquiries of the honorable gentleman from Massachusetts, by saying, simply, that our citizens had unsatisfied claims on all these Governments; and that it would be monstrous, under such circumstances, to refuse the appropriation of four thousand five hundred dollars to protect their interests. I might well be pardoned, did I express in stronger terms my surprise at the unusual mode of treating a bill for such objects, which has been pursued on the present occasion by that gentleman. He well knows all the views I have stated. He knows them better than I, and his mind has been filled with the soundest conclusions in relation to the whole subject.

He will not deny that we ought to have diplomatic relations wherever we have extensive and valuable commerce; and, *par excellence*, with the states of South America. The very fact that the Governments of those states remain yet unsettled, and that the hand of a despotic anarchy clutches all that can be reached by transient power, is the strongest reason why it is expedient that we should have at the ear of each succeeding chief who rises for a day to the seat of power, a representative of this Government, who shall whisper in his ear, "Keep your hands off the property of my countrymen; if you touch it, I shall invoke a visit from our vessels of war: and, when they appear, you will have to relinquish all you take." Should an intimation like this reach the apprehension of any one of those mushroom despots who wield in succession the puny forces of those Governments, I pretend to say—yes, sir, I "take the responsibility" to predict—there is not one of them but would hold off his hand. Let him but understand that any one of the vessels of our gallant navy, be it but the smallest schooner, is within call, he will be careful how he touches American persons or property. And, although I profess to be as much the friend of economy as the honorable gentleman from Massachusetts, I do think that four thousand five hundred dollars will be well spent, if it save but one ship's cargo, or one American seaman, from the ruffian grasp of one of those puny potentates.

The gentleman from Massachusetts said, if I remember rightly, that, when President Monroe instituted these South American missions, the understanding was, that they were shortly to be dispensed with. If so, I ask, why did not the gentleman himself, who was Mr. Monroe's successor, dispense with them? I will assume the gentleman's answer to be this, as I doubt not it will be: that the interests of this country (and to those interests I always believed him to be honestly devoted, and am glad of having this opportunity to say so) forbade him to dispense with them. The reason was a sound one, and it is a sound one still; and sure I am that, were the honorable gentleman now at the head of the Government, he would not dispense with one of these missions.

Here are states occupying a region whose fertility, compared to that of other portions of the globe, is as Mesopotamia to the sands of Lybia—filled with a people just broken loose from the bonds of political and commercial vassalage, and with whom all the Governments of the old world are seeking connexions, both commercial and political; with whom we were the first to institute diplomatic relations, which relations the gentleman from Massachusetts was the first to ratify; and yet, he now finds fault that a paltry sum of money is asked to keep up our connexions with them. They are states whose independence we were the first to acknowledge; states whose commerce is destined to be the most extensive upon the globe; states who view the Governments that are competing for it with great and growing jealousy, and who entertain no such jealousy of us. And are we to throw away all the advantages of such a position? For what? Why, truly, because, if we retain them, they will cost us a matter of thirty-eight thousand dollars a year.

If we refuse to maintain diplomatic relations with these Powers, there will not be a ship, or a vessel of any kind, which the honorable gentleman's fellow-citizens of New England shall freight with "notions," but will be exposed to the most imminent danger. Such political agitations and such lawless despotism prevail almost every where throughout that region, that no cargo will be insured but at an augmented premium. But if we have a minister who can interpose in time, and say to the miscreant who for the moment may hold the reins of power, and may be about to lay his hand upon the property of our citizens, "have a care; you know not to what you expose yourself; within my call is a naval force which, in a few hours, will batter your town about your ears," my word for it, our merchants may venture their goods in security. There is not the smallest vessel in our navy that may not defy these petty Powers, and whose lightest threat will not be respected. And will you give up a rich and growing commerce, under such circumstances, on the sapient principle of saving thirty-eight thousand dollars?

Having made these general remarks in reference to the Government of Colombia, I come now to Mexico.

The gentleman asks why we propose to send a minister to the Mexican Government? I will tell the gentleman. We propose it for all the reasons which I have just given in relation to the Governments of South America. It is a country whose trade already has reached the amount, in imports, of four millions of dollars—and, in exports, of three millions. Its territory is nearly as large as our own; it possesses a soil of unrivalled fertility, and comprises the advantages of all climates and of all products. From these circumstances, it is obvious, not only that its commerce is destined to be great, but that this will happen in a very short time; and, from the affinity of their institutions to our own, we are warranted in the expectation that we shall be placed on the footing of the most favored nation. Besides this, we have now pending with that Power a special negotiation on the subject of boundary. The propriety, and even necessity, of having the line which separates the two countries distinctly ascertained and permanently fixed, is manifest, as being one of the best securities against dispute and collision with the neighboring Government; and, should we withdraw our diplomatic relations, after having commenced so important a negotiation, we shall expose ourselves to the liability of losing a large tract of one of the richest and most favored portions of the habitable earth. I say this deliberately; for if I were called upon to select any portion of the earth's surface which was fitted by nature to become the garden-spot of the globe, I should, without hesitation, point to the province of Texas.

I come, next in order, to the proposed charge d'affaires to the Government of Buenos Ayres. The gentleman from Massachusetts intimated to the committee, as well as to myself, that the principal object he had in view, in urging the very extensive inquiry he has made, was founded on the special relations of the American Government to that of the Argentine Republic. On this subject I shall compress what I have to say into a short space. It is true, as the gentleman stated, that the brother of a colleague of his, who had been sent as our late minister to that Power, [Mr. Baylies,] did aggravate the feelings of that Government in his communication with it on the subject of the Falkland islands, and that such altercation arose as induced him to demand his passports and to return home; and the gentleman from Massachusetts asks whether this committee will consent, under such circumstances, to send another minister to that Government? In reply to this inquiry, I have to say that the salary is asked only as a contingency, and that there is not the least danger of a minister being sent out until a different state of things shall exist. There are reasons, however, to believe that a different state of things will exist. Almost immediately after the return of Mr. Baylies, an intimation was sent by that Government to the Department of State, that a minister would shortly be despatched to this Government, to resume the negotiations here; and it is but a short time since, that that assurance was repeated; and this Government is waiting for the arrival of such a minister, before it can decide what step shall be taken in the affair.

The gentleman from Massachusetts says that no minister should be sent on our part until the present state of things is changed, and in that position I entirely concur. But I say to him in reply, that a message, such as I have mentioned, justifies this Government in being prepared to send a minister to the Government of Buenos Ayres, in case that Government shall send their minister here. Suppose the Argentine minister should arrive in this country just after the rising of Congress, must the Executive wait until next session before he sends a corresponding mission on our part? Does the gentleman forget that we have large claims on that Government? And shall these be lightly jeoparded or abandoned? I have reason to believe that it is not the design of the Executive to send out a charge until a minister shall arrive, but that, as soon as that takes place, one will be sent; and, on the subject of the claims of our own citizens, I have myself received several urgent communications during the present session. I admit, with the gentleman from Massachusetts, that, after a minister of the United States has been so treated, at any foreign Court, as to conceive himself bound, from respect to his own Government, to demand his passports and return home, it is not the Government of the United States who should renew the negotiation; but, unless the injury has been of a nature and an importance such as to justify war, is that a good reason why this Government should not be prepared to resume negotiations, when it can do so with self-respect? And should we not be even the more ready to do so? Supposing the agent of that Government shall come here and say, We regret what is past, and wish to re-establish friendly relations between the two Governments; and that the President shall say, in reply, I wish it too, but I have no means to re-establish any diplomatic intercourse, nor shall I till a whole year has expired. Does the gentleman wish to place our Chief Magistrate in such an attitude before a foreign Government? There is reason to believe that a minister is coming. And, in addition to that, let me say to that gentleman, that the subject which was the cause of difference between the two Governments has since then passed away. The ground of quarrel was an alleged aggression on the Falkland islands; but now, if we want to have any controversy about those islands, we must go to London. On the whole, I say that it is eminently desirable that our difficulties with that Power should be brought to an end, as many of our citizens have languished for years for want of the existence of diplomatic relations between that republic and our own. And we owe it to our own citizens, if we do not to any one else, that those relations should be re-established as soon as it can be done with propriety. Were there but a single merchant whose property is at hazard for want of our being represented there, we are bound to relieve him, if it can rightfully be done.

Our missions to two of these southern Courts (Buenos Ayres and Chili) have been vacated; and, in respect to them, the inquiry of the honorable gentleman is entirely pertinent. Although we have nothing to do with the appointing power, we may with propriety inquire of the Executive, Why must you have money for this mission, which is now vacant? But I repeat now the position I before assumed, that, when an appointment has been consummated, we ought not to put such an inquiry, unless we have reason to suppose that there has been some abuse. In that case, I freely admit that it belongs to this body, as the representatives of the people, to disregard the etiquette of forms, and at once to interpose. But, where there is a vacancy, and the appointing power has not spoken, it is clearly competent for this House to say, we do not choose to grant the money.

I have explained as to Buenos Ayres; and now, in reference to Chili, the same reason holds respecting our important commercial relations with that Power. We have the most growing trade with the Government of Chili that we now enjoy with any foreign country; a trade yet more worthy of being cherished than even that of Brazil, because it is in the important article of flour and bread-stuffs, the most valuable article grown by the people of the United States, and one of which the European market has, in a great measure, been lost.

This, sir, is all I have to say in reply to the inquiries of the gentleman from Massachusetts. I have done it in a way which I will say ought to be satisfactory to that gentleman and to the committee; for I will not indulge in that mock modesty which affects to be dissatisfied with truth and reason.

Mr. POLK observed that all the missions for which these appropriations were asked, were missions already in existence, and not now for the first time inserted in the bill. They were all for appointments which had been revised and approved by the Senate. Full and satisfactory explanations respecting them had been now submitted by the chairman of the Committee on Foreign Affairs. No motion had been made to strike out either of them. And, as the bill had now been nearly gone through with, he hoped the committee would, without delay, proceed with the remaining paragraphs, when he should move, in the House, that the bill and amendments be printed and laid upon the tables of members. The discussion had been a very proper one, but he trusted it was now over, and that the bill would be brought into the House during the present sitting. He did not deny the right of the House to withhold the appropriation of salaries for foreign ministers; but it certainly required a strong case to justify such an interposition of its power.

Mr. ADAMS said that, if the inquiry he had proposed had produced no other effect than to obtain the explanations now submitted by the honorable chairman of the committee, he should have felt himself perfectly justified in having propounded it. Those explanations, he did not doubt, had been, in many respects, entirely satisfactory to the committee. They certainly had been, to a great extent, satisfactory to himself. His object had been to obtain them, because they were explanations which he could not obtain in any other way. I never intended (said Mr. A.) to move to strike out appropriations in those cases where the missions were now existing. My object was in respect to all the items, save that for a mission to Buenos Ayres, to procure such information as might justify the committee in retaining them. But with respect to Buenos Ayres, I expressly stated that I considered that as a special case, differing essentially from the rest. And I must say, that the explanations given by the honorable chairman on that subject have not been satisfactory to me, whatever they may have been to the committee; and I therefore move to amend the bill by striking out both outfit and salary of a charge d'affaires to that Government.

I stated that I made this motion on particular grounds. But, before I advert to them, I must notice one position taken by the honorable chairman at the commencement of his speech, which was a confirmation of the principle previously advanced by the chairman of the Committee of Ways and Means, [Mr. POLK,] viz: that the burden of proof, in reference to an appropriation demanded for a foreign mission, rests not on the Executive who asks for such an appropriation, but on any member of the House of Representatives who may be opposed to granting the money. Now, sir, I protested against this assumption when it was first made by the chairman of the Committee of Ways and Means, and I am not satisfied with it as reaffirmed and now explained by the chairman of the Committee on Foreign Relations. And I will say of that gentleman, as he was pleased to say of myself respecting another matter, that he was the very last gentleman in this House from whom I should have expected the avowal of such an opinion. Why, sir, what is it? It amounts to nothing short of this—that, if the head of a Department shall come and ask this House for money, the House is bound, as of course, to give it to him, or to show that he does not need it. If that is sufficient, the Departments can get what money they please; for a member in this House is seldom in circumstances which enable him to prove that the money is not required. Nor can there be any distinction between the Departments in this respect. If one has it, they all have. It is very true, that it is a part of the Executive duty, by and with the consent of the Senate, to appoint foreign ministers, and that, when they have been so appointed, there is a sort of obligation upon this House to make appropriations to pay them. But, on that subject, I have before me a resolution of the House of Representatives (which I had intended to use for another purpose) the principle of which applies to this case. An application had been made to a former President of the United States, by this House, to furnish the documents relating to an important treaty with Great Britain, commonly known by the title of "Jay's treaty." That treaty had been made in due form by the President, and ratified by the Senate, and it contained a provision for a certain disposal of money, which called for the action of the House of Representatives. Every one knows that the treaty was the subject of more contest than almost any other measure in the history of this Government. A majority of the House disapproved of it, and they called upon the President for the correspondence and other papers in relation to it. President Washington declined complying with that call, and assigned for reason the very position now assumed by the honorable chairman, that the treaty having been made, the House was bound to appropriate the money, or to show that the appropriation would be improper.

[Here Mr. ARCHER interposed, and said he had advanced no such principle. What he had said was, that when the President, with the consent of the Senate, had established a foreign mission, the House, as a co-ordinate branch of the Government, was bound to pronounce that it had been rightly done, unless very strong reasons existed to warrant an opposite conclusion, and was not bound to wait until the mission was proved by the Executive to be a fit and proper one.]

Exactly so, said Mr. ADAMS; it comes to the same principle in the end. The material passages of the communication from President Washington are in these words:

"Having been a member of the general convention, and knowing the principles on which the constitution was formed, I have ever entertained but one opinion on the subject; and from the first establishment of the Government to this moment, my conduct has exemplified that opinion, that the power of making treaties is exclusively vested in the President, by and with the advice and consent of the Senate; provided two-thirds of the Senators present concur; and that every treaty so made, and promulgated, thenceforward became the law of the land. It is thus that the treaty-making power has been understood by foreign nations; and, in all the treaties made with them, we have declared, and they have believed, that, when ratified by the President, with the advice and consent of the Senate, they became obligatory. In this construction of the constitution, every House of Representatives has heretofore acquiesced; and until the present time not a doubt or suspicion has appeared, to my knowledge, that this construction was not the true one. Nay, they have more than acquiesced, for, till now, without controverting the obligation of such treaties, they have made all the requisite provisions for carrying them into effect."

"As, therefore, it is perfectly clear to my understanding, that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light; and as it is essential to the due administration of Government, that the boundaries fixed by the constitution between the different departments should be preserved, a just regard to the constitution and to the duty of my office, under all the circumstances of this case, forbid a compliance with your request."

On receiving this message from the President, the House took it into consideration, and came to the following resolutions:

"1st. *Resolved*, That, it being declared by the second section of the second article of the constitution; 'that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur,' the House of Representatives do not claim any agency in making treaties; but that when a treaty stipulates regulations on any of the subjects submitted by the constitution to the power of Congress, it must depend for its execution, as to such stipulations, on a law or laws to be passed by Congress; and it is the constitutional right and duty of the House of Representatives, in all such cases, to deliberate on the expediency or inexpediency of carrying such treaty into effect, and to determine and act thereon as, in their judgment, may be most conducive to the public good.

"2d. *Resolved*, That it is not necessary to the propriety of any application from this House to the Executive for information desired by them, and which may relate to any constitutional functions of the House, that the purposes for which such information may be wanted, or to which the same may be applied, should be stated in the application."

Here (said Mr. A.) the House proceeds to deliberate on the expediency of fulfilling this treaty. But how could they have done so had they been foreclosed by the act of the President and Senate? or if the burden of proof was on them, and not on the Executive? Their application was for documents which were considered as the evidence of the propriety of the provisions of the treaty. The principle then assumed by this House has remained as an acknowledged principle of its action ever since. Even in respect to treaties, which are solemn compacts giving rights to foreign Powers, the House has always insisted on having submitted to it the evidence of their expediency. The same principle applies to appointments--only with more force; for here there is no compact with a foreign Power, nor any violation of faith, if the appointment shall not be provided for. The appropriation called for may be refused, and no injury ensue, which is not the case with treaties; and therefore this case is not so strong as that I have mentioned. I therefore am led to hope that the honorable chairman will reverse his opinion sustaining the position taken by the chairman of the Committee of Ways and Means, that the burden of proof lies upon a member of the House who opposes the grant of any money called for by the Executive department. It is the more necessary he should do so, as he knows the weight attached to his opinion by this committee. In my judgment, no more dangerous principle can be advanced, and none more threatening to the rights of the people. It is a principle I never can act upon. I may be satisfied by evidence more or less complete, or by my confidence in an executive officer, but I must call for evidence of some kind; nor can I permit myself to be told that, if I object to a grant of money, it is my business to show that it is not needed by the Government.

With regard to a great part of these missions, the information afforded by the honorable chairman is entirely satisfactory; particularly that in reference to Belgium. With regard, however, to some of the South American Governments, the information is not altogether satisfactory. Still, however, I do not think it would be proper to strike out any of the items which are designed for missions where our minister is now at his post. But I desire that when we shall come here, at the next session of Congress, the chairman of the Committee of Ways and Means, or whoever shall, in his place, transact business with the Executive department, will remember this debate; and that this House will adhere to its right to demand information whenever it is called upon to vote money for the use of Government.

As to the appropriation of $4,500 which the honorable gentleman so often repeated, it is less than the dust of the balance to me in this matter. I never have risen, and never shall, in this House, on a mere question of money. It is the principle I regard.

Nor do I subscribe to another principle advanced by the honorable chairman, and on which his justification of most of these missions mainly rests, viz: that because our citizens have commerce with these Governments, therefore we are bound to keep up diplomatic relations with them. Have we no commercial relations with the island of Cuba? Our commerce with that single island is equal to what we have with all seven of these South American republics.

[Mr. ARCHER here observed that we had a minister to the Spanish Government.]

True, sir: but we have at the Havana nothing more than a mere consular agent; and the presence of such an agent is found to be sufficient. He has no outfit; he has no allowance for goings and comings; he does all the business, and is glad to get his $2,000; and that is the sort of representative we ought to have had with all these Governments, save that of Mexico. The mission to Mexico, I have already intimated, is, in my judgment, proper and necessary, and the information on that subject is to me entirely satisfactory. But when the honorable gentleman says that, because we have commerce with a foreign nation, we must therefore have a minister there as a matter of course, he introduces a totally new principle. We have always had two sets of relations with foreign nations, viz: commercial and diplomatic; and it never has been assumed before, that, because we have the one, we must therefore have the other.

The gentleman's argument proves too much. According to the principle he lays down, we ought to have for this same republic of Colombia three ministers instead of one. When an appropriation was asked on a former occasion, I remember putting to the same honorable gentleman, then holding the same station which he now occupies, where the republic of Colombia was? and I think I never saw any person in my life more perplexed to answer an ordinary inquiry. The gentleman went for information to the Department of State; and they could give him no information. All knew where it had been, but where it then was nobody could divine. A very intelligent gentleman from Louisiana, now no longer a member of the House, afterwards congratulated my friend on his discoveries in physical geography. It is no longer a question now, for the gentleman has given us a very full statement of its extent and all its ports. But it is not in this bill. There is provision here for a minister to one of the Governments into which it has melted. We have an item for a charge to New Granada; and the gentleman has told us of two other Governments, one of Venezuela, and the other of Ecuador. There was great difficulty, at the time I referred to, about the ports and harbors in this republic of Colombia. I told the gentleman that he seemed to be like the king of Bohemia, who had no seaports in his dominions. The gentleman was completely at a loss: he told us that it was absolutely necessary there should be an appropriation for a minister to the republic of Colombia: but the difficulty was to say where that republic was to be found. For myself, I did not pretend to be prepared to act, or to know any thing about the matter. There happened to be present, at the time, two very intelligent French gentlemen, commissioned by their own Government to travel through the United States, and collect information on the subject of our penitentiary discipline. One of them was afterwards in company with me, and, referring to the scene, said he had never been so highly entertained.

It amused him exceedingly to hear a member of a legislative assembly rise and ask where the republic of Colombia was? The difficulty, however, is now over. We do know where this lost republic is; or rather, where it was. Still I insist that the principle assumed by my friend proves too much, and thereby runs a great risk of not proving enough. According to his doctrine, we ought to have a minister in Austria; another in Venezuela; another in Ecuador; nay, sir, I should not despair, if he will allow me the help of any ordinary book of geography, to show him that we ought to have six thousand ministers, at the very least—a diplomatic body equal in number to our army. If we have not political relations with all these places, we have, at least, commercial interests sufficient, according to him, to justify, at any rate, the employment of charges des affaires. Among others, there is our sister republic of Hayti; she has manifested as strong desire to hold commercial relations with us as any Government on earth. Hitherto, indeed, we have always said "Hands off! We don't like your color." We have had no better reason; for we certainly have a very valuable commerce with Hayti; and our citizens have had claims there. And further: I can tell the gentleman, we have had agents there to present and prosecute those claims, but the answer they got was, "First acknowledge our Government, and then we will talk with you about claims." But we have preferred sacrificing our claims to recognising their existence as a sovereign state. It is a policy I have always approved; and I only refer to it now for the purpose of showing that our having large claims, and a valuable commerce with a foreign country, forms no valid reason why we must send a minister there. A well-qualified commercial agent would exert much more power in the Governments to which he had referred, than any diplomatic representative you can send, be his rank what it may. The chairman of the Committee on Foreign Affairs thinks the services of a diplomatic agent necessary to notify, with due solemnity, to any refractory foreign Government, the existence near at hand of negotiators in the shape of men of war. For my own part, I must confess that I retain some little regard for the constitution, and that I should prefer a resort to it to employing the guns of a frigate; as I apprehend the latter not to be the best of all means to get the allowance of private claims. To propose such a reliance was what I had not expected from the honorable chairman. I know the time when my friend was up in arms at the very idea of a President of the United States being at war with a foreign Power without the previous action of Congress.

[Mr. ARCHER here interposed to say that he should be still.]

I have no doubt of it. But, then, what becomes of his argument? He would have a minister at these Governments to say "there is a seventy-four, or a thirty-six gun frigate." Well, sir, what then? Why, if they are not terrified by such an annunciation, he would batter down their towns about their ears. Sir, is that war? or is it peace? He is for going against the law of nations. He is for having peace or war according as the state of our commercial relations for the time being may, in the opinion of our minister, require. I say that I do not like this raising of our crest on every question of commerce that may chance to arise, and telling the Government of another country that, unless it is settled according to our views, we shall batter their towns about their ears.

And now I come to what was the principal object of my motion. I have said that the explanation given by the honorable chairman of the Committee on Foreign Relations, with respect to Buenos Ayres, was not satisfactory to my mind. And, in explanation of my views on that subject, I will ask the attention of the committee to a few other facts in relation to it.

Let me first refer them to the message of the President of the United States to Congress, on the 6th of December, 1831, at the commencement of the first session of the last Congress:

"In the course of the present year, one of our vessels engaged in the pursuit of a trade which we have always enjoyed without molestation, has been captured by a band acting, as they pretend, under the authority of the Government of Buenos Ayres. I have therefore given orders for the despatch of an armed vessel, to join our squadron in those seas, and aid in affording all lawful protection to our trade which shall be necessary; and shall, without delay, send a minister to inquire into the nature of the circumstances, and also of the claim, if any, that is set up by that Government to those islands."

This expression, "I shall, without delay, send a minister," puts me in mind of what was once said by the predecessor of the present President—that he should send a minister to a certain Congress. When such language was used by *that* individual, it took both Houses of Congress months to decide whether he had violated the constitution or not. But we make nothing of these things now. It is not within my recollection whether Congress gave the President the force he asked for, or not. There was, at any rate, always force enough left. Soon after, a charge d'affaires went to Buenos Ayres to settle our differences with that Government. He remained about the average time of our ministers continuing abroad—about six weeks; and he then came to what is considered a rupture between nations; that is, he demanded his passports and came home. We had, at that time, a consul there, who had had a voluminous correspondence with the Buenos Ayrean Government, which was continued by Mr. Baylies. That correspondence—I have it here in the Spanish language—was published by the Buenos Ayrean Government as a manifesto to the world against the honor of the United States. I do not blame our charge d'affaires: I trust he did no more than what was called for to maintain the honor of his country; and that he had good reasons for demanding, as he did, his passports, and leaving that Court. What I want is the certain knowledge that it is so. I want a communication from the Executive, explaining to us how the matter stands. That is the real ground of my motion. I think that this information has been improperly withheld; for it is now a year and a half since our minister returned. If the information is correct that he was in personal danger at that Court--as our consul certainly was in danger of his life, both from popular exasperation and from a capital offence charged upon him, as this pamphlet shows--we ought to know it.

At the last session of Congress, a resolution was adopted by this House, at my motion, in the following words:

"*Resolved,* That the President be requested to communicate to this House, so far as, in his opinion, may comport with the public interest, the correspondence between the Government of the United States and that of the republic of Buenos Ayres, which has resulted in the departure of the charge d'affaires of the United States from that republic, together with the instructions given to the said charge d'affaires."

(For at that time it was possible to get through this House a call upon the Executive for information. It has been with deep regret I have found that it is very different now. I have been able, during this whole session, to get but one such resolution through.) And what was the answer? It was in these words:

"WASHINGTON, *December* 28, 1832.

"*To the House of Representatives:*

"I have taken into consideration the resolution of the House requesting me to communicate to it, so far as in my opinion may be consistent with the public interest, 'the correspondence between the Government of the United States and that of the republic of Buenos Ayres, which has resulted in the departure of the charge d'affaires of the United States from that republic, together with the instructions given to the said charge d'affaires;' and, in answer to the said request, state, for the information of the House, that although the charge d'affaires of the United States had found it necessary to return, yet the negotiations between the two countries, for the arrangement of the differences between them, are not considered as broken off, but are suspended only until the arrival of a minister, who, it is officially announced, will be sent to this country with powers to treat on the subject.

"The fact, it is believed, will justify the opinion I have formed, that it will not be consistent with the public interest to communicate the correspondence and instructions requested by the House, so long as the negotiation shall be pending.

"ANDREW JACKSON."

It is now nearly eighteen months since, and the President has not merely refrained from communicating information as to the state of our affairs with a nation with whom we were at the point of war, but he has given us, when asked for it, a full and flat refusal. What has been the foundation of such a procedure? It is what the honorable chairman has now told us, that a minister was expected from that Power. But no minister has been sent. The matter remains to this day just as it stood then; and now we are called upon to make appropriation for the salary of a minister to that very Court. It was a transaction, the nature of which ought to have been communicated to the House at that time. It was material that this House should know that the nation was nearly in a state of war. Our minister had demanded his passports; they were granted, he came home, and the whole controversy was published by that Government in this pamphlet. I cannot but observe that, if this is to be cited as an example of the manner in which the Executive treats this House, it will conduce but little to the preservation of harmony and mutual respect between co-ordinate branches of the Government.

I do aver that there is, in this pamphlet, matter which ought to have been communicated to Congress. The honorable chairman says he would not be the first to advance, after such a state of things had occurred. But what is the state of the case? A minister was expected eighteen months ago, and the same state of things continues still. For what are we asked for a minister's salary? Is he to go to the Court of Buenos Ayres, and ask pardon in our name for what our minister has done?

I say, again, that there is high matter in this negotiation. There are principles here very elaborately discussed, and an appeal upon them is made to the whole world. On what ground is it that we are asked to send a minister to the very Government which is thus accusing us before the whole civilized world? But it is late: and as I have said most of what I was desirous of saying to the committee, I will not longer intrude upon their time. With respect to the explanations given by the honorable gentleman in relation to the other Powers, I am satisfied; but in relation to Buenos Ayres, I am not.

Mr. WAYNE rose, but gave way to

Mr. MERCER, who moved the committee rise, which was negatived: Ayes 66, noes 81.

Mr. WAYNE proceeded to say that the impatience of the committee, at hearing a speech at so late a period of the day, admonished him of the propriety of permitting the question to be taken. But the earnest manner in which the gentleman from Massachusetts [Mr. ADAMS] had urged his objections, induced him to submit one or two observations in reply to his views upon the power of the House to examine into the necessity and propriety of foreign missions which had been established in the usual form. In the cases put by the gentleman, he believed that there was no member of the House who doubted the right of the House to interpose their opinions. But a broad distinction existed between those cases and the present: here was a mission established and recognised year after year by the House. In these cases, nothing of that kind existed. The principle of the resolution introduced by the gentleman from Tennessee [Mr. POLK] upon the 1st of April, 1826, relative to the Panama mission, which had been alluded to, could not be extended to the present case. The object of that mission was not the usual diplomatic intercourse recognised by the laws of nations. It was there proposed to send ministers to a congress of nations; here it is merely proposed to continue a mission long since established.

Mr. W. replied to the other positions taken by Mr. Adams, with much force; when the question was taken, and the motion to strike out negatived: Ayes 19, noes 102.

The item providing outfits for a minister to Russia, and a charge to Buenos Ayres, having been read—

Mr. ARCHER moved to amend the clause by inserting outfits for charges des affaires to Chili and Brazil; which, after a brief explanation from that gentleman, was agreed to.

The item for salaries of agents of claims at London and Paris having been read—

Mr. W. R. DAVIS suggested that the office of agent for claims at Paris being no longer necessary, it would be better to change the name of the allowance to that of salary to the consul.

Mr. POLK, after an explanation on the subject, said that, if any change of phraseology was regarded as important, it could be done when the bill came before the House.

When the items providing appropriations for completing custom-houses at New London, Middletown, New Bedford, Newburyport, and Baltimore, were read—

Mr. McKAY stated at length the various sums appropriated heretofore for these objects, and the estimates made for their completion, and contended that, in some instances, the amounts named in the bill were larger than were necessary. After moving to reduce the amount at Middletown, which was carried, Mr. McK. said he was extremely unwilling to detain the committee at so late an hour; but believing, as he did, that a profuse expenditure had been gone into on these subjects, he would suspend the further motions he had proposed to make until the bill came into the House.

Mr. POLK said there were a few amendments which he had in charge from the Committee of Ways and Means to offer, which he should do *pro forma*, in order that they might come up in the House.

Mr. Polk accordingly proposed several additional items to the bill; some of which were adopted, and others were rejected.

Mr. ARCHER said he was instructed by the Committee on Foreign Affairs to move two or three amendments, which he would now do, without intending to discuss them at this time. They were accordingly proposed and adopted.

On motion of **Mr. POLK**, the committee then rose and reported the bill and amendments to the House.

Mr. POLK moved that the bill, as amended, be printed.

Mr. G. EVANS suggested the propriety of printing also the amendments which had been proposed and rejected; to which Mr. Polk assented, and it was ordered accordingly.

Mr. PINCKNEY, by consent, moved that when the House adjourn, it adjourn to meet on Monday next; which was agreed to.

The House then, at nearly eight o'clock, adjourned.

Monday, May 5.

THIRD CONGRESSIONAL DISTRICT OF MASSACHUSETTS MEMORIAL.

The memorial of a convention held in the third congressional district of Massachusetts, in favor of the restoration of the deposites of the public moneys to the Bank of the United States, which was presented last Monday, and was not then disposed of, being taken up—

Mr. OSGOOD rose, and said it was always an unpleasant task for a representative to oppose the wishes of any portion of his constituents. Considering himself as the organ of their will, he cannot, without many painful sensations of regret, find his own sentiments in opposition to theirs. But the diversity of human opinion, while mankind remain constituted as they are, must often render it necessary for him to gratify the wishes of one part of his constituents at the risk of displeasing the rest. Nor will he always be able to find out what the wishes of a majority of his constituents really are. As to the general course of his official duties, if he has openly avowed his adherence to a political party—if he has been chosen with a knowledge, on the part of his constituents, of his political predilections, he may safely conclude that a concurrence with the measures of his party will not be obnoxious to those who elected him. But a new state of things may arise, unexpected events may happen, unforeseen measures may be proposed, a different course of policy may be instituted, and the vote that sanctioned his adherence to his party at the time of his election may fail to sustain him in this new juncture of events, and he will be compelled to resort to some other criterion to determine the wishes of his constituents. If, under these circumstances, the measure proposed be one which excites little interest in the public mind; if, although it may involve consequences of great magnitude to the republic, it immediately affects neither the persons nor the property of his constituents, he may be left almost without any manifestation of public sentiment to guide him in his conduct. And if, on the other hand, the measure be one which excites an interest equal to, or perhaps even beyond, its importance; if it touch the feelings of any particular class in the community, or rouse into opposition the adherents of a political party, he will be liable to be led astray by the overheated exertions of its opponents, and to mistake the noisy clamor of a few zealous partisans for the real, sober, and permanent sense of the community. And when the excitement has passed away, and the momentary passions which created it have subsided, he will find, to his mortification and regret, that, in obeying the instructions of self-constituted conventions, and in listening to the dictations of interested memorialists, he has overlooked the opinions of the less obtrusive, but not the less enlightened portion of his constituents—that he has gone contrary to the wishes, and, what is more, to the welfare of his district.

To come, then, to my own case, sir—for, however unpleasant it may be, we are almost all of us compelled, at one time or another, to speak of ourselves upon this floor—I was chosen with a knowledge, on the part of my constituents, that I should vote against a recharter of the bank. At any rate, if they did not know it, it was not my fault, as I openly every where declared it. The recharter of the bank had been vetoed by the President, long before my election. I was nominated by the friends of the administration; I was supported by the friends of the administration; and I was finally chosen as an open and avowed friend of the administration. The recharter of the bank was a question that could not have escaped the attention of those who were at that time about to choose a representative to Congress. My own party, so far as I knew any thing of their opinions, were unanimously opposed to a recharter. Those of the opposite party with whom I happened to converse, and who afterwards, from some local difficulties in my district, threw their votes for me, expressed much indifference as to the fate of the bank. They said it was a mere scramble for money, and they cared nothing about it. They elected me, knowing that I should vote against a recharter of the bank, and therefore virtually gave me liberty to vote against it.

If, under these circumstances, a part of my constituents, or a majority, if you please, had undertaken to instruct me to vote for a recharter of the bank, would any man say that I was bound to obey such instructions? Might I not have turned round upon them and said, A year has not yet elapsed since you elected me with a knowledge that I should vote against the bank, and now you instruct me to vote for it? How long must I suppose that these your new instructions will remain valid? Have I any assurance that you will not change your minds again before the vote is taken?—and if you do, must I change with you? Must I veer about with every current of wind that happens to strike the political weathercock in my district?

The gentlemen, sir, who composed the convention that adopted these resolutions, and this memorial, and the letter of instructions, saw this thing in its true light. They would not undertake to instruct me upon a point upon which my opinions had already been sanctioned by a vote of my district. They knew that this would be carrying the doctrine of instructions beyond the bounds of reason; that it would go to the destruction of all consistency, I might almost say, of all decency of conduct on the part of the representative. Well, sir, tacitly acknowledging the truth of these sentiments, they would not undertake to instruct me to vote for a recharter of the bank; but they have instructed me to vote for a restoration of the deposites. The restoration of the deposites, I suppose they would say, is a new question. The deposites were not removed at the time of your election. The sentiments of your district have never before been declared upon the subject. This memorial, these resolutions, and this letter of instructions, form the only means by which you can come at a knowledge of the sentiments of your constituents upon this point; and now, through these, they speak to you in a language that can neither be disregarded nor disobeyed.

Well, sir, the question of a restoration of the deposites is undoubtedly, in some respects, a distinct question from a recharter of the bank. In the nature of things, there is no sort of connexion or similarity between them. But it may often happen that questions totally dissimilar in their nature may, by the force of circumstances, be made dependent the one upon the other; and such I took to be the case with these two questions of a recharter of the bank, and a restoration of the deposites. It is not that a man might not very consistently, upon abstract principles, vote for the one, and against the other; nor that many members here may not have done it with the purest intentions. But I will leave it to the candor of any man to say whether, if a resolution for the restoration of the deposites had been carried through this House by a triumphant majority, it would not have tended to bring about a recharter of the bank.

But, sir, according to this very memorial and letter of instructions, I am at liberty to vote against a recharter of the bank; for either my constituents do not want the bank rechartered, and so have not instructed me to vote for it; or, if they do want the bank rechartered, they thought that, under all the circumstances of the case, it would be neither liberal, nor manly, nor honorable to instruct me to vote for a recharter. But what they have not done directly, they have done indirectly. What they have virtually acknowledged they had no right to do in one way, they have done in another. If they do not want the bank rechartered, they ought not to have instructed me to vote for a measure which would tend to bring about a recharter, and defeat their own wishes; and so give me instructions against instructions, in the very same letter. Or, if they do want the bank rechartered, but thought I was so delicately situated that they ought not to instruct me to vote for a recharter, then they ought not to have instructed me to vote for a restoration of the deposites. Having given me the liberty of accomplishing a certain end, they ought not to attempt to embarrass me in the means necessary to accomplish that end. Am I to understand that my constituents are unwilling that I should judge of the effect of measures upon this floor? Do they rate their representative so low that they are unwilling he should judge of the means necessary to accomplish the ends they have sanctioned? Is he to exhibit to this House and to the nation the mortifying spectacle of a man who is obliged to defeat his purposes by his own votes? Is he to adopt a crooked, vacillating, inconsistent, contradictory course; to go blundering on from one vote to another, without any regard to their ultimate effect upon the object he intends to accomplish? It is as much the interest of my constituents to preserve my influence and my dignity unimpaired upon this floor, as it is my interest and my duty, and, I will add, my pride and my pleasure, too, to preserve theirs. Whatever they may do to affect my influence here must affect their own in an equal degree. I shall endeavor to preserve both theirs and my own as well as I can.

If I had believed that the removal of the deposites had been effected by a violation of the constitution, if I had supposed that the President had assumed any unconstitutional powers in this transaction, I would have willingly waived any right I may have reserved to myself, at the time of my election, upon this great question of the bank. I would have said, with the friends of the bank, let us vindicate the violated constitution, let us avenge the insulted laws, let us show to the country and the world that we will do justice, be the consequences what they may. But such was not my opinion. After all the exertions of the friends of the bank, they utterly failed to prove, in my apprehension, any assumption of unconstitutional powers on the part of the President. When the heat of this controversy has passed away, gentlemen will wonder that they could ever have carried their views to such an extent upon this point. They will wonder they ever could have denied that the Treasury Department is an Executive department, or the head of that Department an executive officer. They will see that the constitution has placed the Executive power in the hands of the President; and that, if Congress were to undertake to exercise any part of that power, it would be in violation of the constitution. Now, sir, the raising and appropriating of money is clearly a legislative act, and, as such, has been wisely intrusted by the constitution to Congress; but the paying over this money to the several objects to which it is appropriated is as clearly an executive act. It is simply carrying into execution a law of Congress, and, as such, belongs to the Executive branch of this Government. Now, in order to be able to pay over this money to the several objects to which it is appropriated, the officer who is to pay it over must have it in his possession; he must be the keeper of the public money, and the keeper of the public money must be an executive officer. He must, indeed, keep it and pay it over according to the laws of Congress. But that does not alter the nature of his duty. It does not make it different from any other executive duty. The Executive is bound to execute all laws, in obedience to the will of Congress, if he execute them at all. We need not go to Montesquieu, nor Sidney, nor Locke, nor to any body else, to prove this, as we have been sometimes taunted by our opponents. It results from the nature of our Government, and the different branches into which it is divided.

But the Secretary of the Treasury, it was said, was bound to report to Congress. Well, sir, if we were to make a law to-morrow, compelling the Secretary of State, the Secretary of the Navy, or the Secretary of War, to report to Congress, would that alter the nature of their respective offices? If Congress had done professedly, and by name, what gentlemen say has been done in reality; if it had baptized this Department by the name of Legislative; if it had called it the Legislative Department of the Treasury, the absurdity would have appeared upon the very face of it.

It seemed to me, sir, during this discussion, that the great error of gentlemen lay in supposing that, because the Treasury Department might not have been constituted in just the same terms, upon just the same principles, or with just the same powers of the other Executive Departments, therefore it was not an Executive Department. Why, sir, begging gentlemen's pardon, I thought that had nothing to do with the question. The true question was, as I thought, What is the nature of the duties the Secretary is bound to perform? It makes no difference whether they are few or many, whether they are limited or enlarged, whether the Secretary is bound to report to the President or to Congress. What is the nature of his duties? was, as I thought, the only question to be answered. Now, it was well said, that they must be one of these three kinds: they must be either legislative, judicial, or executive. Well, sir, what are legislative duties? They must, clearly, relate to the power of making laws. Nobody will pretend that the Secretary of the Treasury has any thing to do with that power. Is he a judicial officer? No man will believe it. He must then be an executive officer. Why, sir, this Department was established for the very purpose of carrying into effect the laws of Congress in relation to the public money, and, as such, is an Executive Department.

Now, as to the degree of control which Congress may have reserved to itself over this Department, that does not alter the nature of the case. These Departments are all the creatures of Congress. It called them into existence, and it can extinguish them in a breath. It can make and unmake these things, called Departments, at pleasure. But, having been established for the purpose of carrying into execution the laws of Congress, their respective officers become executive officers; and, the constitution having intrusted the superintendence of the Executive branch of the Government to the President, they become responsible to him, and he becomes responsible for them to the people, for the faithful discharge of their duties. We were told, sir, that the Secretary of the Treasury is the agent of Congress. To be sure he is, sir; and so are the Secretary of State, the Secretary of the Navy, and the Secretary of War. But what are the duties this agent is bound to perform? To carry into effect the laws of Congress. And, in so doing, he is performing those very duties which the constitution has intrusted to the superintendence of the President. He is an executive officer, and Congress cannot make him any thing else. This requires no illustration. Gentlemen may talk till doomsday, but they never can argue us out of reason and common sense. But I must do them the justice to say, that this has been the most desperate contest between the subtleties of lawyers and common sense that I ever had the good or bad fortune to witness.

Now, sir, as to this union of the purse and the sword, of which we have heard so much. What is a union of the purse and the sword? When the same branch of the Government has the right of raising armies, and of raising money to support those armies. Has the President claimed the right of enlisting a single soldier, or of raising a single dollar of money by way of taxation, but under the sanction of the laws of Congress?

Mr. Speaker, the gentlemen on the other side will, in their cool moments, be ready to acknowledge another thing—that the Secretary of the Treasury had a right to remove the public deposites from the Bank of the United States, for good and sufficient reasons; and that he has a right to judge, in the first instance, of the sufficiency of those reasons. Well, sir, if this be true, it was all I wanted to direct me in the vote I was about to give. For, if the President has assumed no unconstitutional powers in this transaction, if the Secretary of the Treasury had a legal right to remove the deposites, then I thought the question of their restoration was merely a question of expediency on the part of Congress. For, granting, by way of argument, that the removal was inexpedient, it did not follow that the restoration ought to take place. If the President or the Secretary had committed a foolish act, it did not, therefore, follow that Congress ought to commit another folly. Let us suppose, for a moment, that the deposites had been removed for a notoriously insufficient reason; but that, after the removal, and before the restoration, a sudden calamity had befallen the bank, by which it had become an unsafe place of deposite for the public money: would Congress be bound to restore the deposites, under such circumstances? Certainly not. It might censure the Secretary; it might give the bank damages for the injury done it; but it would not throw away the public money by placing it in an insolvent institution. The question of a restoration was, then, as I thought, a distinct one from that of the removal. And if the bank was not to be rechartered, I thought the deposites ought not to be restored; for, under such circumstances, a restoration could be of no benefit to the bank, and would tend to increase rather than relieve the distresses of the country. Why, sir, I was willing to take the story of the bank itself upon this question. What did the bank and the advocates of the bank tell us? That, unless the bank was to be rechartered, it must go on from day to day, from week to week, and from month to month, curtailing its business and contracting its discounts, in order to be able to wind up its affairs at the end of its charter. Well, sir, what, under such circumstances, would have been the effect of a restoration of the deposites? Would it have enabled the bank to enlarge its business, by extending its discounts? Certainly not, sir, if what the bank told us was true, that it must continue to contract its discounts if it was not to be rechartered; unless, indeed, it has the very singular faculty of enlarging and contracting its discounts at the same time. What, then, would have been the effect of a restoration? It would have been simply taking the deposites away from banks where they can be discounted upon, and where they are, to a certain extent, at least, discounted upon, and putting them back into an institution where they could not be discounted upon, but where they would be locked up in its vaults, and withdrawn from the use of the commercial community.

How, then, could a restoration of the deposites, if the bank was not to be rechartered, have tended to relieve the distress of the country? Shall we be told that it would have effected this object by restoring public confidence? Public confidence is a plant of a very delicate nature, and sometimes of a very slow growth. Gentlemen have been very successful in destroying it; whether they can make it revive and germinate again at pleasure, remains to be proved. A restoration of the deposites could only tend to restore public confidence, in so far as it would be a measure of relief to the community; and that it could produce no such relief I have already shown.

Again: if the deposites were to be restored without a recharter of the bank, they would have to be removed again at the end of the charter, and thus the country would suffer under the pressure of a double removal.

It seemed to me, sir, that the discussion upon this question was one of a very extraordinary character. We were told that the whole country was upon the verge of bankruptcy and ruin—that darkness and gloom had settled down upon our present prospects, and that a still heavier cloud of disaster and dismay was hanging over the horizon of our future hopes. We were told that the country had been plunged at once from the heights of prosperity into the lowest depths of wo; that our merchants are broken; that our commerce is ruined; that our manufactures are abandoned; that the arts are paralyzed; that labor is without its reward; that industry has become no better than idleness; and that all about us is one wide-spreading scene of desolation and ruin. Nay, more, sir; we were told that the worst of the evils had not yet happened; that the portentous signs of a revolution are shaking their horrid tresses in the sky; that the elements are becoming convulsed; that the earth is quaking under our feet; and that ere long the fires of the volcano will burst forth, carrying in their awful train destruction and death. And what, sir, have we been told is the cause of all these calamities? Is it that Heaven, provoked at our ingratitude, and wearied out with our obstinacy and crimes, is withholding its blessed influences from us? Are the fountains of the waters dried up, and have the fruits of the earth been blasted and shrivelled under the burning influence of the sun? Has pestilence walked abroad through our land, and changed the countenance of health into paleness? No, sir. No disease is destroying the health, no famine is consuming the lives of our citizens. The spring again returns to us in its loveliness, and the earth is reviving in beauty. Has, then, a foreign foe invaded our soil? Have the minions of despotism come from beyond the Atlantic to ravage our fields, to burn our cities, to slaughter our countrymen, and to trample our liberties and constitution in the dust? No, sir. No foreign foe has invaded our soil, and the sound of the trumpet is not heard in our land. Is it, then, civil dissensions and internal commotions that have produced all these evils? Sir, the very fear of them had long since passed away. What is it, then, what is it, that thus, as it were, in a moment, in the twinkling of an eye, has plunged us at once into this gulf of wo? It is, say the advocates of the bank, it is the act of one bold, bad man. It is he who, with more than the cruelty of a despot, and the power of a monarch, has changed this scene of happiness into one of misery. And what remedy has been proposed for all this evil? How is the violated constitution to be vindicated? How are the insulted laws to be avenged? How are our liberties to be rescued from the grasp of this remorseless usurper? By restoring the public deposites to the Bank of the United States. Good heavens! Mr. Speaker, is this high sounding prologue to a tragedy thus to be followed by the contemptible scenes of a farce? Is it thus that the violated constitution is to be vindicated? When the barriers of the law are broken down, and the usurper is riding in triumph over the field, are we to sit here deliberating and coolly resolving that these things ought not so to be? When the foundations of the republic are shaking, and the constitution trembling under our feet, shall we cling hold of the Doric pillars of the bank, and hide ourselves in its vaults for safety? If gentlemen really believed what they said, why did they not propose some measure worthy of themselves and the country? Was there not one among them all, sir, who dared devote himself to his country, and, like the Roman of old, jump into this yawning chasm, to propitiate her angry deities? Shall I be told that the President has a devoted majority in this House, who will sanction all his measures? Has then the patriotism of the gentlemen come to this, that they will not propose a measure, which, according to their own principles, ought to be proposed and carried through this House, simply because they doubt its success? I will give the gentlemen more credit for their patriotism. If they really believed the constitution had been violated, and that our liberties had been taken from us, they would not have stopped to calculate the consequences, to reckon the probabilities of success; they would have rallied round the standard of our liberties and the constitution, with a determination to rescue them from the grasp of the usurper, or perish in the attempt.

It seems to me, sir, that the course pursued by the opposition on this momentous question has been a very disastrous one to the country; and I do not believe it will turn out to be a very fortunate one for themselves. If one-half of what we have been told, both in and out of Congress, be true, no measure has been proposed at all adequate to the occasion. If the constitution has been violated, and our liberties invaded, then the first measure ought to have been, the punishment of the usurper. But gentlemen have not chosen to occupy that ground. They have abandoned the high and honorable course which, according to their own principles, was open to them, and have descended to fight the battles of the bank, instead of the constitution. Well, sir, if the removal of the deposites has been effected by a violation of the constitution, their restoration, by a vote of two-thirds of both Houses, would show the disapprobation of Congress of the act of the Executive, and repair, in some measure, the injury done the bank. But would that be sufficient? If the constitution has been violated; if our liberties have been taken from us by the high-handed measures of a usurper, is it enough merely to show our disapprobation of his acts, and yet leave him in possession of an office which he has abused, and which, if he be as bad as they represent him, he will abuse again? Well, sir, having abandoned that ground, the gentlemen have proposed a restoration of the deposites. The restoration of the deposites has been the great end, and they have urged the violation of the constitution as the means to accomplish that end. The bank has been the first consideration with gentlemen, to which the constitution is but secondary and subservient. They have not attempted to impeach the President, and why? Because, I suppose, they will tell us there is a majority in this House who will support him in his measures. What, then, have they done? Why, they have tried to get a restoration of the deposites, and to relieve the distresses of the community. And how have they attempted to effect these two objects? They have tried to effect a restoration of the deposites by irritating that very majority upon which the restoration must depend, and they have attempted to relieve the distresses of the country by telling the nation that it is utterly ruined. They have abused the President, to conciliate his party; they have manufactured panics, to restore public confidence. Do they suppose the nation to be so blind as not to see through all this? Do they think to hide their designs by so thin a disguise? It is nothing but the old story of the ins and the outs. They have dragged forth the old-fashioned, lumbering state coach of the opposition, newly gilded and varnished up; they have painted the bank arms upon its panels; they have mounted the bank coachman upon the box; they have placed the bank footman, in livery, behind; and they are driving on, sir, at a very merry rate, amid the huzzas of the town. All this will do admirably well, as long as they are going over smooth pavements and Macadamized streets. But when they have once fairly got out of sight of the exchange; when they have passed the bounds of the city, and left the suburbs behind; when they have come out into the rough, uneven roads of the country, give me leave to tell the gentlemen passengers, that their good-for-nothing, crazy old vehicle will break down, and leave them floundering in the mud. Nothing but the people's line will run there.

The memorial which I have the honor to present to the House is signed by about 4,600 inhabitants, principally legal voters in my district. They state that the commercial and manufacturing portions of the district are suffering under great pecuniary embarrassments, which they attribute to the hostility of the Executive to the Bank of the United States. Well, sir, I will not deny that such embarrassments exist. When my constituents come here to memorialize Congress through me, their representative, that they are suffering under pecuniary difficulties, I will not stand up here to deny the fact. I will not pretend to know their own business better than they know it themselves. No, sir, I rather sympathize with them in their distress, and will co-operate in every measure which I may deem expedient for their relief. But when this distress is not of a local, but a general nature, when it pervades not one district of the country only, but the whole country, I must entertain my own opinion as to its causes. It is not, sir, that I have any want of respect for the opinions of the gentlemen who have instructed me. Some of them I know personally—many of them I know by reputation—and I will not pretend to put my judgment in comparison with theirs. But our opinions do not always depend upon ourselves, nor can we change them as we will.

I know, sir, that, in having refused to obey these instructions, I have exposed myself to the attacks of those who will be ready to assail my motives, and to denounce me as the hireling instrument of a party. I shall endeavor to bear up against all such attacks, with that equanimity which it becomes every public man to exercise in the discharge of those duties which must always, more or less, subject him to reproach. But if the gentlemen who have condescended to mark my course upon this floor for reproof, and to instruct me in my duty here, shall suppose that I am insensible to their wishes, or that I have lightly and inconsiderately disregarded them, give me leave to say they will do me a manifest injury. If motives of self-interest had dictated my conduct, I should have pursued a very different course. No man, sir, can envy me the position in which I have placed myself by disregarding these instructions. I have been obliged to go counter to the wishes of many valued personal friends. Alone, without legislative experience, I have been obliged to oppose myself to my colleagues in office—to a delegation which, in point of abilities, of eloquence, of learning, of every liberal and manly accomplishment, will not suffer in comparison with that of any other State upon this floor; and with whom, whatever difference of political sentiment there may be between us, I shall always esteem it an honor to have been connected in the discharge of my duties here. But there are considerations above all feelings of personal affection and personal respect. And if, after having deliberately formed my opinion upon a great question of public policy, after having maintained it for a long time, through evil report and through good report, having refused to give it up in prospect of office, or rather having made the liberty of acting freely upon it the condition of accepting office; if, after all this, I could basely yield it up in apprehension of loss of office, I should sink myself in the estimation of those very men who have now, as I think, somewhat unwarily, I will not say unkindly, urged me to do it.

I believe the House will do me the justice to say that I have not very early intruded myself on their notice. And now I am up, I will detain them with only one or two remarks more. I should be the last man to infringe upon the freedom, or even the latitude of debate on this floor. It is due to the representatives of the people, as well as to those who sent them here, that they should have the right of discussing all questions of public policy, and the conduct of public men, with perfect freedom and plainness. As a friend to the institutions and the rulers of my country, I would not shrink from any attack that might be made upon the principles of the one or the conduct of the other. If they cannot stand attacks, if they cannot bear discussion, let them go down together, and be consigned over to the ignominy and contempt of mankind. But while every thing must be yielded to the right of discussion on this floor, something may be expected of gentlemen, if not on the ground of courtesy, at least upon the score of decency and self-respect. And if they will undertake to brand the rulers of their country with all the epithets which the frenzy of a mad ambition may suggest, they must be content if they only render themselves ridiculous, instead of injuring the object of their attack.

Especially would it become those who have themselves been denounced as maintaining doctrines subversive of the fundamental principles of this Government, doctrines tending to anarchy, sedition, and civil war, to exercise a little charity towards those who differ from them in the construction of constitutional questions; to learn a little moderation at least, if not humility, from their own sad experience. It was a rule with the ancient critics that, in his fictitious representations, the poet should make the language used by his characters correspond with their situation.

> Telephus et Peleus, cum pauper et exsul, uterque
> Projicit ampullas et sesquipedalia verba
> Si curat cor spectantis, tetegisse querela.

But in the theatrical declamations upon this floor, this ancient rule seems to have been wholly forgotten. If the gentlemen who have maintained those doctrines would condescend to bring down their language to correspond with the position they occupy in the eyes of the American people, we should be much more likely to be affected by their arguments.

But, sir, if it were true, as has been often asserted here, that a Tiberius, a Caligula, or a Nero, did in reality preside over the destinies of this nation, instead of the Chief Magistrate who now sways its councils with so much vigor, he would not be thus denounced and held up to public reprobation. Before such an event could happen, the spirit of liberty would have departed from this House and from this nation; the suppliant accents of slaves would have been substituted for the bold language of freemen, and we should no longer deserve our liberty, for we should not have the courage to assert it. Such was the case in Rome under Cæsar; in England under Cromwell; and in France under Bonaparte.

But, if gentlemen will still have it that they are suffering under the evils of despotism; if, in spite of all the ribaldry and party abuse which is daily suffered to be poured forth against the rulers of their country, they will still insist upon it that they are subjected to the sway of an arbitrary monarch, I have one thing more to say. From my soul I abhor despotism in all its forms. By feeling, by education, by habit, in common, I trust, with every citizen of this republic, I loathe the very name of despotism, in whatever alluring garb or in whatever specious shape it may be presented to my view. But bad as it is, and deeply as I should deprecate its remotest approaches to the rulers of my country, there is one thing in my opinion still worse, and still more deeply to be deprecated; that is, a subjection to a proud moneyed aristocracy. If it should ever be my misfortune to choose between them, I should not be long in making up my mind. After having tried every expedient that patriotism could suggest, or prudence dictate, to avoid the evil; if, after all, the calamity could not be averted, I would say, give me the man who has raised himself to power, although it be upon the ruins of the liberties of his country, but who at the same time has encircled that country with the glories of an illustrious name; who has stamped the impress of his own genius upon her arts, her arms, and her laws; and who has raised her up to be the admiration and terror of the world; give me him, tyrant, usurper, despot though he be, rather than a subjection to a proud moneyed aristocracy, who have no ambition above the level of their own sordid trade; who make their power the pander of their avarice; who oppress their country when living; and who, when dead, leave no other memorials of their inglorious existence than the sighs, the tears, and the groans of their fellow-citizens.

Mr. Speaker, I have finished all I intended to say in presenting this memorial. It has been a very painful duty to me, sir, for the first time that I ever had the honor of addressing any legislative, and, I may add, any public assembly, to be obliged to stand up here in defence of my own conduct. But circumstances have compelled me to do it, and if I have trespassed too far upon the indulgence of the House, my peculiar situation must form my apology. But if, in the sentiments I have uttered, or in the language I have used, I have been betrayed by too much warmth of feeling into expressions which may seem to some to bear too hardly upon my political opponents, I can only say, I trust the House knows how to distinguish between personal and political hostility. For the former, I shall offer no excuse; for I feel that I need none. From the latter, I do not wish to be considered exempt. But we may all of us have something to forget and forgive. The angry clouds which have been so long gathering in the national sky have flashed their terrific lightnings athwart this hall, and involved us in the horrors of the tempest. But these temporary convulsions of the elements may, perhaps, be but the salutary purifications of our political atmosphere; and though now the fears of the timid may be excited, though clouds upon clouds may close in the prospect, and settle down upon us in the gloom of an impenetrable night, yet, ere long, the light will break forth, the thunders will die away in the distant horizon, and the mild evening star of peace and conciliation rise over these troubled waters of strife. And when we go forth to behold the wreck of the storm, though we may, perhaps, find some old oak torn up by the roots, or even a whole forest laid prostrate by the blast; though the labors and the habitations of men may have been swept away by the violence of the tempest, we shall find, if I mistake not, all nature reviving in fresh vigor and beauty; we shall find our liberties safe, the constitution unimpaired, and the great principles of freedom springing up, in luxuriant abundance, over the whole land.

Mr. E. concluded by moving that the memorial be laid on the table, and printed, with the names; which was agreed to.

WINDHAM (VT.) MEMORIAL.

Mr. HALL said: I am charged, Mr. Speaker, with the presentation of a memorial, signed by 1,722 freemen of the county of Windham, in the State of Vermont--a portion of my constituents. The memorial, sir, is on the subject which has agitated the country for the last six months.

The county from which this memorial comes is situated in the southeastern corner of the State, and forms a part of the valley of the Connecticut river. A large majority of its inhabitants are engaged in agricultural pursuits—in the raising of bread-stuffs and cattle, in dairies, and the growing of wool. But the business of the county is not wholly agricultural. It contains several flourishing villages; and a portion of its people are employed in the manufactures of cotton, wool, paper, oil, leather, machinery, and other articles, in the various mechanic arts, and in merchandise.

The memorial is signed by men of all occupations and professions; and I hazard nothing in saying that, for general intelligence, and a just estimation of their political rights, these memorialists will bear a favorable comparison with any equal number of people in any part of the Union. They are also removed beyond any suspicion of an imputation which has been sought to be cast upon some memorialists who have come to this House for relief--I mean that of being unduly influenced by the United States Bank.

These memorialists, sir, reside nearly one hundred miles from any branch of the United States Bank, and in the midst of a constellation of State banks, two of which are located in the county. These local banks are as sound and as well managed as any banks in the country, and they furnish the people with facilities for the transaction of their business, and with their entire circulating medium. I do not believe a single dollar of United States Bank stock is owned in the county, or that any of its inhabitants have any dealings whatever with that bank. I think, therefore, I may safely say that these memorialists look upon the late measures of the Executive, divested of any peculiar affection for the bank, but with a single eye to their effects upon the business and currency of the country, and their bearing upon the political rights of its citizens.

The people of this county represent that, six months ago, "the county presented a scene of vigorous and growing prosperity--a prosperity based upon the industry, frugality, and enterprise of its hard-working citizens, supported by mutual confidence, and cemented by a stable and responsible currency; but that this bright scene of prosperity has been suddenly dimmed, and is threatened with being entirely overcast with thick darkness.

I believe that the people of Windham county deal as little upon credit as those in any other part of the country; and yet, sir, they have not adopted the opinion that "all those who use borrowed capital ought to break." I hold in my hand, sir, the proceedings of a convention of the inhabitants of the county, at which the memorial I now present was adopted. I beg leave to read one of their resolutions which relates to this subject:

"*Resolved*, That the declaration of the President, that 'any man ought to break who trades on borrowed capital,' is a foolish and wicked assertion, gained, as that borrowed capital must be, by the credit of the industry and integrity of the borrower; and that we regard this insult to honest enterprise as unworthy the good citizen and good President, to be deprecated alike by the deserving poor and the honest rich."

Perhaps, sir, the refusal of these people to subscribe to this new doctrine is to be accounted for upon the supposition that they have become contaminated with the ancient notions of Adam Smith, Robert Morris, or that old-fashioned tradesman, Ben. Franklin, who is well known to have been extremely notional on this subject. If I mistake not, he lays it down as a maxim in his famous advice to a young tradesman, that "credit is money;" and I think I have been told, sir, that he even went so far as to bequeath several thousand dollars, by his last will, to two of the principal cities in this Union, with the express intent that the same should be loaned out to young men who were too poor to carry on business without a "borrowed capital." But, whatever may be the cause, it seems very certain, from the resolution I have read, that the refulgent light in the science of political economy, which has lately burst from the windows of the palace, has not been able to penetrate the foliage of the Green mountains; and that, though the new doctrine may be true on the banks of the Potomac, it is abrogated as false in Vermont; or, to use the figurative language of Ethan Allen, one of our earliest statesmen and soldiers, on an occasion somewhat similar, "the gods of the valleys are not the gods of the hills."

The people of Vermont, Mr. Speaker, are as purely republican in their habits and notions as those of any State in the Union; and they have seen, or thought they saw, in the system of credit which enters into their business transactions, something in accordance with their republican principles. It has enabled the poor but enterprising citizen, who has established a character for integrity and skill, to commence life with some prospect of raising himself to the level of his neighbor who derives his capital from the gains of his ancestor. It places worth on something like an equality with wealth, and enables honest poverty to outstrip and conquer riches on the fair field of honorable competition. By thus oppo sing the aristocratical accumulation and transmission of wealth in particular families, it distributes into more numerous hands the wealth of the country; and, by thus keeping in active operation the principles of freedom, it is constantly adding new ligaments to the bonds of its perpetuity.

The experience of the last six months has taught these memorialists that the Executive, under color of attacking "aristocratical monopolists," is waging a destructive war upon the labor and business of the country; and that the money-holding monopolists are the only persons who will be benefited by it. The farmer, the manufacturer, and the mechanic behold the value of their property dwindling in their hands. If they have anticipated the yearly produce of their business, they find that that yearly produce falls far short of extinguishing the debt. He who, in the days of confidence, had loaned the manufacturer or the mechanic a portion of the means with which to prosecute prosperously his business, becoming alarmed for the future, demands his pay. That property which, a short time since, would have sold for a large surplus above the amount of the claims upon it, and whose profits, in no long period of ordinary prosperity, would have redeemed itself, is found barely sufficient to cancel the claim. The enterprising citizen, who was found flattering himself that he might be able to live on his earnings to a good old age, and leave a pittance to his children, is, in the mid-day of life, turned adrift on the world to begin it anew. The laborers in his employ are also cast upon new and untried avocations, or left in idleness and want. It is some consolation to these sufferers, sir, that, in their melancholy descent in the scale of happiness, they carry with them the sympathies of all, save those of the greedy jobber that clutches their earnings, and the Government that was instituted to protect them.

It is obvious, sir, that the process which has been going on under the Executive "experiment," unless checked in its operation, will transfer a large share of the property of the country into the hands of capitalists, and leave in poverty and want a great portion of that class of society which is below them in wealth. I belong myself, sir, to that lower class; but I hope I have no invidious or unfriendly feeling towards those above me. I rejoice, sir, in the prosperity of all classes. I will be concerned in no Quixotic expedition, or anatomical "experiment" upon any; and I wish here, in behalf of the class to which I belong, to enter my solemn protest against the policy of this war which the President is waging upon the "aristocrats," and into which he is earnestly soliciting us to enlist. I enter my protest, sir, because it is perfectly manifest that, whatever may be the result of the contest—whichever side gets the victory, the "aristocrats" will bear off the "spoils" and the "glory," and "all the blows will fall upon us."

Mr. Speaker, the people of Windham have no confidence in the remedies which the President proposes for the embarrassments of the country. They do not understand, sir, what he means, or what we mean, by talking about "furnishing the country with a specie currency." They are very much inclined to think our talk about it is "all a humbug." They are not certain that such a thing is desirable. They are not sure but a well-regulated paper medium, founded on a specie basis, may be one of the facilities for the transaction of business necessarily attendant upon an improved state of society among a free people. They hear of a specie currency among the Arabs, the Tartars, and other semi-barbarians, and among the subjects of despots, but they have not been informed of any modern free people that have established "a hard-money system." But if it were desirable to go back to a specie currency, they do not deem it practicable. With 500 local banks established under 24 independent State authorities, and their number daily and hourly increasing; with not the smallest power in this Government in any manner to interfere with them, they have not been able to discover how we are to accomplish this object. For my own part, sir, I have no hesitation in saying, (and I say it, certainly, without intending any disrespect to those who may differ from me,) that, of all the speculations which this speculative age has generated, I deem this one of the wildest and most visionary. I believe Congress might as well undertake to carry the people of this country back from the canal to the forest horse-path, from the steamboat to the scow with its setting poles, from the railroad car to the handbarrow, as to expect to legislate them back to "a hard-money system."

Neither, sir, have these people any great confidence in the success of the State bank "experiment." They place but little reliance on the promises of the Secretary to furnish the country with "a better currency than that of the United States Bank." They doubt whether the fiscal concerns of the Government can, for any long period, be safely and prosperously managed by the aid of the State banks. They have no sufficient assurance that Roger B. Taney can accomplish what Albert Gallatin and William H. Crawford could not accomplish. They are, sir, for the old and tried remedy of 1816—the republican remedy of Madison, Crawford, Lowndes, Gallatin, Clay, Calhoun, and their associate statesmen of that day: statesmen, who, to use the language of another, had not conceived that "the summit of human glory was to be scaled by demolishing a bank," but who were content to rest their claims to renown in a faithful devotion of their high faculties to the adaptation of the appropriate means to the desired end—the prosperity and happiness of their country.

But, sir, these memorialists not only complain that the removal of the deposites from the United States Bank, with its attendant circumstances, has produced pecuniary embarrassments, but that the act was a violation of the contract of the nation, a shameful and dishonorable breach of the public faith. These memorialists understand, sir, that, in the year 1816, this Government entered into a contract with the stockholders of the bank, by which the Government, in consideration that the stockholders would pay the Government fifteen hundred thousand dollars in cash, and would safely keep, and without charge faithfully transmit from place to place, as the Government might require, the public moneys thereof, the said stockholders should have the custody and profits of said money for and during the term of twenty years. They understand, sir, that the stockholders of the bank did pay the Government the fifteen hundred thousand dollars, in cash; that they have ever safely kept, and without charge faithfully transmitted, the public moneys from place to place, as the Government required; but that the Government, not regarding the contract on its part, has violently deprived the stockholders of the custody of said money.

Now, sir, the people of Vermont are not all lawyers, yet few of them are so ignorant as to suppose that, in a suit between individuals on such a contract, it would be competent for the defendant who was charged with its violation, to introduce testimony to prove that the plaintiff's moral example in society was not good; that he had loaned money to a printer, who was not the defendant's friend; that he had distributed among his neighbors certain pamphlets, which the defendant did not approve; that in town meeting the defendant had been chosen moderator, in spite of the plaintiff's opposition; that the plaintiff, on another contract with him, had claimed damages, which he believed to be unjust, and refused to pay; or that the contract had only about two and a half more years to run, and therefore he had a right to break it. If, in another part of this contract, it had been provided that the defendant might have it wholly made void and cancelled, by showing certain facts before a particular tribunal named therein, it would be thought equally strange if he should attempt to shield himself by saying the contract was avoided and cancelled, when it appeared that he had always neglected and refused even to bring the subject before such tribunal. I venture to say, sir, there is not a justice of the peace in the State of Vermont, (and their number is large, I believe about 1,500,) who would tolerate such a defence for a moment. The party who should undertake to set up such a defence would be called a shameless fellow, that sought to justify a vile act by calling his adversary hard names; and the lawyer who should stake his reputation by making it, would be frowned out of court as an impudent and incurable pettifogger. These memorialists, perceiving the Secretary's reasons for the removal of the deposites to be precisely of this character, deem them entirely unsatisfactory and insufficient; and, sir, they are utterly astonished that the House of Representatives of this great nation should have been in session five months without making the same discovery.

Mr. Speaker, these memorialists further complain that the public faith has been violated, not by the officer to whose care the law had intrusted the public money, but by one in whom no authority to do the act, or give reasons for it, had been confided. They complain, sir, that the President, in vaulting ambition, has leaped over the head of the sentinel of the law, thrust his arm into the national treasury, and emptied the contents of the public chest into depositories of his own. They complain, sir, that, by the same act with which he seized the public treasure, he unlawfully armed himself with the veto power, to defend it in his own hands against all approaches of the people, except through a majority of two-thirds of their representatives in both Houses of Congress. They complain, sir, that, having thus taken possession of the public treasure, and thus shielded it from the people, he is now, in jeopardy of its safety, and in usurpation of the legislative power, unconstitutionally using it to sustain the credit and enhance the profits of favored banks, and to regulate the currency of the country. These memorialists are alarmed, sir, at the assumption of these high powers by the Executive; and their alarm is not lessened by the apprehension--to them a mortifying one--that their alarm may be unshared by a majority of the chosen guardians of the public treasure in this House.

I will not, Mr. Speaker, undertake to declare the opinions of these memorialists upon the late attempt of the President to direct the manner and prescribe the forms in which the Legislature shall, in all due humility, speak of the acts of the Executive, nor upon the various other extraordinary claims of power set forth in the protest; nor will I undertake to declare their opinions upon the still more recent annunciation of the President, that he will cease to perform his executive duties, unless his constitutional advisers, in obedience to his mandate, shall surrender to him their discretion, and, in lieu of their own judgment, register his will--because, sir, when this memorial was signed, the official papers to which I allude had not been promulgated.

But, sir, I will venture to predict that the sons of the whigs of '75, who, in the dawn of the Revolution, were the first in the land to proclaim the authority of the "Continental Congress" within the walls of a fortress of the Crown, will not, in 1834, tamely submit to see the rights of that Congress, or any portion of it, trampled under the foot of prerogative power.

I do not mean by this, sir, that I suppose the "Green Mountain Boys" will resort to any violent or illegal measures. No, sir, they are a peaceable and orderly, as well as an intelligent people; and there will be no necessity for such measures. They will not, in my opinion, even resume the weapons with which they were wont to chastise the ancient enemies of the State, "the twigs of the wilderness." It will be sufficient for them to do, what I have no doubt they will do--unite with their brother whigs throughout the Union, in proclaiming their decree of condemnation of Executive assumptions, through the peaceable, constitutional, truth-telling, power-enlightening ballot-box.

I see clearly, sir, that this remedy for the troubles of the country cannot be immediate. I wish, therefore, sir, that the President would retrace his steps, and, as far as is now possible, permit the free citizens of this country to send up to him their aspirations of gratitude for his military services, unmingled with louder notes of lamentation over their ruined fortunes, their broken faith, their violated laws. But if that cannot be, why, we must wait--that is all, sir.

Mr. H. concluded by saying that, as the only step in his power to take towards carrying into effect the wishes of the memorialists, he would move that the memorial be read, printed, and referred to the Committee of Ways and Means. Agreed to.

ADDISON COUNTY (VT.) MEMORIAL.

Mr. SLADE, of Vermont, said he was charged with the proceedings of a numerous and respectable meeting of citizens of the county of Addison, in that State, on the subject of the deposites and the currency, accompanied by a memorial upon the same subject, which he asked leave to present to the House. In doing this, he would endeavor to confine himself within the rule which restricts debate on the presentation of memorials--a rule which he felt less inclined to transgress, after the very interesting remarks which had just fallen from his colleague [Mr. Hall] on presenting a similar memorial from another portion of the people of Vermont.

Mr. S. said he had heretofore had the honor of presenting memorials, signed by 1,779 citizens of one of the two counties which composed his district. To the memorial which he now held in his hand were attached the names of 1,948 citizens of the remaining county in that district. Thirty-seven hundred and twenty-seven of the citizens and voters of the district which he had the honor to represent, had thus presented, in the Halls of Congress, their earnest remonstrances against the late act of the Executive, and their supplications for relief.

The resolutions and memorial which I now present, said Mr. S., come from the county which gave me birth, and in which I have spent the greater portion of my life. These citizens, sir, are my neighbors and friends. I know them well. The great mass of them are lords of the soil, and cultivate it with their own hands; and, rich though they are in the exuberance of that soil, they are yet richer in the industry, the frugality, the intelligence, and the virtue, with which, in common with all the people of that prosperous and happy State, they are pre-eminently distinguished. They are descendants, too, of the unflinching band of resolute and hardy men who achieved the independence, and founded the institutions, of Vermont. It need not, therefore, be said that they are jealous of their rights; and that, while they feel the effects of the late measures of the Executive Government, they are capable of understanding their origin, and sitting in judgment upon their authors. When I left these people, near six months ago, said Mr. S., to discharge the duties of their representative here, they were in a state of prosperity and peace. The active labors of the year had been closed, and crowned with plenty; and though anxiously alive to the proceedings of the Executive, affecting the currency of the country, they calmed their anxieties and quieted their apprehensions, by the anticipation of the speedy assembling of Congress, and the hope that its wisdom would devise a remedy for the evils which they felt, and the still greater which they feared. They have waited long and patiently. The dark cloud which, six months ago, appeared in the distant horizon, has risen, and spread across the heavens, and now threatens them with ruin. They have looked to Congress for relief in vain. And they have seen the people, who poured their complaints into the ear of the Executive, rudely repulsed, and told to go for relief to the institution which it had been the purpose, and the effort, and the boast, of that Executive to prostrate and crush. They have, at length, been roused. They believe the time has come for them to speak; and they have spoken through the resolutions and memorial which I now present, in a language which it becomes this House to hear and regard.

The meeting at which these resolutions were adopted, and this memorial drawn up, was, I am informed, one of the largest and most respectable ever held in that county; and was presided over by an individual who has, for the last twelve years, with unwavering fidelity to the interests of Vermont, represented her in the Senate of the United States. The meeting was composed, indiscriminately, of citizens belonging to the two leading parties in the State; whose contests with each other have not rendered them insensible to the alarming assumptions of power by the Executive, or the disastrous consequences which they have visited upon a confiding people. In looking over the list of names attached to the memorial, I perceive that each of these parties has contributed its full share to this expression of sentiments, which, I hazard nothing in saying, are the sentiments of at least nine-tenths of the people of Vermont. And I am gratified to perceive, also, the names of men who, when i left them, were as firmly attached to General Jackson as the firmest; but who have had the independence to speak what they think and feel, when the interests of their country are made the sport of Executive usurpation.

Having said thus much of the citizens of whose sentiments I have been made the organ, I will detain the House a few moments with a statement of the substance of their resolutions and memorial.

Impressed with a conviction, rendered deep and painful by existing suffering, that a sound currency is indispensable in "rendering stable the rewards of industry, and preserving uniform the value of property," they resolve that upon Congress, and upon Congress alone, devolves the duty of providing and maintaining such a currency; and that an interference with the subject, by the President, is foreign to his appropriate duties.

They regard the removal of the deposites as the primary cause of the existing embarrassments; and that, not simply by a change of the location of a given amount of the public money, but by the hostile attitude of the Executive towards the Bank of the United States, involving the violation of a solemn contract with that institution; subjecting the delicate question of the currency to a mere party control; striking a fatal blow at public confidence, and necessarily producing a feeling of deep and incurable distrust among capitalists and moneyed institutions. This act they regard as an unwarrantable and dangerous exercise of power, resorted to by the President for purposes not within the range of his legitimate duties. They do not deem it necessary to enter into the question with regard to a renewal of the charter of the present Bank of the United States, in the discussion of which they are not disposed to merge the higher questions of an infringement upon its chartered rights, and a violation of the constitution of the country. Those rights they would see restored, and that constitution redeemed. To the relief which a consequent restoration of public confidence would necessarily produce, they would hope to see added, what they deem essential to the permanent prosperity of the country—the establishment of a national bank, with such safeguards as the wisdom of Congress may be able to devise. They disclaim the advocacy of a paper currency without an adequate specie basis; but they regard as eminently visionary and impracticable, the notion which has lately sprung up among the conceptions of the President, that the country must return to a currency exclusively metallic.

The memorial which accompanies these resolutions describes the existing embarrassment of that community; states that it has succeeded a condition of unprecedented plenty and prosperity; and that, if the "experiment" is persisted in, this state of things must grow worse, and their principal staple, wool, as well as their other products, must wholly fail of a market, or be disposed of at ruinous sacrifices.

In this crisis, so full of interest to these memorialists, they look to Congress for relief from the effects of the measures of the President—measures which they feel the more intensely, because they have emanated not from the Government which the constitution has provided, but from the mere will and pleasure of a single branch of that Government. To the misrule of the government of the constitution, should they at any time be destined to suffer under it, they might submit with a becoming cheerfulness; but the usurpations of one man they cannot patiently endure.

You will permit me to add, Mr. Speaker, that it can be no trifling cause which has brought together this large assemblage of citizens, and produced the strong and decided expressions of opinion which come to us through these resolutions and this memorial. The people of Addison county are not given to excitement. Their education, their habits, and their employments are adverse to it. When they undertake to speak, you may be assured they have something to say; and something which deserves to be regarded. And, sir, while they address this body in the decided language of these resolutions and this memorial, permit me to assure you that there is a depth and intensity of feeling among them, on this subject, which no language they have permitted themselves to use is capable of describing. Among the communications with which my private correspondence with them has favored me, I hold in my hand a letter from a member of the committee which reported the resolutions and memorial now presented, an extract from which I beg permission to read. The writer is a farmer of moderate fortune, and is a fair specimen of the independence and intelligence of that community. After speaking of the reduction in the prices of the various articles of produce within the last six months, ranging from twenty-five to forty per centum, and alluding to the distressing apprehensions among the farmers of a corresponding and even greater depression in the price of the coming crop of wool, their main dependence, he says:

"Money, were there any to be had, would command twenty-five per centum as readily now as it would eight per centum a year ago. This is hard for the common people; and we are all such. It is of no advantage to us, who are in debt, that our cattle graze on our fields, and our sheep cover our hills. They will not pay our debts. A year ago, it was with considerable difficulty that labor could be obtained to carry on our farms, even at the laborer's own price. Now we are thronged with applicants for labor. Travel which way you will, you meet them, sometimes in great numbers, seeking employment. They are not the worthless, nor intemperate; but good, honest, industrious men, many of whom were, a year ago, in a good business—a business that, at least, made their firesides cheerful.

"But, 'perish credit!' And it might have been added, perish honest industry; for it certainly will, if the President's experiment is persevered in. And what is a Government good for, if industry is not protected? I am worth $1,000 less to-day than I was a year ago. I have, indeed, still enough to feed my family; but, should the men in power persist in the present course, regardless of the cries of a suffering people, I know not how long I may have even that.

"How long is this state of things to be endured? How long is the Government of this mighty republic to remain in the hands of the President, and its money to be locked up in his thousand-and-one chests? Would it not be well (Ethan Allen like) to *demand* the keys—if not by the authority of the 'Continental Congress,' by the authority of a higher power?"

Mr. Speaker, this is the language of a man of truth and soberness—of a man who is in a condition to sympathize deeply with the farmers and mechanics of Addison county. Shall the complaints of such men remain unheeded, and their supplications be denied? Whatever fate might await them, if they had thought proper to apply *elsewhere*, I trust that here their prayer for relief will meet at least with a respectful and earnest consideration.

I ask that the resolutions and memorial be laid upon the table, and printed. Agreed to.

BURLINGTON (VT.) MEMORIAL.

Mr. ALLEN, of Vermont, said that, at a former period of the session, he had presented a memorial of the citizens of Burlington, and likewise resolutions and a memorial of the citizens of the county of Chittenden, upon the question which yet agitates the nation; that he was now charged with the presentation of the proceedings of a meeting of the young men of Burlington. The meeting was numerously attended, and the resolutions were agreed to and the memorial adopted by a unanimous vote; that he was acquainted with most of those who signed the memorial; they were his neighbors; amongst them were men of as much intelligence and ability as were to be found in any other community. They were men engaged in the professions, merchants, mechanics, and others, employed in all the ordinary occupations in life. The memorial has attached to it one hundred and forty-eight names: amongst them were persons who had heretofore acted with the administration.

Mr. A. said the sentiments contained in this memorial were similar to those which he had heretofore presented, as well as to those which had come from other portions of the State, which his colleague had just presented. Upon these questions the views and sentiments of the inhabitants of the whole State were alike; with few exceptions, they speak a similar language, and hold similar views. In the various proceedings which have been presented from different parts of the State, they had learned the sentiments of the whole. Mr. A. further remarked that there was not a more democratic State in the Union than Vermont; and that, from that circumstance, their proceedings were entitled to the consideration of this body; from the liberality of their constitution and laws, as well as from the pursuits of its inhabitants, it could not be otherwise; that, from the numerous representation of their Legislature, (there being a member from each township,) the short period of election of all its officers, (even the judges being annually chosen,) and the moderate compensation allowed to each, it followed that there was but little distinction in the different classes of society in the State. The term aristocracy was not known. Whether they speak in primary assemblies or in legislative bodies, theirs was emphatically the expression of the people. Mr. A. alluded to the inhabitants of the State as mostly agriculturists, with the usual mercantile business for such a community; and that the manufacturing and mechanic arts were beginning to flourish; that considerable commercial business was carried on, and as much, and probably more, from Burlington than from any other place in the State; that being situated upon the margin of Lake Champlain, and having communication by water southwardly to New York, and northwardly to Quebec, the inhabitants of this village engaged in business would as soon be affected by a derangement of the circulating medium as any portion of the State. Mr. A. further remarked that the memorialists regard the derangement of the currency, and consequent depression of business, as owing to an improper, unjust, and unnecessary assumption of power in the President, in causing a removal of the public moneys from the Bank of the United States; and they pray for a restoration thereof, and a recharter of the bank, as a proper remedy for the evil. As evidence that this was the settled sentiment of the people of Vermont, Mr. A. said he would refer to the fact that there was a branch of the Bank of the United States located at Burlington, by the side of a bank of the State established in the same village; and, although it might well be supposed that the location of that institution in this place would have an effect to curtail the discounts of that and some fifteen or sixteen other banks of the State, yet no director or stockholder of any one of them, to his knowledge, had ever objected to the establishment of a branch in that State. Indeed, so thoroughly convinced were they of its salutary influence upon the currency, that no one desired its removal. These memorialists treat the project of a metallic currency in the midst of a host of State banks, over which the General Government has no control, as visionary; and that sufficient evidence has already been had to produce conviction that such an experiment must fail. Mr. A. alluded to the memorial as treating the question of the constitutionality of a bank as settled; and that, after a similar institution receiving the official sanction of Washington, the present that of Madison, and having been repeatedly settled by the judicial decisions of the Supreme Court of the United States, with Marshall at their head, and recognised and settled by almost every tribunal in the United States, it ought not again to be agitated.

Concurring in these sentiments, he moved that the proceedings be read and printed.

SENECA FALLS (N. Y.) MEMORIAL.

Mr. CLARK, of New York, rose and said:

Mr. Speaker: I am requested to present to the House the proceedings of a meeting held in the town of Seneca Falls on the 29th day of March last. The village in which the meeting was held is one of the most flourishing in western New York. Its extensive milling and manufacturing establishments necessarily feel the pressure, which the memorialists admit is somewhat severe.

Unlike many of the petitions and memorials which have been presented here, claiming to be of a no-party character, this meeting was composed exclusively of the friends of the administration. Numerous resolutions were reported by a committee of highly respectable gentlemen, all of whom I know; and I will embrace the opportunity here afforded me, to say that, from the amount of business in which they are engaged, and their general intelligence, they are well calculated, both to feel the full extent of the pressure, and justly to appreciate its cause. One of the gentlemen composing this committee is the sheriff of the county; another, Mr. Bayard, who presented the resolutions to the meeting, is extensively engaged in the manufacture of flour, an article which, it is said by the friends of the bank, has suffered most by what they are pleased to call the ruinous measures of the administration. The report of the committee was unanimously adopted.

In pursuance, Mr. Speaker, of the duty enjoined by the rules of this House, I will very briefly state the contents of such of the resolutions as apply most directly to the question which has agitated Congress and the nation from the commencement of the session to the present time.

They resolve that the Bank of the United States ought not to be rechartered; that the deposite of public moneys ought not to be made in the Bank of the United

States, nor in any of its branches; that, in their estimation, the State banks are fully adequate to discharge the duties of fiscal agents of the Government; that they have full confidence in the resources of this country, and believe that its prosperity does not depend on the existence of any moneyed institution; that the firmness and patriotism of Andrew Jackson, at this crisis, deserves the lasting gratitude of the American people.

They further resolve, that the restoration of the deposites, or the recharter of the bank, would, in their opinion, be equivalent to a surrender of national liberty; and that they believe the patriotic people of New York will be ready to endure any pecuniary privation rather than submit to the dictation of a great moneyed power; that the only currency recognised by the constitution is a hard-money currency, resting on the broad basis of the precious metals; and that a paper currency, subject as it is, of necessity, to a perpetual fluctuation, is but the scourge of honest industry, and the pander of a pampered aristocracy; that the efforts of partisan leaders and presses to produce a panic among business men, a scarcity of money, and generally to derange the currency, is a species of political warfare peculiar to the advocates of a grand moneyed monopoly, and deserving the execration and punishment of a civilized community; that the recent combined attacks upon the safety-fund banks of that State, while it demonstrated their title to public confidence, was an unwarrantable assault, which, though severely felt by the people of that State, was chiefly designed to affect the distinguished statesman under whose auspices the safety-fund banks were associated together for the protection of the public; that the present pressure and scarcity of money are not justly attributable to the removal of the deposites, and would have been more severe but for that timely measure; that they have proceeded, in some degree, from the tariff act of 1833, but more especially from the course and conduct of the bank itself—the speeches and efforts of its partisans and presses all laboring with the common design of creating a political and fiscal necessity for the renewal of the charter of the bank.

These, sir, are the sentiments of freemen, who would not violate the integrity of the constitution to prolong the existence of a dangerous moneyed monopoly, and who will not permit pecuniary considerations to control their judgments and actions on a question involving the prosperity of our free institutions.

Subsequently to the period when these resolutions were adopted, I have received information, on which I can rely with certainty, that confidence is again in a great measure restored; the different kinds of produce rapidly rising in value; that wheat, the staple production of that section of country, was selling at eighty-seven and a half cents a bushel, and that a farther advance was warranted by the price of flour in the city of New York; that the large amount of business doing on the canals justified the belief that the toll this season will exceed that of any former year.

The citizens of New York, having recovered from the pecuniary embarrassment under which they labored for a short period, will now have leisure calmly to examine into the cause of the pressure. If, upon that examination, they shall become satisfied, as I believe they will, that it was produced solely for the purpose of effecting a recharter of the United States Bank, that institution, with its leading political friends, who have used it for party purposes, will receive the unanimous condemnation of an indignant and injured people.

The memorial was referred.

GENESEE (N. Y.) MEMORIAL.

Mr. P. C. FULLER presented the proceedings of a meeting held at Genesee, in the county of Livingston, and State of New York, together with a memorial, signed by about one thousand eight hundred electors of that county.

Mr. F. remarked that the memorialists were generally farmers; I perceive, however, he said, the names of some merchants and professional men. Manufacturing, in the county where they reside, which is one of the two counties I have the honor to represent, is confined principally to paper and flour. Embracing a large portion of the fine valley of the Genesee, this is one of the best wheat-growing counties in the State; and many of the men whose names are here enrolled had on hand, upon the 1st of last October, from one to three, and some, I believe, as many as four thousand bushels, from their own fields, destined for market. These men, let me assure gentlemen who talk so confidently of exaggerations on this subject, and affect to believe the pressure is all made "to order," are not under the necessity of using artificial means to create distress, and they find panic enough in their granaries and storehouses. The thousands of bushels of wheat remaining in the hands of these memorialists, waiting buyers at seventy or eighty cents, would have commanded, last autumn, a dollar. The confidence then felt that prices would not fall, and the hope that they might advance, combined, with various other ordinary considerations, to keep it from market, till a cause new to all, not foreseen by your memorialists, and to them as disastrous as it was unexpected, reached and filled with dismay, as industrious, as enterprising, and as sound a population as can be found within these United States. They have not, as you see, Mr. Speaker, made haste to complain; there is nothing of the boisterous, bustling politician in the habits of these memorialists; they are not of the clamorous, noisy school. Satisfy these men that this sacrifice of their property, this blast upon their hopes, is due to the safety, the honor, the well-being of the nation, and, my word for it, sir, you would have no complaining from the valley of the Genesee. But they lack this satisfaction; they have not this support; they do not thus believe. Their own good sense, applied to the facts laid before them, has produced a deep, and, as I most solemnly believe, a well-founded conviction, that an unnecessary, an illegal, and a most unfortunate executive movement occasioned their difficulties, and that a mistaken and unfeeling pertinacity seems likely to continue and increase them. They respectfully ask Congress, "as that branch of Government intrusted, by the constitution, with the control of the currency of the country," to interpose, in some way, to relieve their "present embarrassments and their gloomy anticipations." They suggest, as an act of justice, the immediate restoration of the deposites; and, as the most promising remedy for the evils which exist, the renewal, for a shorter or a longer period, of the charter of the United States Bank; but these suggestions are not extorted by the fear of bank frowns, or bought up by the hope of bank facilities. These memorialists are not within the range of either. They view a bank, as they view the other necessary and appropriate institutions of this Government, to be created or not, continued or discontinued, modified and moulded, as the best interests of the country, and the whole country, require. It is not their individual pecuniary interest, however obnoxious they may have rendered themselves to the general charge of being under corrupting influences, which they consult. They are from seventy to a hundred miles from its nearest branch; and I do not believe that eighteen men, or even half the number, out of the eighteen hundred who have placed their names here, ever owed the bank a dollar, or ever received a direct favor from it in any way. They derive, in common with their fellow-citizens, a conveniency from the currency it furnishes; they perceive and appreciate its usefulness, in many and various forms; they are of opinion that, in the absence of all commanding and sufficient reasons, it has been harshly pursued and its rights invaded. They pretend not to decide whether it has, in all instances, been managed in the best possible manner; they are, doubtless, aware that important alterations have become necessary in the laws which should govern it; but they do not perceive the appalling dangers to freedom and our liberties which are said to be necessarily involved in the operations of a United States Bank; nor can they discern any proper connexion, or any just proportion, between the offences charged upon the present bank, and the tremendous punishment inflicted, by way of remedy, upon an unsuspecting, a patriotic, but an abused community.

The memorial was referred.

ONONDAGA CO. (N. Y.) MEMORIAL.

Mr. TAYLOR presented a memorial from a large and respectable meeting of the citizens of Onondaga county, New York, approving of the course of the Government in relation to the United States Bank.

In presenting the above, Mr. T. addressed the Chair as follows:

Mr. Speaker: I have received, and am requested to present to this House, the proceedings and resolutions of a meeting held in the county of Onondaga, New York, chiefly relating to those important political questions which have long occupied the time and attention of Congress, and which have agitated the public mind throughout the whole country. I do not say, sir, a meeting composed of all political parties, as has been frequently asserted here of other meetings called for similar purposes, though I apprehend of not less distinctive political character, but a meeting of the friends of the administration, of such as belong to a political party, a party uniformly known and distinguished as the republican party. In presenting these resolutions, I trust I shall be indulged in a few brief remarks as to the population and business of this county, the circumstances under which the meeting was called, and the character of the resolutions.

Leave being granted by the House,

Mr. T. proceeded: The county of Onondaga contained, at the last census, a population of 58,974, probably at this time more than 60,000. It is an agricultural, and particularly a wheat-growing county. It is, also, to some extent, a manufacturing county, in which are situated several cotton and woollen factories, flour mills, and a variety of other manufacturing establishments, besides the extensive salt-works at Salina, where are manufactured annually more than a million and a half bushels of salt, being more than one-third of all the salt manufactured in the United States. It will readily be seen that this, together with the mercantile transactions for such a business and population, and the purchase of the produce of that section of country on the line of the canal that extends through the county, must require a large amount of capital. This statement, sir, is made only for the purpose of showing that such a population and business must necessarily be affected by any causes deranging or materially affecting the moneyed affairs of the country.

It has, sir, been common for gentlemen, when presenting memorials or resolutions of meetings, to speak of the intelligence and patriotism of their constituents; but, sir, my constituents require of me no compliment of this sort. Like the people of other sections of the country, they very well understand the bearing and effects upon their own interests, the permanent interests of their country, and its political institutions, of any measure of Government, or of any power seeking an extraneous influence over the action of the Government, or the interests and liberties of the people; and I trust, sir, they have patriotism enough to resist any such influence, by proper means, even should it require a temporary sacrifice of individual interest or convenience.

The meeting which adopted these resolutions was held at a favorable time to pronounce a just judgment upon the topics which they had met to deliberate upon. It was not suddenly called together under the influence of a panic, which had been excited throughout the whole country, promoted and urged on by certain presses, political partisans, and interested individuals, and which, to say the least, was not diminished by those speeches which were distributed through the country, in which imagination had depicted, in glowing colors, the wide-spread ruin and distress which was to come upon the people, and which was charged, in advance, to the policy of the administration. I say, sir, this meeting was not suddenly called under such circumstances. They had waited, deliberated, witnessed the panic, felt the pressure, and carefully investigated the cause; and then, sir, they assembled to give an expression of opinion thus maturely and deliberately formed. This meeting was also called immediately after the elections had been held in the several towns of the county, at which the people had indicated their political sentiments by electing town officers friendly to the administration, in fourteen out of seventeen towns of which the county is composed: and in perhaps every town resolutions had been passed by the people, expressing their views upon the political questions of the day. It was, sir, under such favorable circumstances for forming a correct judgment, and of knowing public sentiment, that the republicans of the county of Onondaga convened and adopted these resolutions, as the deliberate sense, not only of that meeting, which was largely attended, but also of a majority, a respectable majority of the people of the county, as was evident from the recent elections. And, sir, instead of that change of political sentiment which is said to have taken place in the public mind, we find them reiterating the opinions which they have expressed on former occasions, approving the policy of this administration, and particularly as relates to the United States Bank. And in reference to the removal of the Government deposites from the bank, believing that the curtailment of its discounts which was in rapid progress, if with the view of winding up its affairs at the expiration of its charter, rendered the deposites useless to the bank, and advantageous to the local institutions in affording the necessary accommodations to the public; or, if with the view of oppressing the people, and coercing a compliance with its wishes, the deposites ought not to remain in the hands of an institution with such dangerous power, and alarming designs upon the interests and independence of the people—designs rendered the more certain by subsequent events—they have resolved, "that the removal of the Government deposites from the United States Bank was dictated by a wise forecaste of events rendering such a measure necessary."

They have observed, sir, the general policy of this administration; the vigilant care with which the Executive has endeavored to guard the constitution from encroachments; and the example of moral courage displayed in his endeavors, on the one hand, to preserve the Union from the disorganizing effects of that construction of the federal compact which finds in the sovereign power and "reserved right" of any one State, "the rightful remedy" for what a majority of its citizens might deem an unconstitutional law; and, on the other, to prevent the dangerous effects of that liberal construction which, by implication, would concentrate all power in the hands of the Federal Government. And, notwithstanding, sir, he has been denounced both here and elsewhere for the part he has taken relative to the recent disposal of the Government deposites, as having usurped authority and violated law, and the free use of the terms despot, tyrant, usurper, &c., they have not been able to discover that, in the removal of a Secretary of the Treasury who differed with the President on a prominent measure of his administration, intimately connected with that policy which had most clearly received the sanction of the people, and the appointment of one of well-known different views, and who, in the exercise of that power intrusted solely to his discretion, by the act incorporating the bank, has carried into effect that which, according to the dictates of his own judgment, and in the opinion of the Executive, the public good required, by ordering and directing the deposites to be made in the local banks; I say in all this, they have not been able to discover any violation of law, or usurpation of power; and they have resolved that, among other enumerated reasons, "the Chief Magistrate is entitled to the gratitude of his countrymen for his observance of the constitution, and the just limits of Executive power."

They have resolved "that they do not find the power to create a bank incorporation granted in the federal constitution," and "that the existence of a great national banking institution is formidable and dangerous to liberty." The charges on which the bank, in the opinion of this meeting, "stands condemned at the bar of public sentiment," are expressed in one of their resolutions, in clear, forcible and concise terms, which, as I shall ask for the reading of the resolutions, I will not now repeat. It will be noticed, sir, that, in one of their resolutions, they speak of the "pressure and consequent prostration of business" as something that has been, but does not now exist. They say "the late pressure," &c.; and, although they may not be entirely relieved from its influence, yet I understand, from sources entitled to the fullest credit, that the times are much improved, business has resumed its accustomed activity, and the produce of the country in western New York, instead of being reduced one-third below its ordinary value, as was stated a few days since by my honorable colleague, [Mr. FILLMORE,] is now nearly or quite up to former prices. The fullest evidence of the activity of business may be found in the weekly statements of the amount of tolls collected on the canals of that State; from which it appears that, during the first week of navigation, $44,642 were received for tolls, notwithstanding the reduction of the rates of tolls of 25 per cent. on merchandise, and 10 per cent on most articles of country produce, since last year. The following statement in the Onondaga Standard of April 30, which I have just received, will show the activity and prospects of business in that section of the country, the predictions to the contrary notwithstanding: "Mr. Webster would blush for his credulity if he were here to witness, in person, the activity which prevails upon the canal. Instead of being reduced, business is evidently greatly on the increase The amount of tolls received at the office here, upon all other shipments except lumber, the most of which this season is cleared at Salina, is materially larger than for the same time last spring. For several days past the crowd of boats near this village has been excessive, and all of them are deeply freighted. The quantity of merchandise coming up is increasing, and such is the pressure below, that a line whose boats were designed to run no further west than this place, have taken freight through to Buffalo. In short, no doubt can be entertained that the business of the season will be greater and more profitable than it ever has been." This statement of facts, about which there can be no mistake, is worthy of notice, as it exhibits a widely different and far more gratifying prospect than might be apprehended from some other memorials and resolutions which have just been read.

It will be noticed that, in one of these resolutions, they have given us their opinion of the causes of that pressure and embarrassment in business which has been experienced. And, sir, not being able to comprehend how the removal of the Government deposites from the United States Bank, where, under the curtailment of its discounts which was going on, they were not needed, and would not be used as a basis for discounting, and placing them in those banks that would, and that have used them for this purpose, could produce any pressure, but, on the contrary, believing it was calculated to afford relief, they have looked for other and more natural causes, and have assigned reasons which appear to me much more just, satisfactory, and correct. They tell us that they "believe the late pressure, and consequent prostration of business, have been caused principally by the policy of the bank, designedly seizing upon a period when our trading and a change from credit to cash duties favored its wicked purpose of coercing, through the distresses of the country, the renewal of its charter."

I shall not detain the House to notice but one other resolution adopted at this meeting, and that an approval of the measure recently recommended by the Governor of that State, and which has already become a law, whereby the credit of the State is to be pledged, if needful, for the preservation of confidence, and for the protection of its citizens against any measures, on the part of the bank, that might embarrass them, or obstruct the successful prosecution of business. This measure I should not here have noticed, but from the fact that it seemed to give the honorable gentleman from Ohio, [Mr. CORWIN,] and some others, much serious alarm. But, sir, I must confess that, in this most judicious and patriotic measure, which has met the approbation of this meeting, and, I believe, of a vast majority of the people of that State, I have not been able to discover any thing that need excite alarm in the breast of that honorable gentleman, or any one else, except, indeed, it be such as might feel alarmed for those political prospects that would be liable to be darkened by the restoration of confidence, the subsiding of the panic, and the active and prosperous renewal of business. Such, and such only, as see, or fancy that they see, their political of party prospects brighten in proportion as the distresses of the country increase, might perhaps, in this respect, justly see in this measure some cause of alarm. But, sir, I apprehend that many who have not taken the trouble to inform themselves upon this subject, entertain the erroneous impression that this measure is designed to sustain what is generally called the safety-fund banks of that State, which were supposed to be in imminent danger. If so, I beg leave to say, that the safety and solvency of these banks is not, and has not been, questioned by the people of that State, and the most perfect security is felt by the holders of their notes; a security and confidence never so generally felt before the establishment of that system. But, in consequence of the attitude assumed by the United States Bank, its official declaration of ability to crush the local banks, and the evident indications of a disposition to make a demonstration of its power upon the institutions of that State, has rendered it prudent, on the part of the banks, to diminish their circulation and curtail their discounts, in order to be prepared for the worst. This has necessarily deprived the people of their ordinary banking accommodations, and produced a scarcity of money. To enable the city banks to afford the necessary facilities for the transaction of its extensive business, and to meet any emergency that may arise, as well as to preserve public confidence, and to render to the people of the State at large such aid as circumstances may possibly require, the credit of the State is to be pledged for the loan of six millions of dollars, four millions of which is to be loaned to the banks of the city of New York, if, in the opinion of the board of commissioners constituted to conduct this business, "the public exigencies shall require it," and the remainder to pass into the hands of the commissioners of loans in the several counties of the State, to be by them loaned to individuals on security of real estate, if the boards of supervisors in the several counties shall "determine that their citizens require it." But, sir, it is hoped, and even believed, that this loan may not be called for, or required; for, seeing confidence restored, business resuming its accustomed channels and activity, and the ægis of State protection cast over the enterprise, the business, and the institutions of the State, the bank will hardly be disposed to make a demonstration of its power in that quarter, if it had so designed; and, relieved from all embarrassing apprehensions of this sort, the local banks are amply sufficient for all the wants of the enterprise and the business of the people.

ONEIDA COUNTY (N. Y.) MEMORIAL.

Mr. **SELDEN** stated that he had been intrusted with a memorial from the citizens of the county of Oneida, in the State of New York. It related to the engrossing subject which has so long and so deeply occupied the attention of Congress and the country. It was signed by six thousand citizens of that county. Unlike many of the memorials presented, it had not only received the signatures of those engaged in trade and manufactures, but also of the farmers in the agricultural portions of the district.

The number and character of those who presented this memorial, indicated the strong interest which this part of New York took in the question. With others, they complain of the unnecessary and unwise interference by the Executive department with the agent selected by law to preserve in safety the national treasure; they complain of the hostile attitude assumed by the President towards the Bank of the United States, at a period so near the meeting of Congress, when the institution might have been made to undergo that legal examination of its conduct and affairs which the public interest should require, and to have been subjected to such legislative action as the honor and faith of the Government would justify.

They complain of the effect of the measure of the President upon their own interests and business; shaking confidence in the stability of our institutions, and in the security of property. They complain of it in its operation upon the currency and upon the extensive relation of debtor and creditor. They bear testimony to the advantage and necessity of a well-regulated paper circulation, produced and directed by a Bank of the United States. They consider it highly useful to our commerce, producing benefits outweighing by far any real or imaginary evils. They recommend the renewal of the charter of the present bank, improved in its organization in those particulars wherein time and experience has shown it to be defective.

The county of Oneida may be considered the centre of the State. It is second only to the city of New York in population, and third in wealth. It is filled with beautiful villages, and in it is situated the city of Utica, the fourth in point of magnitude and trade of those rising cities and towns which are advancing with such wonderful rapidity in the interior of that State. Her sisters have already been heard from. The manufactures of this county exceed those of any other, affording, through those engaged, an ample market for its various products. No one who has visited this section could refrain from remarking the enterprise and industry of its inhabitants, and the signs of prosperity and comfort every where displayed.

A branch of the Bank of the United States was established in this county a few years since—about the period when the present member from that district was first elected to represent it on this floor. Previous to his election, it had been represented by a distinguished individual of a different political party. One cannot but remark how little is to be apprehended from the political influence of a bank of the United States, when, at the very moment of establishing an office in the district, a member is selected who has ever since been uniform in his opposition. It seems to have the power of making political enemies, not friends. The mind should be relieved from anxiety in this respect, when it is ascertained that, neither by the dispensation of favors, the extension of loans, nor the influence of wealth, has the bank been able to preserve the original strength of the party with which it is charged to have associated; and that, in this county, the question whether the representation was in favor or against the bank was deemed of minor importance to those qualifications which, against all former example, rendered him the favorite candidate of the people. Even now, we should not have heard from the county of Oneida had not her citizens become alarmed at the threatening aspect of our affairs, the dangerous extent of executive power claimed, exercised, and defended, and the determination avowed by the President, and many of those who sustain his administration, that there shall be no Bank of the United States; that the present institution shall be put down by executive force, and that none other shall be reared upon its ruins. They have become alarmed at these disclosures, and now lay their memorial before this House. A majority, as is believed, of all the voters of the county of Oneida have united in subscribing to the principles therein contained, although several towns were but partially visited to obtain signatures. It was transmitted with a letter signed by a committee of the highest respectability—among others, the first mayor chosen for the city of Utica, and that by a unanimous vote.

The period when the memorial was circulated and transmitted gives it additional force. The opinions of their representative had been expressed here. All the arguments which talent and industry could bring to bear on the question were put forth, enforced by one in whom the memorialists had confidence, sustained by an ability and zeal which that distinguished gentleman is so well able to exhibit. His speech, circulated through the county, read by his constituents, was insufficient to make them converts to his doctrines. They examined his propositions, and rejected them as unsound in theory, and unsafe and dangerous in practice. In view of the whole matter, they thought they could not at the same time approve of and sustain these opinions, and preserve the laws of the land, the honor and good faith of the nation, the integrity of the constitution, and the great interests of the people.

Mr. S. observed that, in presenting this memorial, he would make one further effort, although he did it with faint, perhaps idle hope, that something would be done upon a minor branch of the subject so long discussed. He would present for the consideration of the House a resolution to raise a committee, of one from each State, to take into consideration the condition of the whole currency, to ascertain if the House were willing to adopt any means of relief; and that he should move to have the memorial referred to that committee. He had examined the plan of the Committee of Ways and Means, and of the Secretary of the Treasury, accompanying their report. He had examined the bill based upon the report and letter, and confidently believed that it would not be sustained by the House. If adopted, it would produce a directly opposite effect from that anticipated by the Secretary and committee. The plan is founded upon the principle that Congress will be able, through the agency of the Government deposites, to increase the quantity of specie in circulation, diminish the amount of bank note circulation, and presently put an end to notes less than five dollars, and finally those less than ten dollars. The mode of executing the plan, as proposed by the bill, is, to require the banks selected to receive the revenue, to abstain from issuing bills less than those denominations, and to refuse to receive the notes of other banks which issue bills less than those denominations.

Suppose the deposite banks come into the arrangement, upon the ground that they find the advantage gained by the deposites more than sufficient to counterbalance the loss arising from being deprived of their inferior circulation, will the banks in the neighborhood, whose bills are now received by the deposite banks, find it for their interest to come into the arrangement? Of what importance is it to them whether or not their notes are received in payment of Government dues?—they will not thereby be discredited. The revenue transactions bear too small a proportion to all the transactions of commerce to effect any material result. Their bills will not be discredited; they will circulate as freely as ever. As a consequence, the banks not selected will supply the small notes withdrawn by the selected banks; and the public will receive the same quantity, based upon a diminished security. Besides, checks upon the unselected banks will be received, if their notes are not. This is now the ordinary course of business; despatch and convenience in making payments require it.

Suppose, however, the plan of the Secretary goes into more extensive operation, and that the neighboring banks consent to discontinue the issue of small notes, does it not strike the mind of every one that, for the very reason assigned by the Secretary for the continued increase of bank note circulation, the void created by withdrawing the small notes issued at the points where the revenue is collected will be supplied by the small notes of the banks in the interior? In other words, the cities on the Atlantic, especially the city of New York, where the greatest proportion of the revenue is received, will be flooded with country paper, issued by remote banks, which have no connexion with the revenue, inferior in point of value, because at a distance from the place of redemption; increased in quantity, because of the difficulty of sending them home, except at a loss, for redemption.

It will not certainly accord with the opinion of the House, to increase in our seaports the difficulties of the paper currency now complained of, and encourage the excessive issues of the inland banks, now too great for safety. Nor can it be the object to produce a contest between the banks thus situated, which must terminate injuriously all around, as well to the banks as to the country. The plan is manifestly defective, subversive of the very results sought to be produced. It has not emanated from practical experience. It must and will fail. The defects in the bill cannot be supplied by amendments, but by some entirely different plan. All will terminate in a Bank of the United States. The time already employed, and the attention directed to the subject, afford the strongest evidence that this is the best project which can be formed through the agency of State banks. It will not answer the purpose intended. The resolution offered is to cause to have in preparation, from the hands of a selected committee, a sufficient substitute.

Mr. BEARDSLEY thereupon rose and said that the memorial which had just been read was from a part of his constituents. He did not complain that it had been forwarded to a gentleman from another district, although it would have given him sincere pleasure to present it to the House. He thought some remarks, by way of explanation, were called for, and he asked the indulgence of the House for that purpose.

Leave having been granted—

Mr. B. proceeded: He thanked the House for the courtesy it had extended to him, and would repay it, as he knew would be most satisfactory, by the brevity of his remarks. He observed that the memorial was from the inhabitants of the county of Oneida, in the State of New York. Oneida was a central county in that State, and, in the number of its population, was second only to the city and county of New York. As an agricultural region, it was, perhaps, unsurpassed by any other; while it embraced, within its limits, the city of Utica, with a population of nine or ten thousand souls, and some thirty flourishing villages. I think, sir, (said Mr. B.,) that I may say with truth, that few, if any, of the interior counties of the Union are more highly commercial than this is; while its agricultural, manufacturing, mechanic, and artsan interests will endure any comparison which may be instituted.

It is not my design (said Mr B.) to contrast its population with that of other regions in our common country. It would be invidious to do so. But I trust that I may, without indelicacy or offence, express the conviction of my own mind, that, in intelligence and virtue, in moral purity, and, indeed, in every thing which constitutes an industrious, an enterprising, and a happy community—a community full of public spirit and patriotic devotion,—those of whom I speak do no discredit to the American character. I, sir, might herhaps be pardoned for saying more of them; I feel that they deserve much more. I have lived among them for more than twenty years; have witnessed their progress in improvement and in wealth; their prosperity, their happiness, their devotion to country: to them I am indebted for what I am, and for all this world's good which I possess or expect. It were worse than indifference and ingratitude for me not to admire and reverence this community, my neighbors, my friends; those who have repeatedly honored me with their highest confidence. Sir, they can never be forgotten by me; and under no circumstances of prosperous or adverse life will I ever knowingly desert, or betray, or surrender, what I may believe to be their true interest and honor.

This memorial asks a restoration of the public deposites to the Bank of the United States, and a recharter of that institution. The latter is its predominant purpose; for the former, whatever might be its present effect, would be of but temporary duration, unless followed by the latter. A brief retrospect will render this memorial the more intelligible to the House.

In the summer of 1830 the United States Bank established a branch at Utica, and which still remains in operation at that place. I speak what I know, when I declare that report, on the establishment of that branch, gave out as the sentiment of some of its directors, that it was destined to revolutionize the politics of the county and secure the election of several members to this House, who would favor the recharter of the parent bank. The first selection of directors was significant of such a design, and to those who looked more to the acts than the professions of men, for their real motives and designs, it afforded strong ground for apprehension that objects were in view, which honest men should not encourage, and which no man would be hardy enough to avow. The apparent design was to bring into direction, in that and the adjacent counties, not those whose occupations and business would render them particularly useful to a bank, or a bank of any special importance to them; but those who possessed other requisites, the chief of which was, that they should be prominent and influential members of the dominant political party. Sir, I could give instances and names of such individuals, of gentlemen who enjoyed, in an eminent degree, the confidence of their fellow-citizens, and who have since filled public stations of a high grade in this Government, and in that of New York. Of such individuals, who refused the proffered trust, the paltry bait was thrown away on them. They could not be drawn into a position which might, as to them, imply a dereliction of political principles, and a subservience to the great corporation. Other efforts of a similar character were made; but to dwell upon them would lead to unnecessary detail. Suffice it to say, that indications of a design to make a political lodgment at

Utica, were manifest from the moment of the establishment of the branch at that place.

The congressional election was to come on in the autumn of that year; and I allude to what was then perfectly notorious, in stating that the most unwearied efforts were made to put a director of the branch bank in nomination for Congress, as the candidate of the democracy of the county. These efforts failed; and the successful candidate was met and denounced, and opposed at the polls, on the ground of his hostility to the recharter of the bank. This, where the election was most severely contested, was the absorbing topic of controversy. The result showed that the people were unmoved by the clamor of the partisans of the bank.

Shortly after that election, sir, a new newspaper, "The Lever," was planted at Utica, in close juxtaposition, if not in close affinity with the branch. The origin and paternity of this stranger were unknown or denied. It claimed, however, to be purely democratic, but friendly to a renewal of the bank charter. How it subsisted, and by whom sustained, I believe was known to but very few. It struggled onward, however, for a few short months, and then passed into the "receptable of things lost to the world," and to its owners. I seek not to recall it; but should the committee of investigation think proper to enter into an examination of branches of the United States Bank, and of branch bank directors, as such, I commend to its special attention certain former directors of the branch at Utica, who, I doubt not, can give every explanation about the small "Lever" at Utica, which, for aught I know, may have sprung from the great lever at Philadelphia.

Sir, the individual who was chosen by the citizens of Oneida county, to represent them in the last Congress, voted against a renewal of the bank charter, and, to the best of his humble efforts, sustained, at all times and places, the principles of the veto message of the President. Subsequent to that event, he was again a candidate for the seat which he now holds in this House; was opposed, as it was natural he should be, for the vote he had given in opposition to the bank. That, indeed, was the prominent political objection, and was urged in all forms to the electors. It was unavailing--the people were determined in their hostility to the bank--they knew its powers; they feared its purpose; they would not consent again to submit themselves to a power over which they could exert no influence or control, and which they saw might be wielded to their own embarrassment, if not utter ruin.

Sir, thus chosen and rechosen in despite of the partisans of the bank; convinced myself of its dangerous, if not fatal tendency; coming here from a conflict in which the wishes and the jugdment of my constituents were unequivocally expressed, and believing as I do, that their views are still unchanged, I cannot, I dare not, I will not, vote a recharter, or designedly do any act which shall tend to produce that result. I would not if I dare; for conscience and honor forbid. The deep and abiding convictions of my soul are, that, in doing so, I should give a fearful wound to every thing which should be dear to the heart of a freeman, and which a patriot should prize. While, therefore, for these memorialists every sentiment of respect is felt and cherished, I must yet say, that my views are unchanged, and that my answer to the memorial may be found in votes which I have already given in this Hall.

Sir, I have but little to say of this memorial, yet it may not be amiss to inform the House how it came here. I have been furnished with a copy of a printed letter, which was sent into the several towns of the county of Oneida, and which will serve as a key to decipher what might otherwise speak a very different language. I beg permission to read this letter.

"Utica, *March* 10, 1834.

"Sir: You will herewith receive a copy of a memorial to be forwarded to Congress, which has been approved and adopted by the business men of Utica. It is earnestly desired that every friend of his country should sign it, without distinction of party. You are desired to give it a prompt and general circulation throughout your town, and to return it as early as possible, to our chairman. We hope ten days will collect the united sentiment of the county. If it is necessary to employ one or more active men, to give it a circulation, be pleased to do it, and forward the bills, which shall be at once paid. Let energy and unanimity characterize all your movements, that the voice of Oneida may be heard and heeded.

EPHRAIM HART, *Chairman.*

E. B. Shearman, Theodore S. Gold,
Joseph Kirkland, Henry White,
Spencer Kellogg, Alrick Hubbell,
Kellogg Hurlburt, James Platt,
John Williams, Samuel P. Lyman,
J. Austin Spencer, Alexander Seymour,
Samuel Stocking, Jesse W. Doolittle,
John H. Ostram, *Committee.*

This circular letter is signed by a chairman and a committee of fifteen, all of whom reside in Utica. I know them well. They are gentlemen of character, respectability, and influence. I intend not the slightest reflection upon them by any remarks of mine, yet I deem it only proper to apprize the House, that one and all of them are now, and were at the last presidential election, arrayed as partisans against the present Chief Magistrate. I do not allege that with these gentlemen this is a partisan effort; but I do say that it has the aspect of many such efforts, which I have heretofore witnessed, emanating from the same class of individuals, and sought, yet sought in vain, to be rendered effective in the same way.

Sir, let us note the language of this letter. It states that the memorial had "been approved and adopted by the business men of Utica." As I reside in Utica, I ought to know something of its business population. I have looked at the signatures to the memorial, and I aver that a very large number and proportion of the active business population of that place have not signed the memorial. Those who have signed it, like the gentlemen of the committee, are chiefly members of an organized opposition to the administration. That others disapprove of the removal of the deposites, as is stated in the circular, I will not undertake to deny; but their disapproval is not indicated by their signatures to the memorial, nor do I suppose it has been in any other way whatever. "If the business men of Utica" were all of one side in politics, this memorial would probably have received the signature of every person there of that description; but this happens not to be the fact. The committee, therefore, should be understood to speak of "business men" who are of their own political stamp, and not of others.

It is "earnestly desired," say the committee, that the memorial should be signed "without distinction of party." This catch phrase is from a committee all of one party. It is their desire: they call upon men "without distinction of party"—but will they come? Will the republicans of Oneida do their bidding? There is the rub. Will they abjure their principles, and forsake the President of their choice at the bidding of a party committee? I opine not; I have no cause for believing that they will. They have too often been invited, without success, from the same quarter, and that, too, "without distinction of party," now to be caught by such chaff.

This is not all. Hired emissaries were to traverse the county with this memorial to collect petitioners, always, be it understood, "without distinction of party;"—"employ one or more active men," "forward the bills, which shall be at once paid." This is the language of the letter.

Let us pause, sir, for a moment, to reflect upon what must have been the condition of Oneida county for a few days succeding the issuing of this circular. The chairman and committee, provided with ample funds to pay all bills, are quietly at home, "calm as a summer's morning," while the process of panic-making is going on around them. "Active men," who are to "be at once paid," spread themselves over the county, to create, if they do not find distress and alarm. The movement in all directions is simultaneous; every neighborhood and hamlet; every village and manufacturing establishment, are attacked at the same time and in the same way. Insolvency and ruin are the watch-words and the universal cry. Mechanics are represented as out of employment, and families destitute of bread; merchants failing, and universal bankruptcy confidently predicted.

Sir, if panic was not found, it was thus created; if distress was before a stranger, it was thus brought home to every man's door. We may well suppose that the whole county was thrown into consternation and commotion. What was not real could be well supplied by fancy, until every evil which can be named found an imaginary, if not a real existence, in a region abounding in plenty, and in all the essentials of prosperity and happiness.

Sir, at any time a party committee representing "the business men of Utica," and with a fund at hand to pay all charges, might, doubtless, with proper efforts, work up a good degree of commotion in the county. The signatures to a political letter of credit, like the one I have read, would secure the hearty co-operation of one party, while the efforts and appliances of "active men," whose bills were to "be at once paid," ought certainly to effect something with the other. If much could thus be effected in ordinary times and by ordinary means, much more would be expected when these "active men" hurried through the county with cries of distress which did not at all exist to the extent alleged, and of suffering, which, as far as it had any existence, was magnified and aggravated by every species of exaggeration. Sir, the picture presented in this memorial is highly wrought and colored. I do not allege that it is untrue, although I hope and believe that many grains of allowance should be made for party passion, and for the agitation and alarm in a moment of panic and consternation.

The following is an extract from the memorial:

"Now, the people are distressed and alarmed; the currency of the country is deranged; the local banks are compelled to withhold their usual loans; public and commercial confidence is not only shaken, but almost destroyed; commerce is languishing; merchants are failing; many manufactories have already ceased their operations, and their laborers are deprived of the means of subsistence, while others are struggling for existence; agricultural products are greatly reduced in value, and will scarcely command money at any price; and mechanics and artisans are, to a great extent, unemployed."

"Is this fact, or is it fancy?" Is this a true picture of the condition of Oneida county, or of any part of this country? Let the people, who know their own condition, answer.

Sir, I have adverted to the political character of the committee, and of the character of this movement. It has much the aspect of a regular partisan effort, such as is not unfrequently made in every section of the country, and I am warranted in saying that it is so regarded at home. Its result can thus be readily anticipated: it received the hearty approval of one party, and very little countenance from the other.

Sir, I must unlearn all I have known of the freemen of Oneida, if they can ever be driven to abandon this administration and sustain this bank, without other and better cause than exists at this time. If I have known them aright, they must forget their cherished principles, and subdue and crush their free spirits, before they will yield in this struggle. That they have felt, and still feel, the pressure and the distress of the times, I well know, and callous must be the heart which does not extend to them its sympathies, and in every practicable way alleviate what it cannot prevent or remove.

Sir, I am but an humble individual, and not more exempt from the perils of these times than most of my fellow-citizens; but never—no, never—will I consent to pollute the fountains and sources of intelligence and virtue; to corrupt the influences by which a free Government is moved and impelled; to establish the dominion of this bank over the laws and institutions of my country. Those who sent me here would spurn and contemn me if I did: their execrations, now poured out, as in justice they should be, upon this heartless institution, would then be turned, in peals of fury, upon me. Men who inherit the spirit of their revolutionary sires; men who in the late war marched *en masse* at the call of their country to a hostile frontier; men who have not been frightened by predictions of "war, pestilence, and famine," are not now to quail before "any other scourge" which demagogues and the bank can inflict upon them.

Sir, I beg to add but one or two suggestions, and will then close. I have stated what I believe to be the temper and judgment of a majority of my constituents upon the subject in question. I may add strength to the evidence which I have given in support of my opinion. The deposites, it will be recollected, were removed on the 1st of October, and the annual election in New York was held early in the succeeding month of November. I left my home for this place about the 20th of that month. During that whole period, and notwithstanding an important election intervened, yet the subject of the removal of the deposites was in no respect agitated in that community; and as for pecuniary distress, it was neither talked or dreamed of there. It was not, sir, until subsequent to my arrival here, and when the notes of distress had been sounded long and loud in this capital, and thence disseminated through the country by men and presses, bought up "like cattle in the market;" it was not, sir, until these things had occurred, that "the men of business in Utica," or any other part of my constituents, took up the idea of panic and distress. They felt none before. I impute no unworthy motives to any gentlemen, but in my estimation, the effect of what has transpired here during the last four months, has been most pernicious in its influence, and most disastrous to the interests of this country.

Credit and confidence are indispensable in business transactions. The Union Committee of New York declare that the "fatal injury" resulting from the removal of the deposites, "was its effect on general confidence." That confidence and credit have been greatly impaired is most true; but can these effects justly be imputed to a removal of the deposites? That is the controverted point. It was not until the war-cry was raised here that confidence was impaired. It was only by the efforts of panic-makers and panic-venders, and not by a removal of the deposites, that confidence was ultimately destroyed.

A panic having been raised, it was deemed necessary to aggravate it as far as practicable. Editors, who had received the price of treachery; wretched spies and informers, whose daily occupation was eves-dropping and simulation, were the ready and proper instruments for this purpose; and many, quite too many, of the mercantile and trading classes have contributed, with apparent alacrity and joy, to the same object. Individuals, who lived on their own credit, aided by the guarantee of their friends, have appeared ready to put every thing at hazard to overthrow this administration, and establish the dominion of the bank. The suicidal effort to destroy their own credit, in order to build up a political party, has been made; and made, it must be admitted, as to themselves, with most deplorable success. If we may trust the panic-makers, the distress of the country is as great as the most reckless and unfeeling could have desired. But where is the administration; where the chief who directs its course? Unmoved by the assaults of faction; firm in his purposes as he is firm in the affections of a people he has never betrayed or deceived. Let faction then cease to rage; let those who have blazoned to the world their own insolvency, go to work to repair the breaches made by their own hands. Let them seek to restore, and not to destroy confidence; and especially let them frown upon the fomenters of this panic. In this way, sir, the country will at once assume the aspect and activity of health and vigor. But if they will continue to invoke insolvency, can they wonder that it should come? If ruin is sought for, need they wonder that it should be found at their doors?

But, sir, let reckless partisans act as they may, there is happily a fund of intelligence, and a free spirit, in this country, which can neither be seduced, or deceived, or broken. They expand and rise with the pressure, and will bear this people in triumph over every effort of an odious moneyed tyranny.

Mr. SELDEN now rose to make a further statement.

The SPEAKER said, that could only be done by permission of the House.

Mr. SELDEN asked this indulgence from the House.

Some objections having been made—on a motion to that effect, there being no quorum voting,

Mr. LANE moved an adjournment.

The question being taken on the motion of Mr. Lane, it prevailed: Ayes 74, noes 55.

The House then adjourned.

Tuesday, May 6.

PUBLIC DEPOSITES.

The House resumed the consideration of the resolution submitted by Mr. Mardis, with the amendment proposed by Mr. Corwin in lieu thereof.

Mr. GALBRAITH having the floor from the previous day, addressed the House, principally in reply to the arguments of Mr. McKennan, in defence of the consistency of Governor Wolf, and in opposition to Mr. Corwin's amendment, until the expiration of the hour allotted for morning business, when he suspended his remarks.

KENTUCKY ELECTIONS.

Mr. SEABORN JONES obtained leave to present a report from the committee on the case of the contested election between Mr. Letcher and Mr. Moore; which he moved to have read, laid on the table, and printed, with the accompanying documents.

The report was of a voluminous character, detailing at length the proceedings taken by the committee to investigate the votes taken, and concluded by stating that it appeared to them that the number of legal votes stood—

For Mr. Moore, - - - -	3,099
For Mr. Letcher, - - - -	3,055
Leaving a majority to Mr. Moore of -	44

Whereupon, they report the following resolutions:

Resolved, That Thomas P. Moore, Esq. is entitled to the seat in this House to represent the fifth Congressional district of the State of Kentucky.

Resolved, That Robert P. Letcher, Esq. is entitled to compensation at the rate of eight dollars a day, during the time he has attended, and to eight dollars for every twenty miles travelling.

Mr. JONES moved that the consideration of the report be made the special order of the day for Tuesday next.

Mr. BANKS understood there was to be a counter report presented; he, therefore, desired to have the evidence taken before the committee printed, and submitted a motion to this effect.

Mr. JONES declined accepting the motion as a modification. He objected to the printing of the evidence, because it would cause further delay, and thus an enormous expense would be incurred for a useless purpose; for he did not believe that, if it should be printed, much reference would be had to it. What use, he inquired, were the labors of the committee, if every vote was to be again canvassed by the House? In no instance that he had seen, was there one in which the testimony had been printed; he therefore objected to the motion.

Mr. HARDIN said, however voluminous the papers were, yet, as they were written extremely illegibly, it was all-important that the evidence should be printed. He believed there were eighteen hundred pages, which would not require more than two hundred pages of print. The poll-books might possibly take forty pages more; and, knowing that the honorable member from Georgia [Mr. Jones] was determined to oppose the printing of the testimony, he had taken pains to inquire of the public printer how long it would require for him to have it printed. The result of his inquiry was, that if the House should order it, by putting on increased force, it could be done in three days, and if it was required sooner, in two. Mr. H. said it was necessary that the House should examine this testimony for themselves; and asked how it was possible for them to do so, when taken down in manuscript of the illegible character this was known to be! They could not examine it, as it was all-important that they should do, unless it was printed. The House would perceive the necessity of having the evidence printed, for the purpose of examination, when it was known that many of the votes had been excluded, not on questions of law, but on contested statements as to facts. Challenges had been made as to residence, voting twice, and other matters, which were altogether of facts.

It was, under this state of things, impossible for the House to act understandingly on this subject, unless they had those facts fairly before them, and which, he contended, they could not have, to any effective purpose, unless the motion for printing the evidence was acceded to. Upon this subject, however the member from Georgia [Mr. Jones] might take upon himself to be satisfied at the decision of the committee, he supposed the House were not to take all this upon trust. He (Mr. H.) wanted to examine the subject for himself. The State of Kentucky had been agitated upon it, from one end to another. It was a question to that State of the highest importance, and was one involving the conduct of one of her sheriffs. It involved also, and in an essential manner, the right of suffrage itself. Was it not, then, due to Kentucky, that every means should be afforded, in order to attain a fair, an impartial, and a solemn investigation and decision upon it? When that was done, he had no doubt the State of Kentucky would be satisfied; without it she would not, she ought not to be satisfied.

The characters of both those gentlemen were respectable; and all that the people of his State desired for them, in this contest, was, that full, fair, and impartial justice might be done, which, he maintained, could not be had unless the documents were printed. Although he disclaimed making any imputations on the conduct or motives of any member, yet he might put this question in another form. It was well known that the nation, as well as the House, was divided into various political parties. There were in the House one hundred and ten, one hundred and fifteen, or one hundred and twenty members, who were the devoted friends and supporters of the administration. There were seventy or eighty belonging to the national republican party, whose political course is honestly in opposition to the others. There were, also, fifteen or twenty who were termed nullifiers; twenty or twenty-five of those who advocated State rights; and fifteen or twenty, possibly more, belonging to the antimasons; and yet, with all these, strange as it might appear, there was not one person on the Committee of Elections who investigated this case, of that party to which Mr. Letcher belonged. He did not, would not, say that this had arisen from any improper design, but it nevertheless arose from a state of things which was unfortunate to him. The motion for printing the evidence was then an appeal to the honor, to the magnanimity, of those who belonged to the other parties. All that was or should be desired for him was a fair and impartial trial, and thus justice would be done. The motion for printing the evidence, he considered, ought to be acceded to, because it was made imperative by the terms of the resolution entered into, which was in the nature of a compromise between the parties. Mr. H. called for the reading of the resolution.

Mr. WILDE said, that whether the House would enforce the order it had given, that the testimony taken before the committee should be reported, would depend on the nature of the question presented to the House for decision, and the mode in which the House would decide it. Mr. W. then referred to a passage in the correspondence of Horace Walpole, when speaking of the history of the English Parliament, after his brother's retirement, and, in particular, concerning some of the contested elections: he said that the House had decided them, "the ministry returning their own friends, as usual." He disclaimed any intention of drawing a parallel between the mode of proceeding described by Walpole and that adopted by the Committee of Elections of the House. Respect for the House would of course prevent him from entertaining any suspicions of that nature. He went on to observe, that the nature of the question on which the House must pass was judicial entirely, and that it must be decided by reference to law and to the testimony taken in the case; and how could the House decide upon evidence which they had not seen? and how could they see it unless it should be printed? This was indispensable to a right decision; and, where justice to individuals and to the House was so deeply concerned, questions of expense, of time, and of trouble, were not to be mentioned. Nor could the order of the House be otherwise than evaded, (though he charged no such design,) unless the testimony should be printed; for, to all practical purposes, it would not be reported to the House. As to examining it in manuscript, it was impracticable.

He had the duty of a judge to perform, and he would not consent to undertake it, if the evidence on which his judgment must be formed was withheld from his inspection. The House had ordered the committee to report the evidence to the House. They had not done it; nor did their report contain any excuse for not doing it. The reason verbally given was not satisfactory. He hoped the subject would be entered upon with candor and good temper.

Mr. MARSHALL said he had frequently witnessed, during the present session, the weight which the authority of precedents had upon the House, and the avidity with which they were presented, or asserted to be in favor of the particular proceeding which was advocated. The gentleman from Georgia [Mr. Jones] had informed the House that, as far as his researches had gone, in a certain work on contested elections, there was no case in which the evidence had been ordered to be printed. Mr. M. said he was but little conversant with cases of this character; he had looked at but one, and that the only one which he thought of at the moment; and he found, in a volume of the reports of the committees of this House, for the session of 1829-'30, upwards of three hundred pages occupied by the evidence in that case. He alluded to the case of Newton and Loyall, from Virginia. The gentlemen around him, he said, now informed him of other similar cases, but it was unnecessary to advert particularly to them. The printing of the evidence in a contested election was so reasonable, and so indispensable to the correct performance of the duties which the House was bound to perform, that he had no doubt that nothing less than an invariable refusal to do it would prevent it in the present instance. But the precedents were in favor of printing. The constitution makes this House the sole and exclusive judge of the election of its members. Whatever other powers it might alienate, its power and capacity of judging of the election of its members were, he said, inalienable.

But unless the evidence is accessible to the members of the House, and it is utterly inaccessible while it remains in a single manuscript copy of eighteen hundred pages, it is impossible for the House to exercise its constitutional power and duty of judging of the result; and, if it is determined at all, it must be determined by the judgment of the committee. It was apparent, from the terms of the resolution by which this case was referred, that the House had not intended to transfer its faculty of judging to the committee. That resolution had expressly directed the committee to report the evidence, obviously with the purpose that the House might have access to it. The committee, it seems, construed this mandate into a direction to report the facts, and not the evidence; and they have reported their inference from the facts, and left the evidence in their room. He had not supposed that the resolution was susceptible of two constructions; he had not supposed its import could be mistaken. He had supposed that the evidence must necessarily form a part of the report, and that the order to print the report would include the printing of the evidence, unless the latter were excluded by express direction of the House.

Much as he had been surprised at some of the conclusions stated in the report which had been read, Mr. M. said he had been much more astonished by the opposition which the committee had made to the printing of the evidence on which that report was founded. The statements of the report had furnished the best reasons for placing the evidence within the reach of the House. We are told by the report that the facts are numerous, and strongly contested; that the testimony is voluminous, complicated, and contradictory; and that the committee had great difficulty in making deductions satisfactory to themselves. If the evidence had been clear, the facts simple or uncontested, and the result depended upon a mere question of law, there might be no necessity for printing the evidence.

But, in such a case as this is represented and known to be, he insisted that it was due to the character of the House, to the nature and importance of the subject, and to the rights as well as the feelings of the free electors, the result of whose choice was to be ascertained, that the House should have an opportunity of examining and deciding whether the inferences of the committee were fair and reasonable, and their conclusion, made up of various intermediate judgments, correct. It was, perhaps, not a matter of wonder that the majority of the committee, who, by a laborious investigation of the evidence, had arrived at a conclusion satisfactory to themselves, feeling no necessity for further examination of it, should not be particularly desirous of its being put into a form in which it would be capable of easy examination, but that they should oppose its being printed, for the information of the House, he considered extraordinary.

The committee, he said, had, in their report, laid some stress upon that provision in the law of Kentucky which required the votes to be given personally, publicly, and *viva voce*. This requisition was made for great and valuable purposes. But it will be in vain that the election itself is to be open and public, if its result, depending upon conflicting testimony and complicated facts, is to be determined privately and in secret, and the evidence on which the determination is made shall not be subjected to convenient inspection. Sir, the people of the fifth Congressional district, who have made this election, the people of Kentucky, who feel a deep interest in the result, the people of other States, who, though they take no interest in the particular result of this contest, do feel an interest in maintaining the right of election every where, and in the character of this House and its proceedings, will not be satisfied if the motion to print should be rejected.

Mr. Jones replied, with some warmth, to the remarks of Mr. Hardin, and a long and angry debate ensued, abounding with personalities of a painful nature, between the above-named gentlemen, and of a more playful kind between Messrs. Wilde and Vanderpoel, which occupied the House till near five o'clock.

It resulted in ordering the printing of the report, with all the testimony taken on both sides, and lists of the names of the disputed voters, &c.

The House then adjourned.

Wednesday, May 7.

THE PUBLIC DEPOSITES.

The House proceeded to the consideration of the resolution submitted by Mr. Mardis, with the substitute proposed by Mr. Corwin in lieu thereof.

Mr. Galbraith resumed his remarks in reply to Mr. McKennan, and in defence of Governor Wolf, of Pennsylvania, from the charge brought against him of inconsistency in his conduct with respect to the Bank of the United States, and was entering into the general subject, when he was obliged to suspend his remarks for to-day, the hour allotted for morning business having expired.

CLAIMS ON FRANCE.

The engrossed bill to extend the time to carry into effect the convention with France, being on its final passage,

Mr. McKAY wished to have some information on this subject from the chairman of the Committee on Foreign Affairs.

Mr. ARCHER replied, that full information would be had by reference to the report of the secretary of the commission, which report was lying on the Clerk's table; and he called for the reading of it.

The report having been read, Mr. A. adverted to it, and said that the House would perceive that, with a view to be economical, two years only had been given originally to the commissioners to perform their duties. But that the claims having proved more numerous than it was supposed they would have been, there were many that yet remained undisposed of, for various causes, but principally for the want of the requisite testimony, which was to be obtained from the records of the French courts. He ought also to state frankly to the House, that information had been received that the Chamber of Deputies had refused their assent to a bill introduced by the French Government, making appropriations to carry into effect the payment of indemnity to be awarded to the claims of those to be adjudicated by this commission. So far, however, was this circumstance from lessening the necessity that existed for the passage of the bill, it seemed to him rather to augment it. For, looking to the possibility that this refusal might be persisted in, he maintained that it was incumbent on this country to be prepared, not with loose or vague statements of uncertain amounts, but with such accounts as had been adjudicated and ascertained.

Mr. REED supported the passage of the bill, on the ground that much of the evidence was yet in the French courts.

Mr. HUNTINGTON said that he could speak with some confidence of the assiduity with which the commissioners had performed the duties assigned them. Under circumstances that were possibly known to many members of the House, many papers connected with these claims had been, by a resolution of the House, sent to the Department of State, from whence they were transmitted to the French Government. It was, therefore, indispensably necessary that the time should be extended, to enable the claimants to procure the requisite testimony.

Mr. McKAY said that, if a necessity for the extension of the time was shown, he would not object to it; but, from the statement of the chairman of the Committee on Foreign Affairs, that the French Chamber had refused to carry into effect the treaty on their part, he inquired, was it proper on the part of Congress to go on? The statement, that some of the papers necessary to prosecute these claims were in France, was not new to the House; it had been stated in the annual President's message long since. Why were they not procured? By one of the articles of the treaty made in 1830 with the French Government, that Government was bound to furnish these papers. If that Government thought itself justified in refusing the appropriation necessary to carry into effect the treaty, might it not also refuse to furnish the papers?

This, then, did not to him appear to furnish any strong ground for the continuance of the commission. He considered the refusal of the Chamber of Deputies to make an appropriation to carry into effect the treaty, to be equivalent to a declaration that they would not execute any part of the treaty. A postponement of the bill, for some days at least, seemed therefore to him necessary, that it might be ascertained to what this refusal, on their part, would lead. For, surely, if it turned out that there would not be any prospect of the treaty being fulfilled by the Government of France, there could not be any propriety at all in continuing the commission beyond its present legal term.

Mr. BURGES remarked that there was one fact which would make the extension of the commission necessary. The ground upon which the appropriation had been refused by the French Chamber was, that it was too large, being 25,000,000 of francs. The board of commissioners was appointed to ascertain the amount of claims, and he believed that they would be found, when fully ascertained, to amount to four times that sum. He did not apprehend that there was any just cause to suppose that the necessary papers would be withheld. They had not yet been all called for, and, when they were, he supposed that they would be furnished.

Mr. BARRINGER rose to express his concurrence in the views of his colleague, [Mr. McKay,] so far as to have immediate action on the bill postponed. It appeared to him that, throughout the whole of this transaction, we have acted prematurely. This commission had been appointed, and had been in existence, at some expense to the country, for two years, to decide upon such claims as should be presented to them. He believed, however, that they had not been actually in session one-fourth of that time, for want of materials to act upon. Whilst, if a contrary course had been adopted, and the claims had been first collected, and then sent to a commission for adjudication, much saving of time and money would have resulted. He should like to have some assurance that, if the commission was now prolonged, there would be any more probability of getting the testimony, which was deemed so important, from the French records, within the proposed term of extension, than there had been for the past two years. If he could prescribe a course, it would be that, after all the claims before the commission, which they had materials to decide, were acted upon, the commission should be suspended by law, only to be revived when the defective materials were collected; and, in this way, the whole of them might be disposed of in three or six months. He would now move to postpone the bill until Tuesday, in the hope that in the mean time some explanation could be given, and some modification proposed in consequence, to enable the House to fix some definite day, to be named in the bill, within which evidence might be collected.

Mr. **WILDE**, as there was no expectation that such information could be given, expressed his preference that a vote should be taken at once upon the bill.

Mr. **REED** also expressed his wish that the postponement would not be acceded to.

The question on the motion to postpone the bill was taken and negatived.

Mr. **WILLIAMS** said he would move to recommit the bill, with instructions to limit its operation to six months. He was induced to do this, on the ground that the parties having claims already before the commission, who had not been able to collect the evidence as to the merits upon which their claims depended, might be enabled to collect it. It seemed to him, at the same time, that, under the circumstances of the refusal of the French Chamber to appropriate money to carry into effect the treaty, it was perfectly nugatory for this Government to go on with the adjudication of claims, the payment of which was uncertain and doubtful.

Mr. **WILDE** instanced the case of the claim of the heirs of R. W. Meade, as one in which, in pursuit of economy, much extravagance might be incurred. The claims of Mr. M. had been excluded, in consequence of the limitation of the time fixed for the commission under the Florida treaty. When it was found that the evidence to establish his claims was not sufficient, application was made to Spain for it; and, when it was procured, the commission having expired, Mr. M., in justice to himself, presented his claims to Congress, and there had been more money expended upon them since, by the time consumed in the examination and discussion of them, than would have sufficed originally to have paid them. Having some knowledge of the business of the board of commissioners under the French treaty, Mr. W. said he knew that further time was necessary to obtain evidence. He knew instances in which individuals had, on application, obtained papers from the French archives, and upon which their claims were adjudicated. But this they had done at their own expense. He did not understand that the French Government refused to give the testimony. But, as it was not customary to permit papers to be taken from the archives of the court of prizes, the French Government did not consider itself bound to go on furnishing, at its own expense, copies of them. This he believed was the only objection, but he did not suppose that there would be any refusal, finally, to comply with the provisions of a treaty solemnly entered into, and ratified by the respective Governments. It was, therefore, the duty of this Government to go on, and have the claims adjudicated.

Mr. **WAYNE** said that we should not deprive ourselves of the right to coerce, if necessary, the full performance of this treaty. It was true that one department of the French Government had refused, for some reason unexplained, to make an appropriation for this object. But it was also true that the King of the French and his late ministry were in favor of its being carried into effect. Would it not follow, then, that, if we now suspended action on the subject, we should place both the King of the French and the President of the United States in a false position? Would not the Chamber of Deputies be justified in saying, when the subject should come up again before them, that it was not necessary for them to go on, as proceedings under the treaty had been suspended by the United States?

Mr. W. argued at some length, to show that, by thus suspending action on the subject, the strongest possible reason would be afforded to resist the wishes of the King of France and his ministers, who were desirous to comply with a treaty so necessary as this was to protect the rights of our own citizens. The suspension of the commission, even for a limited time, would have the effect of causing the agents sent over to collect evidence, to suspend their operations. For, when they should prosecute their labors, would it not be said that this was useless, Congress having, by a suspension of proceedings under the treaty, acquiesced in the determination to which the Chamber had come. Mr. W. said he hoped that Congress would pause before they would take any steps which would have such a tendency to defeat eventually the claims of our own citizens for spoliations upon their property, of such a character, that they could be denounced by no other term than that of sea-robbery. He concluded by saying, that refusing to pass the bill on the mere report that the French Chamber had refused to do what was demanded as an act of justice, would be only giving them encouragement to persevere in injustice. Whilst, if we went on with it, it would enable the King of the French to cause the application for the appropriation to be renewed, upon which, it was highly probable, the bill of appropriation would be passed by the Chamber.

Mr. **ARCHER** contended that we were not authorized, on the mere rumor that the French Chamber had refused, and by a majority of eight votes, to make the necessary appropriation of money, to suspend the performance of that part of the treaty which devolved, by its terms, upon us. Any refusal on their part appeared to him to make it the more incumbent on this nation to execute faithfully our obligations, in the hope that, finally, the French Government would do the same with theirs. The rumor, instead of being received as evidence by Congress, as a reason to suspend operations, ought rather, if confirmed, to be made a subject of negotiation by the Executive: and, in such a case, would we not, he asked, by having these claims adjudicated, as provided under the treaty, be in a strong position? Would we not be enabled to say to the French Government, Here are the claims of our citizens upon you, which, by the usage amongst all civilized nations, have been ascertained to be just, for which our citizens are entitled, under the most sacred pledges from you, to receive indemnity?

Mr. **ADAMS** said, the extension of this commission either for six months or twelve months, was a small matter compared with the importance of pursuing the proper course. The information which had been given as to the vote of the Chamber of Deputies, furnished strong additional reasons for pursuing this course. In the intercourse between nations, relative to their difficulties, that nation which has right on its side, must always presume that justice will be done. Especially it must be presumed that no nation will violate a solemn treaty. The proceedings of the Chamber of Deputies, which had been referred to, were not a violation of the treaty. It was only a refusal on the part of one branch of the French Government to furnish the money to pay the indemnity at this time. Is this a sufficient reason for refusing to ascertain the extent of the losses of our citizens? On the contrary, it was a strong additional reason; because, if the French Government shall persevere in refusing to carry the treaty into effect, it gives us a right to demand indemnity for the whole losses of our citizens, which would probably amount to a hundred millions of francs, instead of the twenty-five proposed to be paid by the treaty. The course of the Chamber of Deputies, therefore, afforded the strongest reason for ascertaining the amount.

He would prefer increasing the time to two years, rather than limiting it to six months. The difficulties which had arisen with regard to evidence would probably be disposed of, as well as all the other difficulties arising upon this subject. In the intercourse between nations there are *mollia tempora fandi*, when they are induced to extend that justice to each other, which, at other times, may have been refused. He concluded by expressing his hope that the amendment would not be adopted.

Mr. WILLIAMS said he had no doubt but the commissioners had faithfully discharged their duty, so far as lay in their power. But it seemed there was a difficulty for want of evidence, which the French Government had refused to furnish. The gentleman from Virginia [Mr. Archer] intimates that it was no part of the duty of the Chamber of Deputies to furnish this evidence. This was true; but how was the obligation on the part of the Executive Government of France?

Mr. ARCHER said he was not aware that any obstacle had been interposed by the Government of France to the procuring of evidence. A question had been raised whether the French Government, or our own, should bear the expense of transcribing the archives necessary, but nothing prevented individuals from obtaining evidence but the expense.

Mr. WILLIAMS. If the Government of France was not to blame, the individual claimants were, for the delay in not furnishing evidence. The question before the House was, whether the time should be prolonged by the bill six months or twelve months. His object was not to interpose any delay, but to carry the whole subject forward to the next session of Congress, when the facts will have been fully ascertained. Where the blame for delay belongs, can then be known.

Mr. REED said that, in the law under which these commissioners were appointed as it was originally reported, the time was fixed at three years. At the solicitation of the claimants, it was reduced to two years. They had always been anxious to avoid delay. The truth was, there was no blame any where. It was impossible to tell until the cases were stated together, what evidence would be necessary. Sometimes there were a dozen or twenty separate claims arising out of different shipments by the same vessel. Each of these claimants could not ascertain beforehand whether the proof of condemnation was sufficient.

The question, on the motion of Mr. Williams to recommit the bill, with instructions to limit the commission to six months, was put and negatived.

The bill was then passed, and sent to the Senate for concurrence.

The House then proceeded to take up the

GENERAL APPROPRIATION BILL,

With the thirty-five amendments reported thereto, from the Committee of the Whole. Nearly the whole of these were concurred in without debate.

Among the exceptions to them was,

The proviso, in the clause for the expenses of intercourse with the Mediterranean Powers, "that the commercial agent at Algiers be paid the same salary as is now paid to the consuls on the Barbary coast;" which was resisted by Mr. Adams, Mr. Wise, Mr. Binney, and Mr. McKay; and defended by Mr. Chinn and Mr. Archer; and finally rejected.

The rest of the day was occupied by a long and desultory debate on the appropriations for new custom-houses at New London, Middletown, New Bedford, and Newburybort, and a warehouse at Baltimore. The appropriations for these objects were strenuously opposed by Messrs. McKay, Pearce, Parker, Everett, and others; and defended by the members within whose districts the expenditure was to be made, and by the chairman of the Committee of Ways and Means.

They were all finally concurred in.

The amendments reported by the Committee of the Whole having been gone through with, the House proceeded to those which had been offered by individuals and rejected; when Mr. Vance moved again the list of items for the retrenchment of salaries, pay of members, &c., which he had offered in committee; but, before any progress was made in considering them,

The House adjourned.

Thursday, May 8.

PUBLIC DEPOSITES.

After the usual morning business—

The House proceeded to the consideration of the resolution submitted by Mr. Mardis, concerning the public deposites, with the amendment proposed by Mr. Corwin in lieu thereof.

Mr. GALBRAITH resumed and continued his remarks until the expiration of the hour, when he was again obliged to suspend them before getting through what he had to say.

On motion of **Mr. POLK**, the House proceeded to the order of the day, being

THE APPROPRIATION BILL.

The question being on the retrenchment amendment, moved by Mr. Vance yesterday—

Mr. VANCE took the floor in support and explanation of his amendment. He commenced by saying that, from the fate of his amendments in Committee of the Whole, the prospects of success were not very flattering. He would therefore not weary the patience of the House in passing upon all the amendments he had submitted to their consideration whilst in committee; but there were some of them in which the justice of the reduction would be so apparent, that he felt it to be a duty that he owed to himself and the country to press them to a final decision. He would not press a decision upon the subordinate clerks in any of the departments of the Government; for, if he could not strike the large fish, it was useless to fish for minnows.

Mr. V. said there were many coverts to retreat under, if gentlemen wished to avail themselves of them; many of them had been named heretofore, and now a new one was ushered in, under the resolution of the gentleman from Georgia, [Mr. Clayton.] Mr. V. said he did not wish to interfere in the least with that gentleman in the prosecution of his inquiries; but he must be pardoned for stating that, in his opinion, at this stage of the session, there was not the slightest prospect of any beneficial legislation growing out of that inquiry during the continuance of the present session of Congress.

Mr. V. said that he had seen so many efforts of committees of retrenchment fail, that he had brought his mind to the conclusion that, if ever any thing effectual should be done upon that subject, it would have to be done by considering the officers at present properly seated in the salary allowed to each, and the reduction made upon a certain per centage, and that done by a clause in an appropriation bill.

He had seen five different committees of retrenchment raised during his service in that body, since 1821, and their labors had all ended in leaving the same number of officers, with the same amount of compensation, as they were found, with this exception: that, during the recess, matters had generally turned out so as to give an increase, to both the number of persons employed, and the amount of compensation paid. Mr. V. said that, owing to his location, and supposing that all was right, and that we backwoodsmen did not understand certain commercial regulations as well as our brethren of the seaboard, he had had heretofore no disposition to interfere in the fixed compensation of our custom-house and other officers. And, if the currency of the country had been suffered to remain in the hands of those to whom it properly belonged, he would have been content to have remained a silent spectator of passing events. But this has not been allowed; and when he himself, in common with the whole business part of the community, began to feel the grinding operations of this fatal experiment, he thought it was time to look into the receipts and disbursements of the money of the people, and see if all was going on with regularity and economy. And, sir, said he, I confess that, in looking into this matter, I have been startled at the progressive and accumulating expenditures of the Government for the last five years. We are going on, lavishing millions upon mere political partisans, under cover of compensation for services performed. We are increasing our departments, our clerks, and our custom-house officers, beyond all former example. There is in the collection of our customs a looseness and extravagance that must forcibly strike every honest man, be him of what party he may. We are paying to weighers and markers from $2,000 to 7,000 per annum. The struggle does not appear to be who shall be foremost in building up and sustaining the interests of the country, by adding facilities to our commercial intercourse at home and abroad; but our patriotism appears to have dwindled down to a mere mercenary scramble for dollars and cents; or, who shall be most successful in drawing money from the treasury for services which are never performed. And, sir, we are gravely told by gentlemen that, if we restrict those officers in the amount of compensation now received, they will be tempted to barter their honor, and compromise their integrity, from selfish and mercenary motives of gain. Sir, said Mr. V., this is a doctrine that I do not believe; and if gentlemen will name any individual in the habit of using this argument, he would at once say to the President, dismiss him from the service of the Government.

Sir, is the sum of 3,000 dollars per annum to a collector, 2,500 dollars per annum to a surveyor and naval officer, and 2,000 dollars per annum to weighers, gaugers, markers, and appraisers, (duties that can be performed by any business man of integrity in the country;) are these salaries so insignificant in amount as not to command the requisite talent and integrity to perform their duties without subjecting them to the temptation of fraud and corruption? Sir, this cannot be believed for a moment in the country from whence I come.

Why are not all our State officers corrupted? They perform more labor for much less money. Under your present system, you pay to a mere weigher, whose duties can be performed by any mechanic or laborer of good character, competent to solve a question in the rule of three, near 7,000 dollars per annum--a sum larger in amount than is paid to all the four supreme judges of Ohio. And even by this amendment, he will receive double as much as is paid to the governor of that State; and still gentlemen complain of low salaries.

Sir, I have heretofore presented to the consideration of the Committee of the Whole certain views on this subject. I have heretofore called their attention to the increase of Government expenditures under the present administration, as compared with those of 1802, and of the last administration. I have reminded the supporters of the present administration that they came into power under the professed declaration that they were to restore the Government expenditures to the Jeffersonian standard; that they were to lop off one-third of all the officers, and that the most rigid economy was to be adhered to in every department. Has this been the case? Have the expenses of Government been reduced one-third? Has one-third of the officers been dispensed with, and lopped off? Is not the reverse, in every particular, the fact? Have you not increased the expenses millions per annum? Have you not added one-third, or nearly so, to the number of subordinate officers?

Here is the record, said Mr. V., to prove my position on both sides, (holding up the report of the Committee of Retrenchment in one hand, and the Blue Book in the other.

Now, sir, I propose to compromise this question with the supporters of this administration, and to say to them, if they will bring back the expenses of this Government, not to the days of Jefferson, but to those of the late administration, or even within a million per annum of that administration which was put down for its extravagance and prodigality, I will be content. This, said Mr. V., is no high-wrought picture of your former professions: here is the book!—your own report! covering two hundred pages: witnesses examined under oath; all going to prove the profligate character of the last administration, and making loud professions of what you would do if the good people of the United States would put the reins of Government into your hands. Sir, said Mr. V., here is the bond; and I call upon you to comply with its provisions. Give us practice instead of professions, or you will stand convicted before the American people as sporting with their credulity, and relying on their gullibility.

Sir, said Mr. V., in times gone by, the theme of retrenchment was one that the friends of this administration delighted to dwell upon. It is amusing to look back upon those times, and to examine the tables of figures and comparative statements then made out by these gentlemen to show how extravagant were the expenditures of the late administration, and how economical they might be if they had their supervision and control.

Why, sir, said Mr. V., this whole book (holding up the celebrated retrenchment report) is made up almost exclusively of these tables and comparative statements. Well, sir, they have got the control, and it is now my time to present comparative statements, and here they are. Gentlemen may take them to their rooms, and look at them, and detect errors if they can, for they are from the official record, with day and date.

EXPENSES OF CONGRESS.

Years.	*Compensation of members of Congress.*	*Contingent expenses of Congress.*
1825	$496,551 48	$85,289 00
1826	426,611 20	66,745 25
1827	321,299 00	90,666 25
1828	502,419 13	121,653 00
1829	355,124 96	120,450 00
1830	566,995 16	125,758 00
1831	293,482 42	100,800 00
1832	697,513 68	174,300 00

EXECUTIVE DEPARTMENT.

Years.	*Salaries of President, &c.*	*Contingent expenses of Executive officers.*
1825	$385,404 17	$75,686 41
1826	403,846 93	87,509 08
1827	414,931 91	88,656 20
1828	414,278 73	88,083 00
1829	431,337 46	92,707 31
1830	428,668 95	115,304 30
1831	458,1[illegible]5 86	103,866 38
1832	449,605 42	117,709 96

From this it results that, during the first four years of reform, the expenditure under each of the above heads was greater than that under Mr. Adams, by—

For compensation to members of Congress,	$165,000
Contingencies, do. do.	57,000
Salaries of President, Vice Presidents, heads of departments, clerks, &c. - -	149,000
Contingent expenses of executive officers, -	90,000
	$461,000

Next comes expenditures on account of foreign relations:

Years.	*Salaries, &c.*	*Contingent expenses.*
1825	$159,603 82	$25,474 95
1826	161,476 90	18,627 07
1827	135,000 07	36,284 63
1828	119,651 24	18,791 97
1829	122,452 14	15,515 16
1830	187,252 65	30,000 00
1831	156,471 65	87,148 06
1832	168,847 51	77,849 18

Here, again, the reform exceeds the previous administration by--

In salaries and outfits to ministers, &c. -	$59,000
In contingent expenses of foreign missions,	111,000
Total, - - -	$170,000

Then, in total expenditures:

Years.	*Total expenditures.*
1825 - - -	$23,585,805 72
1826 - - -	24,103,398 46
1827 - - -	22,656,764 04
1828 - - -	25,459,479 52
1829 - - -	25,044,358 40
1830 - - -	24,585,281 55
1831 - - -	30,038,436 12
1832 - - -	34,356,698 06

The increase of expenditure for reform, under this head, is only eighteen millions! Against this it is to be said that, during the four years of reform, twelve millions more of the public debt were paid off than during the preceding four years; leaving still an increase to be accounted for in glory! of six millions.

The member from New Jersey, [Mr. Parker,] in his defence of this increase of custom-house officers, says it was necessary to prevent smuggling under your high tariff of 1828. Sir, that tariff went into operation under the late administration; and during the continuance of the four years of that administration, the increase of officers in the custom-house at New York was one single individual.

That administration was put down for its alleged prodigality, and a wanton disregard of economy in the expenditure of the money of the dear people, and the party to which the gentleman belongs was elevated in its stead, under professions, "long and loud," that they would reduce the expenditures at least one-third, throughout every branch of the public service. How have these pledges been redeemed? Why, sir, in the custom-house of New York, in the five years you have had the Government in your hands, you have nearly doubled the officers. But suppose every thing as strictly correct that the gentleman alleges, and that the officers had to be increased to meet the high duties of 1828, is it not now proper to bring them down to the low duties of 1834? The gentleman will not now pretend that there is danger of smuggling, when a large portion of the fine goods that were most subject to such abuses, come in at present free of all duties. Sir, I say, without hesitation, that, in the city of New York alone, more than one hundred of these officers may be dismissed without prejudice to the public service; and even then you will be allowed twenty-five per centum increase during the term this administration has been in power, upon the officers in that city. If this increase of five per centum per annum is not sufficient to satisfy hungry expectants for official station, I know not what rate of per centage will satiate their cormorant appetites. The gentleman from New York [Mr. Gillet] appears to think that I am not aware of the manner in which custom-house officers are paid. Permit me to say to the member, that in this he is entirely mistaken. I understand this matter at least as well as the member himself, if we are to judge of the extent of his information from the evidence he has given to us in this debate. The member says there is no appropriation in this bill to pay custom-house officers; and, there being no such appropriation, this reduction cannot apply.

Sir, this is the old story: perfectly consistent to increase salaries in appropriation bills, but not to reduce them. Does not the member know that his colleague [Mr. Cambreleng] has introduced a section into this very bill, by way of amendment, to permit custom-house officers to come to the Treasury for their compensation, on the data of the amount of duties paid in 1832?

Here Mr. V. read the amendment, as follows:

"Sec. 2. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby, authorized to pay to the collectors, naval officers, surveyors, clerks, gaugers, weighers, provers, markers, and measurers of the several ports of the United States, out of any money in the Treasury not otherwise appropriated, such sums as will give to the said officers, respectively, the same compensation in the year 1833, according to the importations of that year, as they would have been entitled to receive if the act of 14th July, 1832, had not gone into effect."

Will not this be an appropriation, if it should succeed? Certainly it will, and that to an extent that will be startling to those who shall turn their attention to this subject, and see the amount of money that is going out of the treasury day after day by a similar amendment in the appropriation bill of the last year.

Sir, (said Mr. V.,) by this amendment you permit the higher officers of the customs to come into the Treasury, without restraint, for the whole of their compensation,*

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* Treasury Department,
Auditor's Office, *May* 7, 1834.

Sir: In compliance with the request contained in the acompanying letter of the honorable Leonard Jarvis, referred to this office, "to be furnished with a statement of the several officers in the ports of Boston, New York, Philadelphia, Baltimore, Charleston, and New Orleans, who have received the supplementary compensation from the Treasury, the amount thus received by each, and the amount of compensation received by them exclusive of this additional allowance," I have the honor to state that the weighers of Boston, (who received an equal amount of compensation each,) Mr. Joseph Loring, Thomas M. Vinson, Nathaniel Tracy, John M. Fiske, A. H. Ward, Theo. Dexter, and James Estabrook, have received extra compensation—

For 1833, - - - - - -	$9,698 55
And they had previously received, - - -	16,548 07
	$26,156 62

These weighers act also as gaugers and measurers; but the nett compensation received by them in those capacities cannot be ascertained at the Treasury. The other officers attached to Boston have no claim for extra compensation for 1833. The weighers of New York, fourteen in number, viz: David Poore, Thomas Kirk, Jeremiah Brown, P. B. Hoffman, A. Bleecher, J. W. Hallett, T. Hazard, J. Tallman, A. S. Depeyster, Edward Cooper, John Franklin, Elihu H. De Camp, Lewis Leutrilli, and J. Stevens, have received extra compensation—

For 1833, - - - - - -	$15,307 90
And they had previously received - - -	29,618 49
	$44,926 39

The other officers attached to New York have no claim for extra compensation.

The weigher of Philadelphia received extra compensation—

For 1833, - - - - - -	$2,022 64
And had previously received - - -	3,925 59
	$5,948 23

which the law had intended should be paid by the per centage on imported articles and the fees of office, and to distribute those fees and this per centage among their retainers and dependants.

Sir, (said Mr. V.,) I know we are gravely told that, unless this section be agreed to, you will leave the collectors, surveyors, naval officers, weighers, gaugers, markers, and appraisers in debt. How is this result brought about? Why, by these officers keeping in their employ a host of inspectors, clerks, night watch, &c., not necessary to the public service. For, under your present regulations, a collector, with the consent of the Secretary of the Treasury, can appoint subordinates without limit. By the amendment I have just read for the information of the House, you release the collectors from all necessity of observing economy in the administration of their departments. You throw the door of the Treasury open to them and their principal officers; and you, in effect, say to them, Distribute your millions accruing from the per centage and fees allowed by law (and which was intended to cover the whole expenses of collection) amongst your subordinates and dependants.

Sir, (said Mr. V.,) I have no disposition to do injustice to any of our public officers; but, from the consideration I have bestowed on the subject, I am constrained to say, that great injustice will be done to the tax-paying people of this country, by keeping this army of officers any longer in the employ of the Government. Then why not at once dismiss them, and permit the regular fees of office, and the per centage on imported articles to go, where it ought to go, to the payment of the regular and necessary officers, without permitting them to come into the Treasury, without restraint, and under an unlimited appropriation?

My colleague [Mr. LEAVITT] complains that this amendment is too important in its character to go into an appropriation bill; but, before he concludes, he is disposed to censure me because it was not extended still further, and made still more important. He asks why I have not brought the army and navy into this general reduction? Why, sir, the answer is at hand: there is now a bill on your orders to regulate the pay in both these branches of the public service. But why, says my colleague, is not the Judiciary included? This is still a more extraordinary interrogatory; but I should have supposed that my colleague ought to have known that the constitution prohibited any such clause; but, if it had not, I would myself have had no disposition to reduce their present compensation. Sir, with my consent, the salary of old Chief Justice Marshall, and his associates, should never go below your Secretaries; but, under our present system, I regret to say, that they are made secondary in point of compensation, not only to our Secretaries, but to our weighers, gaugers, and markers of the customs. And these are the gentlemen that my colleague fears to touch, lest an aristocracy should be brought into existence, and that all the offices of the country should be thrown into the hands of the rich. How long since my colleague became a convert to this doctrine? Did he preach it in 1827, during the canvass that brought him and his party into power? If he did, all I can say is, his coadjutors in my part of the State sang to a very different gamut. I do not know what was then the opinion of my colleague, but I should much question whether he then held the same opinions now expressed. If there is great danger in this thing of raising up an aristocracy by paying low salaries, my colleague and myself are in imminent danger of being overwhelmed by it, and we should be up and doing to avert the calamity; for, as I have before stated, one of these weighers and markers receives more money for his annual compensation than is paid to the four judges of our Supreme Court. Sir, this may all be right, but I have great doubts whether the substantial yeomanry of Ohio can be made to swallow this doctrine, although it may come under the high sanction of Jacksonism.

My colleague complains at the attempt to create a belief in the country of hard times; a depreciation in the price of our products; and distress in the money market. He acknowledges that wheat has declined a little, but says that other articles are selling higher than at former periods.

Will my colleague specify what those other articles are?—is it pork, beef, tobacco, or whiskey? These, if I mistake not, are all staples of the district of my colleague, and, if I am not misinformed, have all fallen in price. A gentleman, who belongs to the same party with my colleague, from Ohio, now in this city, told me yesterday that such was the fact. And, in addition to this evidence of the decline in the prices of our staple productions in Ohio, I have the testimony of some fourteen or fifteen hundred petitions now on your table, going to sustain every thing that I have said on this subject.

My colleague says that I have been here many years as a member, and alleges that, during that time, the great staples of Ohio had sold at as low prices as at present, and asks why nothing had been done heretofore to reduce salaries, and benefit the agricultural interests.

It is true, as my colleague alleges, that, since my service here, prices for the staples of Ohio were equally as low as at the present time; but that depression was not the result of presidential experiment, but resulted from very different causes, most of which have been removed by the enterprise of our State, in the construction of her canals, and the opening to her citizens new channels of communication, and different markets in which to vend their productions. But my colleague is much mistaken, if he supposes I was inattentive to the interests of Ohio at the time to which he refers. Sir, the representation of Ohio, at that day, presented on this floor an undivided front in favor of creating a home market for her productions, in which she was successful beyond her most sanguine expectations.

Sir, I am aware it will be a digression from the subject under consideration, to go into this matter of a home market, but, with the indulgence of the House, I will touch upon it very briefly.

To those who have witnessed the early struggles and

The naval officer and surveyor of Philadelphia claim extra compensation for 1833; but the amount due them cannot be ascertained from the returns they have made to the Treasury.

The naval officer received, in 1833, - - -	$2,450 85
Surveyor, - - - - - -	1,295 96

The collector and naval officer of Baltimore claim extra compensation for 1833; but the amount due them cannot be ascertained from the returns they have made to the Treasury.

The collector received in 1833, - - -	$2,968 16
Naval officer, - - - - -	1,842 18

The surveyor of Baltimore received extra in 1833, -	$257 69
And had previously received - - -	1,489 14
	$1,746 83

The weigher of Baltimore received extra in 1833, -	$2,206 14
And had previously received - - -	3,476 13
	$5,682 27

None of the officers attached to the ports of Charleston and New Orleans have as yet made any claim for extra compensation for 1833.

I have the honor to be,
Very respectfully, your obedient servant,
R. HARRISON.

Hon. ROGER B. TANEY, Secretary of the Treasury.

progressive strides of the youthful and vigorous people (in part represented by my colleague and myself) in forcing the proceeds of their industry into a market of their own creation, this recital will not be received with indifference and neglect.

It was early seen by the intelligent men of the West, that our fine soil and climate would be of little value, unless some permanent market could be obtained for its productions. The foreign one, which had given vent to our surplus, was fluctuating and insecure, and, at the time of which I now speak, had been entirely cut off by a general peace throughout the civilized world.

In this situation we were left with our bread-stuffs to perish on our hands. What was to be done? was the question of all reflecting men. The answer was, Divide your labor, throw a portion of it into manufacturing; supply yourselves with mechanics and artisans sufficient to minister to your wants; regulate your own resources and labor in such a way as to give to the great agricultural interests of the country the privilege of feeding the man that makes his shoes or weaves his coat. Sir, (said Mr. V.,) this was the response of the intelligent yeomanry of Ohio; and I need not say to my colleague that, in no portion of our State was there a greater unanimity of sentiment and feeling on this subject, than there was in his own immediate neighborhood.

Sir, (said Mr. V.,) Ohio never supported the tariff of 1824, because she was ready to establish manufactories within her limits. No such thing. She gave her support to that interest from a different motive; for it was then as well understood where the manufactories were to be located as it is at this moment.

Ohio wanted a market for her agricultural productions, and the only means by which she could obtain that object was by diverting a portion of the labor of her sister States from agricultural pursuits, and transferring it to the manufacturing arts. By this means she would obtain the double object of getting rid of rivals, and obtaining customers. This was the object she had in view, and it has done more to build up her prosperity than every other act of legislation since she became a member of the Union.

Sir, (said Mr. V.,) permit me to give you a few practical illustrations on this subject. Some twenty years ago, Ohio first turned her attention to the feeding of cattle. At that time she had to compete with prejudices that were almost insuperable. The distance from the market, even of Baltimore, was thought to be so great as to render the beef of her cattle unfit to use after so long a drive. At that time, (said Mr. V.,) we had but a small portion of the Baltimore market, and that against the cattle from the South Branch of the Potomac—the character and quality of which kept ours at very reduced prices. But our march was onward, and the perseverance of our feeders has at length enabled us to compete with the cattle from any portion of the United States, and in any market south of Boston.

From Baltimore we passed on to Philadelphia, where we had to compete with the feeders from Pennsylvania, New York, and New England. There we had to encounter the same prejudices, and surmount the same difficulties as before. But they all have been surmounted; and, so far from our cattle being confined to the markets just mentioned, we have now the control of these markets from May to August. We have a heavy interest in the New York market; and some two or three years ago, we pushed some hundreds of our cattle into Boston, the great emporium of New England itself.

But this matter does not end here; for we have made the New England States, by building up her manufactories, and giving a different direction to her industry, our best market for our pork and flour. We no longer see your advertisements, by authority, for proposals to furnish these articles for your army and navy confined to the Boston brand. No, sir; the ware-houses and wharves of New England are crowded with these articles of the Cincinnati and Ohio brands, a great portion of which is consumed by her manufacturing population. After these results, and in the face of these facts, (said Mr. V.,) will my colleague say that the delegation of Ohio have been backward in building up and sustaining the interest and prosperity of their State?

Sir, (said Mr. V.,) I have no hesitation in saying that Kentucky, Indiana, Illinois, and Missouri, have as direct an interest in sustaining the manufacturing labor of New England, as if they had a right of property in one-half of her spindles and looms. And, whilst I would never consent knowingly to do injustice to any portion of the American people, to add prosperity to another, yet I never will consent to see this great interest prostrated under any abstruse and impracticable theories on political economy.

Whilst I am upon this subject (said Mr. V.) I will say a word or two to the members from Indiana, Illinois, and Missouri. One great branch of our business in Ohio is to purchase the stock of the people of these States, and graze and feed them for the Eastern markets. The Mad river and Scioto valleys alone send thousands of dollars into those States annually for the purchase of their stock. The Bank of the United States has, heretofore, enabled us to obtain funds that were uniform and secure throughout every portion of their territory; but, if that institution be put down, what can be done? I say to those members, Look to it; that's all.

My colleague speaks of a reduction in the expenditures of some of the departments. I would be glad if he would specify in what particular branch of the service these reductions are to be found. I have given to him day and date, time and place. Here, sir, is the official record; point out the error, if any exists, and it shall be corrected. Do not deal in generals, but give us particulars. My colleague names the navy as a branch in which there had been a reduction under the present administration; but it appears to me that this will not better his case: for the curtailment in building up this arm of our national defence has only left a large sum to be thrown into the hands of the administration, to be lavished upon favorites and partisans, instead of being employed, as heretofore, in the laudable object of increasing our navy. But my colleague says, there has been so much money expended in making treaties with, and removing the Indians; and, to aid in filling up, my colleague has brought in the pension act. It is true that, in the Indian department, there has necessarily been some million and a half of money expended more than there was under the former administration, but this is not six millions, nor eight millions, which is the difference between the four years of the last, and the four first years of the present administration. And now permit me to inform my colleague, that the late pension act will not bring him out, as the comparative statement that I have made does not include appropriations of money under that act, but is only brought up to 1832. Sir, it would be better for gentlemen to come out boldly, and acknowledge that they have expended the money to reward partisans. Who that will look into this matter but what can see where the money has gone? Why, every body must know that when you increase offices by hundreds, that you must have money by millions to pay them with.

Sir, said Mr. V., my colleague speaks of ephemeral popularity--my standing with my party--that I am spoken of to fill the gubernatorial chair of Ohio, &c. But no insinuations on the part of my colleague; oh! no, nothing of that sort. He only gives historical facts, and leaves our common constituents to make their own inferences. Very well; this, I suppose, is all fair on the part of my colleague; and of course I will not complain. But, after all, I should really question the propriety or good taste of bringing our State politics into a discussion upon this floor upon the reduction of the salary of custom-house and other officers; but as it has been done by my colleague, so it must be.

As to my popularity, it is not for me to speak. All will admit that I have had some share of the confidence of the people of our State, or I would not be here; and I am free to admit that it has been at least equal to my merits; but I assure my colleague that I did not think of advancing it when I submitted the proposition now under consideration. It was the least of my thoughts in submitting these amendments, whether the act was to raise or lower me in the confidence and affections of the good people of our State; and if it will relieve my colleague in the slightest particular in any of his misgivings relative to the effect that these amendments may hereafter have upon my political standing in Ohio, I will inform him that it is long since well known in my district that I am not a candidate for re-election; neither am I a candidate for the gubernatorial chair. It is true that my name has been mentioned in connexion with others, as a candidate for that office, but it has been without any solicitation on my part. Twenty-three years of political life ought to satisfy the ambition of any man, much less one so humble as myself. My wish, said Mr. V., is to retire to my farm, and to spend the remainder of my life in pursuits much better fitted to my early habits and present feelings than again to enter into the field of political controversy.

But whilst this is my wish, it is due in candor to say to my colleague, that in my opinion a change in the reigning political dynasty in Ohio is essential to her future prosperity and character, and that it will afford me great pleasure to aid in effecting that change in any way that will best meet the wishes of my friends, and subserve the interest of the State.

Mr. WARDWELL said that, being unwilling to take up the time of the House, he had been hitherto a listener to the debate. There were, however, so many assertions made which, although doubtless believed to be correct by honorable members who made them, but which, nevertheless, were so contrary to truth and to the fact, that he was induced to present his views on this amendment. He had no hesitation in saying that, believing many of these salaries were too large, whilst others were too small, if a bill should be brought in making a proper discrimination between those offices which were rated too high and those which were too moderately compensated, he would vote for it. But, whilst he acknowledged that many of these offices could be pointed out as being rated with too high salaries, he considered it a most consummate piece of folly to vote for the reduction, on that account, of all those which were enumerated in this clause. What was the reason given for the proposition to reduce all these salaries indiscriminately? The honorable member who proposed it acknowledged that, six months past, he would not have considered them too large, but that, inasmuch as the Government had, by its measures in relation to the Bank of the United States, raised the value of money, and caused a relative reduction in the prices of all the articles of subsistence, the compensation which he now proposed to give the several officers named in this amendment would be equal to that which they have heretofore received, and of which this amendment would deprive them. Was this, however, the fact? Do gentlemen really believe that the situation of things which they have ascribed as a consequence of the measures of the Government is as they have stated? He asked this seriously, because, if they said so, he would be bound to believe them. He asked if there was any reduction in the prices of boarding, or in those articles which were necessary for the subsistence of clerks and their families in this city? So far as his (Mr. W.'s) experience went, these articles, so far from being cheaper than they were six months ago, many of them were twenty-five per cent. dearer; and this, he believed, would be found to be a general complaint throughout this city, whatever the case might be elsewhere. He repeated, that he was convinced that the necessaries of life were dearer than they had been; and he called on gentlemen to specify what article of food, of clothing, or any thing requisite for family consumption, could be procured in the city of Washington cheaper at this time, if so cheap, as it could have been formerly. He utterly denied that they could specify a single article; and, therefore, could not receive the assumption of such a reduction in prices as any reason to make this indiscriminate reduction of thirty-three and a third per cent. in the salaries. Undoubtedly he did believe that there were some officers, that he could name in this city, who received more compensation than ought to be given them. But he could not believe that the Secretaries of the several departments, although exercising the most rigid economy, considering their style of living, &c. here, could or did lay up any money out of their salaries.

But he ventured to say that if ever these salaries were altered at all, a diminution need not be expected; but that, if any thing, they would be increased, and that the very persons who now propose the reduction would be the very first to increase them. The simple question before the House was, whether they would agree to this amendment. In support of it, the honorable member from Ohio had gone into a comparative statement of the expenditures of the present and the preceding administrations. So far as this paragraph was concerned, he could not see how this availed, for the compensation paid to the officers named in it was the same that was paid by the preceding administration; and yet, because the expenditures of the Government, as the gentleman asserts, had increased in other departments under this administration, a proposition was made to reduce these, which were the same under a former administration. He could not understand by what kind of logic the honorable member could reconcile this. He would, however, say that if the honorable member would examine into all the offices under the Government, and if it should be found that there were any paid more compensation than they ought to receive, then he would be willing to go with him for all such reductions as should be found necessary or expedient. A committee had already been appointed by this House, of which the honorable gentleman was a member, to examine into the subject of salaries generally; and he trusted that such would be the investigation of the committee, as that their report would be approved of not only by this House, but by the nation.

Mr. LEAVITT said he would offer no apology for obtruding himself upon the attention of the House, while he briefly stated some of the reasons which would govern him in recording his vote against the proposition under consideration, and noticed some of the remarks which had fallen from his colleague [Mr. Vance] in its support. The amendment before the House, said Mr. L., has for its object an indiscriminate reduction of the compensation now allowed by law to the officers connected with several of the most important departments of the Government. In the first place, I hold the proposition to be highly objectionable, as being offered to the House in the form of an amendment to the general appropriation bill. The legitimate province of such a bill is to make provision by law for the application of the public treasure to objects which have previously received the requisite legal sanction, and any departure from this principle involves a violation of the soundest rules of legislation. Whatever, therefore, may be the abstract merits of the pending amendment, it is clear that this is not its appropriate place. It is not supposable that a proposition of such magnitude and interest can receive the consideration which its importance demands while it is before the House as an appendage to an appropriation bill. The bill to which this amendment is offered is the one which, of all others, is the most essential to sustain and keep up the functions of the Government. Its passage has already been delayed to an unusually late period of the session; and, when every consideration connected with the public interests demanded the prompt action of the House upon it, it was obstructed in its passage by the introduction of the measure now under consideration. To tolerate such a course of legislation, to permit your appropriation bills to be encumbered and embarrassed by the introduction of original and debatable propositions not connected with, or coming within the province and design of such bills, is to run the hazard, not only of giving an inconsiderate sanction to objectionable principles, but to jeopard the fate of indispensable appropriations.

But the inappropriateness of the pending proposition, considered in the light of an amendment to the general appropriation bill, does not constitute the only ground of my opposition. It is objectionable for other reasons. We are asked to sanction a most material reduction in the compensation of our public servants, without reference to any fixed principles; without any previous inquiry into the facts and considerations pertinent to the subject; and without that light and information essential to the intelligent action of the House. Let it be conceded that there are officers whose compensation is too high; yet, in order to know who they are, and what the proper reduction should be, you must necessarily go into an inquiry as to matters of fact. To enable us judiciously to graduate the scale of compensation, it is important to know the precise duties required of the officer; the degree of talent requisite to the faithful and efficient discharge of those duties; the responsibilities which his official station devolves upon him; and the expenses to which he necessarily is subjected. These are matters requiring deliberate consideration and investigation, without which no gentleman, whatever may be his intellectual power and endowments, is prepared to act.

Sir, I rejoice that the gentleman from Georgia, [Mr. Clayton,] under a conviction, no doubt, of the inappropriateness and impossibility of considering and deciding the proposition now pending, in the manner proposed, has submitted a resolution, which has received an almost unanimous vote, for the organization of a select committee to inquire what retrenchments in the expenses of Government can be safely and judiciously made. This, sir, in my view, is the only proper and practicable mode of attaining the object which my colleague professes to have in view. It is only through the medium of such a committee, that a proper basis for the action of this House, in relation to the subject under consideration, can be furnished. I repeat, that I am gratified that this measure has been adopted. I profess to be sincerely the advocate of all just and proper reforms in the administration of the Government, and all judicious retrenchments in its expenditures; and I hope the committee, in due time, will afford me an opportunity of testing, by my vote, the sincerity of the declarations I have made. And here I take the occasion to congratulate my colleague [Mr. Vance] that he has been honored with a place on that committee. Henceforth, I trust, the gentleman will have no reason to allege that the fullest and most ample opportunity has not been afforded him, and those with whom he is politically associated, to ferret out and drag to light the imputed profligacy and extravagance of the present administration. I have no reason to doubt that my colleague will discharge the important duties which devolve upon him, as a member of the committee, with promptitude and fidelity. I hope the committee will rigidly inquire into and report all the facts necessary to enable this House to act understandingly and efficiently in relation to the subject now under consideration, and all others of a kindred character. If the report of the committee shall satisfy me that any of the officers of Government are in the receipt of extravagant salaries or compensation, or that any acts of profligacy or corruption have been sanctioned by the administration, in any department of the Government, I pledge myself to co-operate heartily with my colleague in the correction of the evils.

The considerations to which I have thus briefly adverted are amply sufficient, in my view, to justify a negative vote on the amendment of my colleague. But there are other grounds of objection to it. It assumes as its basis, that the compensation and salaries of all the officers of Government should be reduced; and yet it stops short of this object. For instance, while it proposes to take from postmasters twenty-five per cent. of the scanty pittance which the larger number of them now receive, it leaves untouched the liberal salaries and emoluments of the Judiciary department of the Government, and the officers of the army and navy. I apprehend that no satisfactory reason for this exemption can be given. My colleague has said that he does not desire to reduce the salaries of the federal judges, and that we are inhibited by the constitution from interfering with their compensation so as to affect those now in office. I am perfectly aware of the constitutional provision on this subject, but take leave to inform the gentleman that it is clearly within our competency to provide for the reduction of the salaries of those hereafter to be appointed. I have noticed this objection to the proposition under consideration, merely to show that it does not carry out the principle on which it is based. I would not be understood as affirming the expediency of a reduction in the compensation of those officers who are thus exempted from the proposed process of retrenchment.

Having thus stated some of the objections to the pending proposition which have occurred to my mind, I cannot forbear to notice the reasons and motives which my colleague has informed the House have induced him to offer it for our consideration. He has told us that he felt himself imperiously called upon to make this effort to reduce the expenditures of the Government, on account of the pervading distress and pecuniary pressure which he alleges to exist in the country. He says that the value of real estate and the products of the country have been greatly depreciated, and especially that wheat, one of the staple productions of Ohio, has fallen to a very low price in the part of the State which he represents, and that he anticipates a still further reduction in the value of that article. This state of things the gentleman is pleased to attribute to the action of the administration in relation to the Bank of the United States; and he thinks there is a peculiar propriety in punishing those who have had an agency in bringing these evils upon the country, by depriving them of a portion of the emoluments of office now allowed them.

It is not my purpose to make up an issue with the gentleman as to the statement he has made in relation to the situation of the country. Taking the prices of Western produce for the last two or three years as a standard, there has been some depression in the value of some articles within the last six months. Without pretending to know what may be the state of the markets in the section of the State from which my colleague comes, I am happy to say that, from the best information I can obtain, with the exception of the article of wheat, there has been, as yet, in the eastern part of Ohio, no material reduction in the prices of produce. How long this comparatively favorable state of things is to exist there, is not for me to predict. I freely admit, however, that the country labors under a more than ordinary pressure and pecuniary embarrassment. Although it may correspond with the views and purposes of my colleague to charge this state of things upon the course of the administration in relation to the bank, yet I think it has a different origin. In my view it is clearly attributable to another cause. It is no part of my purpose to enter upon the discussion of a subject which has already occupied the greater portion of the present session of Congress; but I cannot omit the present opportunity to say that the pressure and embarrassment under which the country has labored for some months past, is justly chargeable upon the action and joint exertions of certain leading politicians, and of the Bank of the United States. Two objects were to be obtained by the parties of this league. The administration was to be put down, that another might be raised up on its ruins, and the Bank of the United States desired a perpetuation of its existence. To create a panic in the community, to destroy public confidence, to shake the credit of local banks, and to charge these results upon the administration, were the readiest means of rendering it odious to the people, and inducing them to ask for a recharter of the bank. Sir, in this brief suggestion you have the true explanation of the difficulties under which the country has labored, and from which it has not yet wholly recovered. And, if I mistake not the "signs of the times," the period is not far distant when this view will be taken by far the greater portion of this community, and the responsibility of having produced the fearful public evils which the country has endured will be charged upon its true authors. But I pass from this subject to inquire of my colleague if he is sincere in taking the position, that there is any thing in the present state of the country which of itself demands at our hands a reduction in the salaries and emoluments of our public officers. If, from any cause, there is a present depression in the value of property and produce, and a scarcity of money, are we to be called on, from that consideration alone, to change our system of compensating the officers of Government? It is known to all that the value of our products is subject to perpetual changes and fluctuations; and, upon the theory of my colleague, the compensation of our public servants is to be raised and depressed to correspond with these changes. Such a course would present a singular anomaly in the legislation of any country.

I propose further to test the principle upon which alone the proposition of my colleague rests for its support, by presenting to the notice of the House some facts and considerations connected with the compensation of the President of the United States. It is proposed to reduce the salary of this officer from $25,000 to $15,000 per annum, after the expiration of the present presidential term; and this, too, upon the hypothesis that our country is in a most depressed and calamitous condition! Let us see what have been the views entertained by our predecessors on this subject. I find, by a reference to our statute-books, that the salary of the President of the United States was fixed at $25,000 per annum, by an act of Congress passed in September, 1789. Our country had then but just emerged from that arduous and glorious struggle which resulted in the achievement of our independence. We came out of that war with a currency essentially vicious and deranged, our commerce nearly annihilated, and our manufacturing and agricultural interests in a state of great depression. Our national resources were exhausted, and the country was laboring under the weight of an immense public debt. It was in such a state of things, and under such circumstances, that the patriots and sages of the Congress of '89 established the salary of the Chief Magistrate of the nation at $25,000 per annum. Since that period, we have had many mutations—many ebbs and flows in the current of our national prosperity. In our progress onward, we have passed through a second war, the termination of which found us loaded with an appalling national debt. Subsequent to that period, we had a succession of years of depression and gloom, during which the country suffered under great and serious embarrassment. But during our whole history, from the meeting of the first Congress, under the present constitution, to the present time, I have not been informed that a proposition was ever made to reduce the salary of the President of the United States. It seems to have occurred to none of the many distinguished statesmen who have participated in the councils of the country, that such a measure was called for by the public interests; nor was any evidence afforded that the compensation affixed to the presidential office was too high. On the contrary, we have seen at least two of the eminent patriots and statesmen who have occupied that station retiring from it in a state of absolute poverty.

The conclusion to which I arrive from these reflections is, that if, in the dark period of '89, and through all the intervening space to the present time, the salary of the President of the United States, then fixed by law, has not been deemed too high, it is neither just nor expedient now to reduce it.

It would, Mr. Speaker, be an unpardonable consumption of the time of the House to enter into a detailed notice of the various reductions of compensation contemplated by the amendment before us. If I was desirous of doing so, I am not in possession of such facts as would enable me to speak profitably upon these matters. There may be officers embraced in the amendment whose compensation ought to be reduced. And at the proper time, and when the proper information shall be presented, the gentleman, my colleague, will find me going with him, in the work of retrenchment, to the fullest extent that justice and expediency shall require. I must be permitted here to say, however, that, as it regards the compensation of our public functionaries, extremes ought most studiously to be avoided. It is clearly unbecoming the republican simplicity of our Government, and inconsistent with the purity and preservation of our institutions, that any public servant should receive such an amount of pecuniary emolument as would enable him to indulge in habits of extravagance, or minister to a despicable spirit of cupidity. On the other hand, we should avoid, with equal scrupulosity, fixing the rate of compensation to those connected with the Government so low as that the poor would not aspire to, and could not afford to accept of, public stations. The tendency of such a policy is strongly and rankly aristocratic, as it would inevitably throw all the posts of honor under the Government into the hands of the wealthy, to the exclusion of those of humbler fortunes and more limited means. Sir, I have the satisfaction to believe that this is a principle well understood and properly appreciated by the American people, and that it is not those who clamor most boisterously for low salaries who will receive the largest allowance of popular favor, or be esteemed the sincerest friends of republican principles.

But there is another topic, which has been prominently presented by my colleague, in the remarks which he submitted upon the introduction of his proposition for retrenchment. He made it the occasion of a violent and unmeasured denunciation of the present administration for its profligacy and extravagance. He has told us that, coming into power with the most flattering promises of introducing economy and reform, it has far outstripped the preceding administration in the amount of its expenditures. This grave and serious allegation requires a passing notice. And here, sir, allow me to say, that if I believed the charge of a wasteful or corrupt expenditure of the public treasure was justly imputable to the Executive department of the Government, I would not hesitate to reprobate and denounce it. But, after an attentive examination of this subject, I am satisfied the charge is not sustainable.

My colleague would seem to assume the position that the President is responsible for every expenditure made during the existence of his administration, without any reference to the authority under which it was made. Hence, he has exhibited a comparative statement of the aggregate expenditures of the last and the present administration, showing, what no one ever denied, that the disbursements from the treasury under the present, exceed those of a corresponding period under the former administration. But does this fact establish the charge of extravagance upon the Executive department of the Government? No one better understands the course of congressional legislation for some years past than my colleague, and no one is more fully apprized of the fact that the great amount of disbursements under this administration is attributable to the actionof Congress, and not to the Executive. Sir, the present President of the United States, it would seem, cannot give satisfaction to his opponents, whatever course he pursues. If he exercises his constitutional power of vetoing the acts of Congress, as he has sometimes done, with the most beneficial effects, and thus represses and rebukes legislative profusion, he is denounced as a despot, defeating and thwarting the popular will, as expressed through the representatives of the people. On the other hand, if he gives his sanction to acts of Congress authorizing the expenditure of the public treasure, he is charged with profligacy and extravagance.

We are informed by my colleague that the aggregate amount of payments made from the treasury, under this administration, exceeds those of the last by the sum of near eighteen millions of dollars. I am sorry it did not suit the purposes and views of the gentleman to state the true causes of the balance thus appearing against the administration. In the first place, there is to be deducted from that balance near twelve millions and a half, paid by General Jackson on account of the national debt, beyond the amount applied to that object by his predecessor; and, as it regards the residue of the balance stated against this administration, it can be most satisfactorily explained by referring to the legislation of Congress for the last four or five years. That, sir, will evince, that if extravagance is imputable any where, it is to the Legislative, and not the Executive department of the Government. Let gentlemen refer to the immense expenditure authorized to carry into effect the policy of the Government in relation to the Indians—a policy, it is true, which was recommended by the present Executive, but which received the sanction of both Houses of Congress, and the wisdom and philanthropy of which will be denied or controverted by few indeed. And again, sir, let me refer gentlemen to the large amounts paid to the States of Massachusetts and South Carolina, in satisfaction of their claims for services rendered and disbursements made during the last war. Let me point them to the sum expended in fortifications and internal improvements, in cases, and under circumstances, that forbid the exercise of the veto power by the Executive. Let me also remind them that during this administration the nation has been called upon to prosecute an expensive war with the Indians, in defence of our Western frontiers; and, lastly, let me remind gentlemen that, under the pension act of 1832, making provision for the remnant of our gallant revolutionary army, between thirty and forty thousand names have been added to the pension list, involving an annual expenditure of several millions of dollars.

Sir, I have foreborne to enter into any elaborate details as to the expenditures of the present administration. The general view which I have presented is sufficient to show that the charge of profligacy and extravagance is without foundation, and that it is unfair and uncandid to lay at the door of the Executive those disbursements that have been sanctioned and authorized by acts of Congress. I might here turn the tables upon my colleague, and show that, as it regards the Executive administration of the Government, there has been a positive saving to the nation since General Jackson came into power. From a comparative statement of the disbursements of the two administrations, it is susceptible of clear demonstration, that, under the heads of expenses of the navy and the management of our foreign intercourse alone, upwards of two millions have been saved to the people. But, sir, it is not necessary that I should pursue this subject further. I dismiss it with the remark, that it should not excite the surprise or alarm of any gentleman to find that there is some increase in the aggregate expenditures of the Government. It is a necessary result of the onward progress of the nation in population and wealth. The great extension of the sales of our public lands, growing out of the rapid flow of emigration to the West, the prosperous state of our commerce, the great increase of importations from abroad, and other causes that might be enumerated, unavoidably lead to some increase of public expenditure.

Before I resume my seat, I must be permitted to say a word or two to my colleague, as connected with the great scheme of retrenchment and reform which he has submitted to the consideration of the House. We are to understand, from the gentleman's remarks, that this proposition has its origin in the patriotic desire to relieve, as far as practicable, the sufferings of the people in this period of general gloom and depression. He alleges that money is more scarce and valuable than formerly, and that there is a universal depreciation in the value of property. He has been pleased to call our attention especially to the deplorable condition of his constituents, and dwelt emphatically and feelingly on the low price of wheat in his quarter of the State. Sir, it is not for me to assert that the motives of my colleague are not such as he has avowed. And yet there are some facts which, in the minds of men more sceptical than myself, might cast a cloud of suspicion over the gentleman's course. We are informed by him that he has been a member of this House for thirteen years. Where, I would ask, has the gentleman's patriotism slumbered during that period? Will he controvert the position that, within the last thirteen years, there have been times when money was more scarce, and the price of Western produce more depressed than it now is, even taking his own representation of the present state of things to be correct? Sir, that gentleman knows well that, since he has had a seat in this House, the article of wheat has been a drug in the market, even at twenty-five cents the bushel; and that all other Western products were correspondingly depressed in value. But that state of things did not awaken the sensibilities of the gentleman. We were not then favored with any proposition for the relief of a distressed people, such as is now under consideration. At that period the gentleman occupied a most advantageous position in this House for carrying into effect the reform which he has proposed. He belonged to a political party which had the ascendency here, as also in the Executive department of the Government. If the gentleman had then come forward with the proposed measure, no one would have had any just reason to doubt his patriotism or his disinterestedness. But, sir, is it not somewhat strange that, after having occupied a seat on this floor for thirteen years, in the comfortable receipt of his eight dollars a day, he should be so suddenly visited with the conviction that the pay of all our public servants, including members of Congress, is too high?

It is not my purpose to impugn the motives of my colleague in the introduction of this proposition. His standing here entitles him to respect, and the estimation in which he is held by the people he represents is evidenced by his successive election as a member of this

House. It would seem, too, that he maintains an elevated rank, in the opinion of his party, throughout the State of Ohio. I infer this from having noticed the annunciation of his name, in some of the newspapers of that State, as a candidate for the office of Governor. Far be it from me to impute censure to the gentleman for aspiring to that elevated station. Neither would I allege that the introduction and advocacy of his proposition for retrenchment has any connexion with the fact that he has been named as a candidate for the gubernatorial chair of Ohio. True, sir, the gentleman, by one of those revolutions of the political wheel which are not uncommon in this country, has been thrown from the majority to the minority; and it is no imputation upon him to suppose that he may desire to effect a counter-revolution, by which the party to which he belongs may regain their former strength and standing. And to effect an object so desirable, an object which the gentleman, no doubt, esteems most laudable and patriotic, and to enlarge the circle of his popularity, it is perhaps not strange that he should have arraigned the present administration, upon the grave charges of profligacy and extravagance, and have presented himself before the people of Ohio in the imposing attitude of the champion of retrenchment and reform.

Sir, it is possible that, from the same pure and elevated motives, my colleague has found it expedient to afford the most indubitable evidence of his devotion to the Bank of the United States. If untiring zeal in such a cause be any proof of patriotism, the gentleman is entitled to a most liberal award of praise. Not only my own constituents, but those of other gentlemen on this floor, can bear testimony to his services in the cause of the bank. Those benighted democrats of Ohio who have so far erred and strayed from the true faith as to have sent here a majority of Representatives who have had the temerity to array themselves against this institution, have participated liberally in the gentleman's favors. Within the infected districts his frank is more familiar to the people than the signature of Nicholas Biddle. And if the erring flock is not brought within the fold, it will not be on account of any deficiency of bank documents and speeches. The district which I have the honor to represent has not been slighted or overlooked by my colleague and some of his political associates on this floor. My constituents have been bountifully supplied with these bank missiles; and, if the labors of these patriotic gentlemen should not produce the salutary effect which was intended, I am sure they will stand exonerated from the charge of any want of zeal or industry in their vocation. In thus referring to the kindness of gentlemen to my constituents, I trust I shall not be understood as indulging in the tone or language of complaint. The only regret which I feel upon the occasion arises from my utter inability to reciprocate the favors thus liberally bestowed on those whom I am chosen to represent. If it was in my power, I assure the gentlemen it would afford me infinite pleasure to use my efforts to indoctrinate their constituents with opinions and sentiments hostile to the Bank of the United States; and give me leave to say that, in doing so, I should feel the sincerest conviction that I was advancing the true and permanent interests of my country. I should feel a deep consciousness that, however humble and unavailing might be my exertions, they were at least designed to preserve and protect the rights and liberties of the people from the assaults and approaches of an institution pregnant with corruption and danger. But, unfortunately, I am not in the possession of the facilities which enable me, to any great extent, to gratify my wishes in the dissemination of light and information on this subject. My unaided means are inadequate to this end. Sir, I am aware there is a most fearful odds against me, and those with whom I am politically associated. But the intelligence, the firmness, the patriotism of the people, are the strong towers of our defence, and on them, I trust, we may rely with confidence. In defiance of all efforts to mislead them, they will do right. And though millions upon millions of bank documents and speeches should continue to be gratuitously showered upon them, they will not fail to perceive and properly appreciate the true character of the contest now in progress. They never will allow themselves to be led captive either by the power or the seductions of the bank. To them the decision of the momentous issue may be safely confided.

Mr. VANCE made a replication, (which has been imbodied with his remarks, commencing with page 3976,) in which he insisted on the accuracy of his former statements of a statistical kind, and adverted to the decline of prices of the staple productions of the Western country since the removal of the deposites.

Mr. BATES, of Massachusetts, supported the amendment, and argued on the equity of reducing salaries when the value of all the property of the country had been so greatly reduced.

Mr. MILLER opposed this amendment. He was against exorbitant salaries being granted to any public officer; but, at the same time, he was of opinion that a liberal and sufficient compensation should be given to all public functionaries. Mr. M. continued: If the gentleman from Ohio would prepare a report distinctly proving that the salaries were too high, or that abuses existed, he should have his (Mr. M.'s) cordial support. Mr. M. said he would fearlessly assert that all the great staple commodities of the country bore an equivalent price to what they had done for the last thirty years. The truth was, that the whole had sprung out of the removal of the deposites; the timid had been alarmed, and, having become apprehensive that the current money of banks was insecure, had produced the distress complained of, and brought the country on the verge of a ruin which had no other foundation than that of alarm and clamor. He hoped the House would immediately dispose of the question.

Mr. EWING said the gentleman [Mr. MILLER] who has just taken his seat has closed his remarks with expressing a wish that this question be immediately decided. I concur with the gentleman, said Mr. E., in wishing a speedy and salutary termination of the subject in debate; but I must, at the same time, avail myself of my privilege on this floor, by repeating the wants and wishes of my constituents on a subject in which they are deeply interested. I cannot consent to the conclusions to which that gentleman has arrived. If the country is on the verge of ruin, as the gentleman avers, I do not believe that it is the result of false alarm and clamor, to which he attributes it. The great body of the American people are too enlightened to be roused to action by false pretences; and, at present, we hear complaints from every quarter of the country. Sir, do we not know that there are real and substantial causes of complaint? Do we not know that the fruits of industry are snatched from the mouth of labor to enrich the pampered office-holders, who have been so signally benefited by the recent measures of the Executive? Do we not know that though the price of board, lodging, and all the necessaries of life in Washington city have not been reduced, as observed by some of the opponents of this amendment, yet that every mail brings us multiplied testimony that all the great staples of the country, as well as real estate, have been prostrated in value by the very means which have enhanced the value of the salaries of office-holders? Do we not know that good money has increased in value every where; and that the apprehension of a depreciated currency and the embarrassment of trade, produced by the removal of the deposites, require not the aid of clamor to produce all the painful effects we have witnessed--ay, sir, and others which must unavoidably follow? And shall the office-holders, who almost alone sustain the measures that have produced these blighting effects, be the only class of the community which shall escape their paralyzing influence? Shall we continue to vote away the money of the people, and sanction the increasing expenditures of the Government, while every branch of industry and enterprise by which our country was marching to prosperity and happiness is sinking under the weight of executive experiment? I hope not.

The gentleman from Ohio, [Mr. Vance,] who introduced this amendment, merits my thanks, and the thanks of the country, for the equitable and judicious plan by which he proposes to alleviate the burdens which press on the people from the present deranged and embarrassed condition of the country; and I regret to hear one of his colleagues [Mr. Leavitt] attribute his course to political motives--to the desire of revolutionizing parties in Ohio; while its basis is obviously founded on the first principles of justice and equality. If the officers alluded to have heretofore received suitable compensation for their services--and that they did is proved from the very means by which they endeavor to obtain and retain office --then the proposed reduction will leave them precisely in the situation they occupied before the experiment was undertaken. The gentleman [Mr. Leavitt] marvelled that such reduction was never proposed by the mover of the amendment during thirteen years' service in the national councils. But the wonder of that gentleman would have been spared, had he reflected that the present is the first time in which the variable and illegal assumptions of a high public functionary had threatened the country with a depreciating currency, which must banish confidence, and lessen the value of the poor man's labor. But the gentleman [Mr. Leavitt] argues that it would be unjust, because it would be indiscriminate, to make the proposed reduction: and further, that it is objectionable as to place, time, and circumstance.

Sir, said Mr. E., I cannot assent to such opinions. I have already shown that, if these federal officers have been all equitably paid, the bearing of the amendment will place them in the same relative position. The ratio of reduction, therefore, being equal, no invidious complaint can bear against it. In point of justice, the depreciation of public and private property--the farmers' products and the mechanics' industry--with the just principles of economy, formerly inculcated by those in power, and now really necessary, clearly establish that point; all bias of party feeling to the contrary notwithstanding.

The other objections in regard to time, place, and circumstance, would lead to a more extensive field of argument than the occasion requires. But I shall advert succinctly to his objections on these points. I am surprised at the objection to the time. No time will ever suit or prove acceptable to those who revel in and electioneer by means of the patronage of the Government.

But, sir, said Mr. E., no time so imperiously demanding the adoption of such a measure has heretofore existed; and that it was not adopted in Committee of the Whole, is no reason why it should not be adopted in the House. But let us pursue this objection a little further. The gentleman [Mr. L.] is from the West as well as myself; and what is the condition of the West at this time? We depend mainly on the New Orleans market. Wheat, corn, flour, whiskey, pork, beef, and lumber, compose our chief articles of export. The money received for lands is expended on these office-holders, while that collected on the seaboard is expended there, and as consumers we contribute largely to that part of the public revenue. The internal improvement of the West is in part arrested by the assumptions of power to which I have already adverted, and with our articles of export remaining at low prices or unsold, in a sickly climate, with our money passing Eastward as freely and as certainly as the currents of our rivers flow to the South; what time, sir, I would ask, could be selected for reducing the expenditures of the Government, more suited to the circumstances of the people of the West? They are a patriotic, a confiding people; but when their money is wasted on the office-holders, and appropriations refused for their rivers and roads, on account of the alleged want of means, and other reasons advanced by these office-holders, surely they cannot be blind to a policy so fatal to the purity of their Government and their own prosperity. Thus I dispose of the objection as to time. Now, what validity is in the objection as regards the existing circumstances? It is objected that the public printers and the Judiciary are not embraced in this reduction. A brief answer will dispose of these objections. The public printers, I am happy to say, are not executive officers. They hold their office by virtue of a contract under a law which we have no power or authority to violate; because the constitution provides that contracts cannot be impaired. The salaries of judicial officers are also provided for by the constitution, which places them beyond the influence of legislative interference, unless we imitate those who, to accomplish their purposes, seem heedless of constitutional enactments. These objections, therefore, fall to the ground. They afford nothing to sustain the extravagance which the amendment of my friend from Ohio is intended to correct. But, sir, what circumstance now exists to lessen the force of the reasons presented to the people of this country in 1827, by the celebrated Committee on Retrenchment? Their inquiries led to an exposé of the propriety of reduction, even before the present alarming state of the currency existed, and when the expenditures of the Government were many millions less than they are at present. Has a single circumstance since transpired, that was not highly calculated to enforce the necessity of this measure? Not one. We find a general and sound currency condemned, as Voltaire and Volney condemned the Scriptures, without offering a substitute of equal practicability and validity. We have appeals made to us in regard to this matter, and the distress occasioned by it, from all quarters of the country, and from all parties, the office-holders only excepted. The prospect before us is even more alarming than the actual suffering at the present time: and no golden temptations of Executive favor, held out to the incumbents or aspirants to office, whether relatives or friends, should deter us from accomplishing that which existing circumstances so imperiously demand. I think, sir, said Mr. E., and the people, under a due investigation of the subject, will think, that the "time, place, and circumstances" are the very best that could be selected for effecting the object of the amendment.

In advocating this amendment, I do not wish to be viewed as acting from motives of party. It is a subject that concerns the whole, as well as all the parts; and if it exposes the hollow pretensions of a party now in power, the fault is their own, not mine, or those who act with me. It is argued that the present salaries paid to office-holders are so small that they cannot become rich. It may be so; but it is the fewer number, even of the productive classes of society, that ever become rich; and if the office-holders waste a portion of their income, as is stated in some of the public prints, to sustain and inculcate degrading partisan subserviency, then the policy and propriety of this measure is more clearly demonstrated.

Mr. E. concluded by hoping that no true friend of economy, who would support this measure in a specific bill, would object to it in the shape now presented. It will correct that system of office-seeking, and dependance on Executive favor, which office-holders are said to have encouraged, in order to sustain themselves in power. It will save for the country means essential to promote objects of general utility; and it will preserve, what is of much deeper importance to the country--

> "A brave yeomanry, their country's pride,
> Who, if once destroyed, can never be supplied."

Mr. **BYNUM** was induced to believe, he said, that gentlemen who proposed this amendment were not in earnest, and, if they were, they certainly presumed much upon the ignorance of the House. The proposition was to curtail the salary of almost every officer of the Government. It was very probable that some salaries were too high, and it was equally probable that others were too low; but it was proposed, at one blow, to reduce both those that were too high and those that were too low. But he doubted whether the gentlemen were in earnest, because we had appointed a committee to inquire into facts as to each office the salary of which is proposed to be reduced. The fact of the appointment of that committee superseded the necessity of this amendment. They were appointed to inquire what salaries were too large, and what were too small; and, if any were found to be either too large or too small, he would cheerfully vote for their increase or reduction. But, notwithstanding the appointment of this committee, this amendment was pressed upon us before the result of its inquiry was laid before the House. Much had been said about the extravagance of this administration; and from whom did these charges come? If he was not mistaken, they came from one political party; and their object was to produce political effect. When those salaries were established, the country was as much depressed as it now is, for then we had just emerged from a long war, and had not recovered from its depression and embarrassments. In the judgment of the whole world, the country was never more happy than it is at the present time. Gentlemen must have more regard for their consistency, if they wish to preserve their influence with intelligent people. He could not assent to the correctness of their position, as to the present state of the country compared with its former condition. But for the agitations of politicians, we should be the happiest people and least in need of making reductions in salaries, of any other in the world. Gentlemen told us that one dollar now was worth as much as two dollars were last year. He could not believe it was so. Had any member here found any reduction in his expenses? Were the products of the country much reduced in price? The article of cotton, which was the staple product of his part of the country, was as high as its average price for several years past. Pork, bacon, and corn were also as high now, within a cent or two, as usual. Much had been said in regard to the increase of the expenditures of the Government. The increase of population must necessarily increase the expenses of the Government. The addition of forty members to this House showed how rapidly the population of the country and its public expenditures must have increased. Look at our acquisitions of territory and say whether that has not called for increased expenditures. Twenty thousand miles had been added to the Post Office routes. Was this extravagance? Was it not called for by the necessities of the people; and was it not ordered by them, through their representatives? How could gentlemen come forward with charges against the administration on account of these expenditures?

Gentlemen ask on what principle the present administration came into power. He would tell gentlemen what were the principles on which it was supported in his part of the country, and would assure them that, in respect to those principles, it had fully met the expectations of its friends. It was expected that it would put a stop to the ruinous extravagance of the system of internal improvements; and it had done it. It was expected that it would reduce the tariff; and it had been done. All had been done in this respect which could be done, and more than he had expected would be done. It was expected to put a stop to the dangerous usurpation of the United States Bank; and had it not done it? There were many who encouraged the President in his opposition to the bank, and owed their popularity to it, who were now backing out. These were the principles on which the administration came into power. Never, in any part of the country, did he hear it objected to the late administration that the salaries of public officers were too high, and never was it promised, or demanded, that the present administration should reduce them. He could not conceive how gentlemen who had acquired popularity by lauding the veto, could come here and denounce the President for the very measures which they had approved. The gentleman from Massachusetts had lugged in the old cry about distress, the wonderful distress of the country. Perhaps there might be more distress in the gentleman's neighborhood than in his. It seemed that all the minority were distressed. But if the majority of the people were satisfied with the operations of the Government, why should we change them? It was extraordinary for the minority to ask the majority to yield up their opinions and the government of the country to them. The opponents of the administration were alone distressed, and it was their interest to make it appear that the country is distressed. The subject of the amendment was too important to be hastily decided upon. Believing that it was altogether an improper time to act on the subject, and that it was rendered unnecessary by the appointment of a committee to examine the subject, he should vote against the amendment.

Mr. **LINCOLN** considered the proposition as too broad, and he could not vote for it. He was ready, however, to reduce such salaries as might be found to be too high. For many reasons, it was his opinion that this bill ought to be laid on the table, to wait for some further legislation. If the bill passed, under present circumstances, the whole pecuniary concerns of the Government would be left at the caprice, not the discretion, of one individual in the Government. Until it was ascertained, by law, where the treasury is, he was unwilling to vote for the passage of this bill. He would not consent to reduce the salary of the Vice President, but he would reduce the salaries of the Secretaries to the same sum which the second officer of the Government receives. If the question must be, whether the amendment, as a whole, shall be adopted or rejected, he would vote for its rejection.

Mr. **CHILTON**, of Kentucky, said that, debated as this subject had been on almost every debatable ground, he did not arise to enter on a further discussion. He had already seen and heard enough here, to convince him, and this he had expressed at an early stage of this bill, that the former retrenchment party was a retrenchment party no longer. Here was an opportunity to retrench; but where are the friends of the system? Alas! alas! they are few—they have, it would seem, fled to other ranks, and to other opinions.

My principal object, Mr. Speaker, in arising at this moment, said Mr. C., is to answer what I acknowledge to be a wide digression from the subject under debate; but it is due to the country that I should make an inquiry of the gentleman from North Carolina, [Mr. Bynum.] He has said, sir, a few moments since, that the President of the United States has redeemed his promises to the people of the country; and has been uniform in his action on the principles which elevated him to power. Among the pledges which that gentleman says the Executive made to the people of the South, are the following:

1st. That he would put down internal improvements.

2d. That he would reduce the tariff.

3d. And that he would destroy the United States Bank.

Sir, if I have misunderstood the gentleman, I ask it as a favor that he will now correct me, as I should regret to put a wrong interpretation on his language, or on that of any other gentleman on this floor.

I have paused for a reply: none has been given; and I therefore take it as granted that I have correctly understood the language used.

Mr. Speaker, permit me to say that I have never been more astonished at any declaration which I have heard on this floor, or elsewhere, than at that on which I am now called for a few moments to comment. Can it be, that such declarations or promises were made to the people of the South? I ask, can it be so? Sir, it is stated by a member of this House—a highly honorable and respected member, of whom my personal knowledge is such as to forbid that I should for a moment question the correctness of his statements, or any of them.

Well, sir, inviting the House to bear the declaration in mind, I must be permitted to submit a few remarks on the subject of the pledges which the same individual (the President) was understood to give to the Western people, at the same time, and for the same purpose, to wit, to secure their confidence and their votes.

Mr. John Quincy Adams was then, sir, President of the United States, and Henry Clay was his Secretary. These gentlemen were known to be the devoted friends of the tariff and internal improvements, and so were the great body of the Western people. The contest for the Presidential chair was between Mr. Adams and General Jackson. The friends of the former, with a political forecast, as I now find it, which I then mistook for an ambitious determination to prostrate General Jackson, declared in the Western country, that, if the General should succeed in the contest, he would exert all his energies and his influence to destroy the tariff, and their favorite system of internal improvements. The friends of Jackson repelled this declaration, and asserted that if elected he would sustain both; that he was as warmly and devotedly friendly to each, as either Mr. Adams or Mr. Clay could be; and that, in truth, the important reason why the West had never been permitted to participate in the smiles of Executive favor, or the disbursements of the public money, was, that we had never been so fortunate as to secure the election of a Western President, a man acquainted with our true situation, and disposed to respect our long-neglected rights. I may, sir, be called on for the evidence on which we felt that we were authorized to assert General Jackson's friendship for those two systems of national policy. I am prepared to give it; and am happy, Mr. Speaker, that so fit an opportunity has been afforded me for presenting it to the country. For, if it be true that one class of pledges or promises were made in the South to catch the Southern vote—and another, and precisely an opposite class of pledges were made in the West to catch the Western vote—then it is time, and better late than never, that the people should understand the plan of operation by which they have been caught. This, if true, would prove the General quite a political angler. He would seem to set out as a "fisher of men"—to understand the fishery—and well knowing that it is necessary to take different fish, in different ways, he goes baiting for perch, hooking for suckers, and bobbing for eels; he is prepared at all points. Such is the representation now given of him, as I understand it.

While the contest before alluded to was going on, the Legislature of Indiana, aware of the charges which the opponents of General Jackson made against him on the foregoing subjects, adopted certain resolutions, of which, as I have them not before me, I can only speak from memory, though I cannot mistake their import, from the fact that I have so frequently, in times that are past, had occasion to use them, as to impress them deeply, perhaps indelibly, on my memory.

Mr. Rea, who was then the acting Governor of Indiana, was directed to forward those resolutions to General Jackson; if not, to address him, in his official character, on the subject, which has been my impression heretofore; but this is an immaterial fact, as, either way, the General was notified of the grounds assumed against him by his enemies, and requested explicitly to avow his sentiments on those two absorbing subjects.

The correspondence was accordingly opened, and General Jackson answered. Yes, sir, and what was his answer? It was, to use a general remark, just such a one as his Western friends both expected and desired. It confirmed their faith, elevated their hopes, and, if possible, redoubled their exertions in his support. It no longer remained for them to go forth, repelling what they considered the false charges of the enemies of the Western candidate, on the mere ground of conjecture, relative to his views, but they now had his own written testimony, and with this they felt prepared to meet and vanquish his foes, and to silence their suspicions.

But we will look into this testimony a little in detail. And, first, on the subject of internal improvements. The General, for a recorded testimony of his devotion to that system, referred to his votes while a member of the Senate of the United States, during the session, if I am not mistaken, of 1824. It was at that period that the subject of internal improvement was voted on, in almost every shape in which it could be presented. One question was, Would Congress appropriate a large amount of public money "to purchase stock in the Chesapeake and Delaware Canal Company?" Here we find General Jackson voting in the affirmative. Another question was, Had Congress the power to make improvements within the States, without first consulting and obtaining the permission of the States? Here, again, we find General Jackson voting in the affirmative. I might, sir, pursue this subject still further, as his votes went further; but I have here enough to suffice my present purpose. And, before I proceed to notice the assurance which he gave us in the West, in the same letter, and in regard to the tariff, I must beg the permission of the House to contrast this first pledge with his course after he was elected.

He had voted a large appropriation, to purchase stock in a canal company, and he had, as I have before stated, referred to this vote as testimony of his devotion to internal improvements. Now, sir, could any one of his friends have anticipated that, so soon as he got into office, he would turn about, and reverse the fundamental principle of that vote? Could any one have supposed that he would, at the very outset of his administration, refuse to sanction, as President, the very same thing which he had claimed so much credit and public consideration for having done as a Senator? No, sir; no one could have thought it. No one did think it; unless, forsooth, it was some one to whom he had made the pledge, which is asserted by his friend from North Carolina, that "he would put down internal improvements."

Will it be said that I perhaps understood his pledges differently from his other friends in the Western country; and that they did not suppose him under obligation to sanction appropriations similar to those for which he had voted? If so, one fact will prove to gentlemen that, in so understanding him, I was not alone, but that such was the common understanding and such the common feeling, of the great body of his friends in that quarter. Into the Legislature of Kentucky, certain resolutions were introduced by one of the most conspicuous friends that General Jackson had in that body, instructing their Senators, and requesting their Representatives in Congress, of which number I had then the honor to be one, to exert their influence to procure from Congress an appropriation to aid in completing the road from Maysville to Lexington, which was designed as a lateral branch of the great national road. Those resolutions were adopted almost by unanimity.

Well, sir, in obedience to those resolutions, we did exert ourselves to procure the appropriation; and Congress, under a sense of justice, made it. The sum of $150,000 was appropriated to purchase stock in the Maysville and Lexington Turnpike Road Company; and, what is more, that appropriation passed this House, according to my present recollection, by more than two-thirds of the members voting, and by about two-thirds of the Senate. I speak, sir, of its original passage. The news of its passage flew to Kentucky as though it had been borne on the wings of the wind; and the effect that it produced there, among some of the leading friends of General Jackson, will further and more conclusively sustain the position which I have taken, in regard to the construction placed on his electioneering pledges made to his Western friends. So soon as the news reached that the bill had passed both Houses of Congress, the shout of triumph was raised. Two distinguished newspapers, (I mean distinguished for their devotion to the chief,) one at Frankfort, then under the control of some of "the powers that now be," and the other at Louisville, were loudest and most joyful in the strain. What said they? They exclaimed, "Adams and Clay spent four years in talking, but General Jackson has commenced acting. He has done more for Kentucky in one day, than the others accomplished in four years!" Why was this shout of triumph raised? And why this confidence that the bill was the bantling, the offspring of the President? Sir, it was because he stood pledged to encourage internal improvements, and because he had voted for a measure identical in principle with that; and, moreover, because his friends believed he would act out the part to which he was so pledged.

But how short-lived are the greatest raptures of this world! His friends shouted confidently, for a few hours, or days at most—when a sudden damper was thrown over them. Yes, sir, as suddenly as a thunder-clap on a brilliant sun-shiny day, did the unexpected "veto" fall on their ears. They were astounded for the moment—but, happy souls! they were not left without some source of consolation. The conclusion was, when they considered the bill as passed, that the General had done more than four full years' labor for Kentucky. But when they found he had "vetoed" it, it was still better than ever. He had saved the State, and saved the country! His friends, at least many of them, have some extraordinary sources of felicitation, under all circumstances.

Let the President take what course he will, they find, either in the act itself, or the motive, when the act cannot be defended, grounds of excuse or justification. Hence the passage of the Maysville road bill was a glorious triumph of principle, on one day; on the next, the "vetoing" of that bill was still more glorious and brilliant. Happy is the man who can be happy under all circumstances; and so it was in this matter. But enough, sir, on the subject of the President's pledge to sustain internal improvements in the West; and enough as to the manner in which that pledge was redeemed. I will now pass to the pledge which he, in substance, gave in regard to the tariff, and for the encouragement of his Western friends.

It was in the same letter from General Jackson, and in response to the call of the Indiana Legislature, that, as evidence of his devotion to the tariff, he referred also to his vote, while a Senator, for the tariff of 1824, usually denominated the "woollens bill." This bill, sir, I have always believed, and still believe, was more prejudicial to the South than the bill of 1828; and, in reference to the general subject, it may be considered as rather "*ultra.*" Yet, to satisfy his friends as to what he might thereafter be expected to do, General Jackson referred to the fact of his vote for the bill of 1824, as an act that he had already done. But he did not stop even there. He went further, and pointed to his famous letter to a certain Dr. Coleman, in which he had imbodied his tariff creed; and in which, permit me to add, sir, he had gone as far as Henry Clay himself would have considered it necessary to go. Are any of these statements to be controverted? If so, let the member who doubts now controvert them, that an opportunity may be afforded me of sustaining them, from the public records of the country.

Here, then, Mr. Speaker, as strong as pledges can be, are two pledges given: the first to sustain internal improvements, the second to sustain the tariff; and the effect which they produced in the Western country is too well known to admit of dispute. But what, sir, are we now told; and that, too, by one of the most devoted friends of the President? We are told, Mr. Speaker, that, while that individual was making such promises as those to which I have alluded to the people of the West, among whom the tariff and internal improvements were popular, he was also understood as pledged to the South that "he would put down internal improvements, and reduce the tariff, and destroy the United States Bank," it being known that, in the South, they were unpopular. Sir, if the gentleman from North Carolina is not in error, what a deplorable period in our national history have we reached! Whether he is in error or not, is a question to be settled between himself and those concerned. So far as I am concerned, I am bound to believe that he is not. But, Mr. Speaker, in conclusion, I propose this question for that gentleman, and I hope it may meet his views of propriety, and, at the same time, suit his convenience to answer it: Were the pledges which he says were made to the Southern people, public or private pledges? If public, will he refer me to the document or correspondence in which I shall find them? If private, of course I cannot obtain them, otherwise than as they are here given; and I solemnly declare that this is the first time that I ever heard it acknowledged that such pledges were made to the South, though I have heard the charge made perhaps ten thousand times over. If they were public, then the President would stand self-condemned of having availed himself of different currents as he navigated different political seas; and if private, then it is well that the people should understand the character of the means by which a wise and virtuous administration was prostrated, on the ruins of which another has sprung up, which has (thank God!) left us thus long the name of a free people, if, indeed, but little, or, perhaps, nothing more.

Mr. BOON rose to correct the gentleman as to a matter of fact. The letter to which he referred was addressed, not to Governor Rea, but to the Senate of Indiana.

Mr. BURD spoke briefly in opposition to the amendment. He wished to pay the public officers amply and liberally. There ought not to be a clerk in the Post Office without a salary of one thousand dollars.

Mr. HARPER, of New Hampshire, did not rise to continue the debate. The economy and comfort of the House required that the question should be disposed of. He regretted that there was no way, according to the rules of the House, of getting the question on this amendment, without cutting off the subsequent amendments. He moved the previous question, but subsequently withdrew the motion.

Mr. McKAY said he was in favor of an economical administration of the Government, but he should vote against the amendment, because it was inconsistent with other parts of the bill, and unnecessary, inasmuch as a committee of the House was engaged in inquiries as to the expediency of reducing salaries, and would in due time report.

Mr. BARRINGER called for the question on each separate clause of the amendment. He was in favor of some of the items, but would not vote for the whole, indiscriminately. Mr. B. explained that he had been misunderstood, as having made, when he formerly spoke on this subject, the charge against the clerks, as a body, of inefficiency and idleness. He had never made any such charges against the clerks, as a body.

Mr. VANCE said he had no wish to fish for minnows. If he could not get hold of the six and seven thousand dollar gentlemen, he would withdraw the proposition. The question on the first clause, reducing the compensation of the Vice President and heads of Departments was then taken by yeas and nays, and determined in the negative: Yeas 48, nays 141.

Mr. V. withdrew that part of the amendment relative to clerks, and called for the question on the next clause of his amendment, which proposes to limit the emoluments of the collectors and other officers of the customs.

Mr. SUTHERLAND said it was in contemplation to equalize the emoluments of the collectors of the customs. The Committee on Commerce would present a plan upon that subject at the next session of Congress.

Mr. BARRINGER expressed himself in favor of this amendment, in strong terms.

Mr. PARKER said that the emoluments of the collectors of the customs were limited by law. In the ports of New York, Philadelphia, Boston, Baltimore, New Orleans, Charleston, and Savannah, the amount of compensation, after deducting all expenses of clerk-hire, stationary, fuel, and other expenses incidental to the office, was limited to four thousand dollars per annum; in all other ports it was limited to three thousand dollars. If the emoluments exceeded the limitation, the surplus was accounted for and paid into the treasury. They were also allowed, as superintendents of light-houses, and for services in other capacities, a compensation limited to four hundred dollars per annum; but this extended to but few of the collectors, who were agents. It appeared by the Blue Book that the collectors of New York, Boston, Philadelphia, and New Orleans, alone received four thousand four hundred dollars each, the highest compensation allowed by law. But there was an important fact to be noticed. The emoluments of collectors, naval officers, and surveyors, arose almost altogether from fees allowed by law, paid by merchants, ship-owners, and others transacting business with the custom-house, and a commission allowed on money collected and paid into the treasury. In the large ports this commission was very small. In New York it was only one-sixth of one per cent., in Boston one-fifth of one per cent., in Philadelphia and Baltimore three-eighths of one per cent., in New Orleans one per cent.; and in none of the districts was a greater commission allowed than three per cent. Some of the collectors in the smaller districts received salaries, a few of which were as high as five hundred dollars, but generally two hundred and fifty dollars per annum, and some less.

The restriction of the amount of compensation by no means implies that the collector or other officer shall receive as much as the sum limited. On the contrary, it appeared that the emoluments of the collectors in the United States, the last year, were as follows:

The collectors	who	received	$4000	were only	4
Do.	do.	over	3000	do.	9
Do.	do.	over	2000	do.	4
Do.	do.	over	1500	do.	10
Do.	do.	over	1000	do.	14
Do.	do.	over	500	do.	31
Do.	do.	under	500	do.	25
					97

From which it appeared that more than one-half of the collectors received a compensation below that of an inspector or tide-waiter. It would be noticed that the fees of the collectors, and the small commission allowed them, paid for all the clerk-hire, stationary, fuel, &c. in their respective offices, and, in most of them, the office-rent also. In this way a very large amount of the salaries contained in the Blue Book was actually paid, although ostensibly noted as coming out of the treasury. Thus, in New York, by the fees and a commission of one-sixth of one per cent., there was paid the compensation of the

collector and his clerks, amounting to -	$62,399
That of the naval officer and his clerks,	10,041
That of the surveyor and his clerks,	10,520
	$82,960

In Boston and Philadelphia the same expenses amounted to about twenty-five thousand dollars in each, besides a large amount in other ports; and this over and above all expenses of stationary, fuel, &c.

The duties had been reduced, while the commissions had been left as formerly, and the expenses remained the same. In this state of things, unless some provision were made to increase the compensation, some of the collectors might receive none at all. As regards the smaller collectors, their expenses are paid out of their own pockets, unless their emoluments exceeded three thousand dollars, which was never the case. The allowance of compensation to collectors required further regulation, which, he trusted, would be made. In many instances it was more proper to increase than to diminish it. The amendment of the gentleman from Ohio appeared to be drawn without a full understanding of the subject. The small collectors will be reduced still lower than their present scanty compensation; but those who receive four thousand dollars will be brought down only to three thousand dollars. The amendment operates most hardly on the poor.

The office of a collector of the customs was important and responsible. As much fraud might be committed in the small ports as in the large ones. The Government should have the services of men of character and capacity in this office, and a fair compensation should be allowed them. It was a dangerous thing to place men in office of such high trust without adequate compensation.

Mr. GILLET thought the proposed amendment out of place in the bill, which did not refer to the compensation of these officers in any manner whatever.

Mr. VINTON was satisfied that limitations and restrictions should be placed upon the bill. The expenditures of the last year had greatly exceeded the estimates.

Mr. VANCE did not propose, by the amendment, to affect the emoluments of any officer whose receipts were less than two thousand dollars.

Mr. CAMBRELENG proceeded to answer the inquiry put by the gentleman from Ohio, [Mr. Vinton,] how the difference occurred between fourteen millions and the actual expenditure of twenty-two millions in the last year. The extraordinary expenditure for pensions amounted to three millions; the two Houses authorized appropriations to the extent of about three millions and a half beyond the Treasury estimates; and the difference of duty between the old and new duties, under the act of July, 1832, was, subsequent to the 4th of March, refunded to the extent of some millions. The House was about to do an act of very great injustice. The salaries of the collectors were entirely contingent, and were made to depend, as he thought, very improperly, (for they should be fixed by law,) upon the amount which might accrue from a trifling commission upon the revenue received, and upon the fees collected. If from these sources a sufficient fund were accumulated to pay the expenses of the office, and to leave an excess of four thousand dollars, in the larger ports, then that was his compensation—but that was the maximum; on the other hand, under the present strange law, the collector might receive nothing at all. If trade is suspended, he gets no compensation. During the embargo, non-intercourse, non-importation, and now, for a period of eight years, their salaries were in effect suspended. There have been, for years past, claims to a large amount, not only for deficient compensation, but in cases where the fees and emoluments, in some years, would not pay the expenses of the office. It was manifestly unjust to reduce the maximum of salaries which were wholly contingent, and might amount to nothing, and which had been already reduced from five to four thousand dollars. Instead of reducing the compensation, the salary ought to be fixed at the maximum now existing.

The gentleman from Ohio [Mr. VANCE] was mistaken, or he (Mr. C.) must have received incorrect information. Since the debate the other day, he had learned from an officer of the customs, of New York, that, although some of the weighers appeared to receive a very large compensation, they did not, in fact, receive the amount stated officially. There were fourteen weighers in New York, receiving unequal compensations, which were consolidated, and divided equally among them. He had the actual returns for the first quarter of the present year, and found that, while one received about seventy dollars, another received more than six hundred; after deducting their expenditures for labor, the average was about two hundred and thirty-three dollars per annum. There might be abuses in some of the ports, and some officers may receive an unjustly large compensation. The collectors in the small ports, in some instances, when the fees and emoluments do not amount to enough, receive no salary at all. That was the condition of the collector of Salem, (whose letter Mr. C. read;) and if a collector in a port of that magnitude would be without compensation, gentlemen might estimate the number of our revenue officers who would be absolutely without pay, unless some provision were made for them. The act of 1832 did not diminish the exports or the imports of those ports, by repealing the duty on the latter; but that act, and the act of 1833, by adding largely to the number of free articles, destroyed, to an equal extent, the commission on the receipts of revenue, upon which fund the salaries of the collectors are contingent. Some provision must be made, by which our officers may receive the same compensation which they would have received had the act of 1832 not been passed. So far from receiving too much, most of them actually receive too little, and some of them must suffer severely if we do not provide a fund out of which they may receive a reasonable compensation. If we tamper with our revenue officers, we may drive them to the necessity of adopting the habits of the officers of some European nations, who depend for their support upon the liberality of the smuggler. It is a false economy to reduce the salaries of officers upon whose vigilance and fidelity you depend for the collection of the entire revenue of the country.

Mr. **HARPER**, of Pennsylvania, went into a detailed statement relative to the unnecessary officers attached to the custom-houses, and the exorbitant compensation they received.

Mr. **HARPER**, of New Hampshire, was satisfied that a system of regulating the officers of custom-houses should be adopted; but believing that this was not the proper occasion, and that no further time could be spent in this discussion, he demanded the previous question, which he afterwards withdrew.

Mr. **GAMBLE** moved that the House adjourn; which was negatived: Yeas 75, nays 89;

After some remarks from Mr. BATES, in favor of the amendment,

Mr. **WILLIAMS** moved that the House adjourn. Lost.

Mr. **J. M. HARPER** then renewed the call for the previous question; which was not sustained: Yeas 64, nays 101.

On motion of Mr. **McKENNAN**, the House adjourned.

FRIDAY, MAY 9.

NAVY REGULATIONS.

The following resolution, submitted by Mr. CAMPBELL P. WHITE yesterday, was, on his motion, taken up for consideration:

Resolved, That one thousand additional copies of the amended Rules and Regulations for the Navy, communicated by the President of the United States on the 2d May, 1834, be printed for the use of the House.

Mr. **McKAY** desired to have some information whether these rules and regulations had been adopted? For, unless they had been sanctioned by the Navy Board, and approved of by the President, he could not see any reason for having them printed. It was a useless expense.

Mr. **C. P. WHITE** replied, that these rules had been presented in compliance with a resolution adopted last session, in pursuance of which a board of officers had been appointed to consider and report such rules and regulations as would tend to promote the comfort and advance the interest of those employed in the naval service. They had made a report accordingly. The Committee on Naval Affairs, considering the importance of the object, were desirous, before they should be adopted, to give every grade of officers in the service an opportunity of exercising their judgment upon them. With this view, he had been instructed by them to move for the printing of an extra number of copies.

Mr. **McKAY** suggested that the consideration of the resolution should be postponed until to-morrow, and submitted a motion to that effect.

Mr. **WHITE** said he would not object.

The House refused to postpone; after which, the question being put on the adoption of the resolution—

Mr. **ADAMS** inquired whether it was the intention of the Naval Committee that any action should be had on the subject during the present session.

Mr. WHITE replying in the affirmative—

Mr. A. said he thought there could not be time to collect any opinions of the officers of the navy in time for the requisite discussion to take place in Congress during the present session. He said that the existing rules were of many years' standing, and needed revision; but he hoped the same thing would not happen in reference to those now proposed, which had in relation to the Rules and Regulations for the Army, drawn up by General Scott, which had been adopted without having even been once read in the House; the consequence of which had been that, at the very next session, they had been repealed. The subject of the navy was a very important one, and Mr. A. hoped the attention of Congress would be directed to it.

Mr. **REED** advocated the adoption of the resolution, believing that it was of the highest importance that these rules and regulations should be made known to every grade of our naval officers. They would be deeply affected by them, and it was but fair that they should have an opportunity of giving their opinions upon them. The expense of printing would, in his opinion, be small in comparison with the importance of the object.

Mr. **WILLIAMS** said he was disposed, on all proper occasions, to concur with the honorable member in every measure he should propose to economize expenditure, but the present was a question, whether they should order documents to be printed which were deemed useful to our navy; so useful, that he thought every officer of every grade in the service should have a copy. He approved of the printing of an extra number of copies now, because he believed they could be printed now at a less expense; and he also believed that the rules would be adopted. He concurred in the propriety of the suggestion of the honorable member from New York, that an expression of opinion upon these regulations should be had from the officers of the navy.

Mr. C. P. WHITE referred to and quoted the act authorizing the Commissioners of the Navy to institute a board of officers, whose duty it was to report such rules and regulations as, when sanctioned by the President of the United States, should be considered obligatory. He said that, the report having been presented, the Committee on Naval Affairs were not even willing to recommend these rules, until the officers should have given their views upon them. When the report was originally presented, the usual number of copies was ordered to be printed. This extra number they deemed necessary; and as the number was so limited, giving only two copies to each member, he trusted there would not be any objection to it.

The resolution was then agreed to.

WEST POINT ACADEMY.

The resolution submitted yesterday by Mr. GAMBLE, in relation to the West Point Academy, calling on the Secretary of War for information as to the number of cadets, &c., was taken up and modified; and the question being put on its adoption—

Mr. CONNOR inquired if the information called for was not already called for by a resolution submitted by the member from Kentucky [Mr. HAWES.]

The SPEAKER having ascertained that it was—

Mr. GAMBLE withdrew the resolution for the present.

KENTUCKY ELECTION.

Mr. BANKS, on the part of the minority, from the Committee of Elections, presented a counter-report to that presented by the majority, in the case of Mr. MOORE and Mr. LETCHER, which he moved to have printed, and its further consideration postponed until Tuesday next.

Mr. POLK asked the unanimous consent of the House to take up

THE APPROPRIATION BILL.

Objections having been made—

Mr. POLK moved a suspension of the rule.

On this motion Mr. VINTON called for the yeas and nays.

The House refused to order them, and agreed to suspend the rule.

The question pending, from yesterday, being on the following clause of the amendment submitted by Mr. VANCE, viz:

"In no case shall the compensation by salary, fees, or otherwise, be permitted to exceed: of a collector, $3,000 per annum; of surveyors and naval officers, $2,500 per annum; and of weighers, gaugers, markers, appraisers, and all others connected with the collection of the customs, $2,000 per annum."

Mr. VANCE said that, as the question had been amply discussed, he would now ask that it be decided by yeas and nays. The yeas and nays were ordered, and resulted as follows:

YEAS—Messrs. Heman Allen, John J. Allen, Chilton Allan, William Allen, Banks, Barringer, Beaty, Beaumont, Binney, Bull, Bunch, Burd, Burges, Casey, Chambers, Chilton, William Clark, Clayton, Clowney, Connor, Corwin, Coulter, Crane, Warren R. Davis, Deberry, Deming, Denny, Dickson, D.W. Dickinson, Duncan, Evans, H. Everett, Ewing, Fillmore, Forester, Foster, Fulton, Gamble, Gholson, Grennell, Griffin, Hiland Hall, Hamer, Hard, James Harper, Harrison, Hazeltine, Hiester, J. W. Huntington, Jackson, Jarvis, S. Jones, King, Kinnard, Lane, Laporte, Lincoln, Love, Lucas, Mardis, McComas, McKennan, Moore, Potts, Ramsay, Reed, Rencher, Aug. H. Shepperd, William Slade, Charles Slade, Sloane, Spangler, Stewart, William P. Taylor, Tompkins, James Turner, Tweedy, Vance, Wagener, Webster, Frederick Whittlesey, Elisha Whittlesey, Wilde, Williams, Young—85.

NAYS—Messrs. John Quincy Adams, John Adams, Archer, Ashley, Baylies, Beale, Beardsley, Bodle, Briggs, Brown, Bynum, Cambreleng, Chinn, Samuel Clark, Clay, Coffee, Day, Dickerson, W. K. Fuller, Galbraith, Gillet, Gilmer, Gorham, Joseph Hall, Thomas H. Hall, Halsey, Hardin, Joseph M. Harper, Hathaway, Hawkins, Howell, Hubbard, Abel Huntington, Noadiah Johnson, Cave Johnson, Kavanagh, Lansing, Luke Lea, Thomas Lee, Leavitt, Loyall, Joel K. Mann, Martindale, Moses Mason, McKay, McKim, McLene, McVean, Miller, Robert Mitchell, Murphy, Osgood, Page, Parker, Patterson, Pierson, Polk, Schley, Selden, Shinn, Standefer, Sutherland, Philemon Thomas, Thomson, Turrill, Vanderpoel, Van Houten, Ward, Wardwell, Wayne, C. P. White, Wise—72.

So the amendment was agreed to.

Mr. VANCE thereupon, as he had previously intimated, withdrew all the other clauses in the amendment proposed by him.

Mr. WHITE, of Florida, moved the insertion of the following amendments, which had been proposed by him in the Committee of the Whole, and there disagreed to:

After line 533, insert: "For the extra compensation allowed to the judges of the middle and western districts of Florida, for the adjudication of land claims under the act of twenty-sixth of May, eighteen hundred and twenty-eight, for the years eighteen hundred and thirty-three and eighteen hundred and thirty-four, three thousand two hundred dollars.

"To defray the costs of certain suits decided against the United States, as directed in the act of May twenty-sixth, eighteen hundred and twenty-eight, one thousand dollars."

Mr. WHITE said that, by an act passed in 1828, Congress imposed on all the judges in the Territory the performance of duties previously performed by a board of commissioners at a very heavy expense, of 12,000 dollars per annum: and for this extra service they were to receive a compensation of 800 dollars per annum. The Committee of Ways and Means not having made provision for the judges of the middle and western districts for last year, the object of his amendment was to pay those for whom no appropriation had been made. The House, he said, would find, on reference to the terms of the act, that they were as much entitled to the compensation as it was imperative on them to perform the duties under it. Mr. W. referred to the act, and went into a lengthened statement of their duties, &c., which he maintained entitled them to the compensation he proposed to be given to them.

Mr. POLK, in explanation, said the Committee of Ways and Means had not recommended the appropriation last year, not being entirely satisfied that they ought to have done so. They were influenced in withholding it in consequence of some obscurity in the terms of the act of 1828, which, it would appear, was based, in terms, on the act of 1824, granting compensation for similar duties to the judges in Missouri, (where there were but two,) for the settlement of land claims. Mr. P. read the clauses in the act, and said that it was only due to the judges in Florida to state that they had the strongest testimonials as to the nature of the duties, &c., from the district attorney general, the grand jury, and others, (which were read,) sustaining their claims to this compensation. He said that he might also add further, in explanation, that the salaries paid the judges in Florida were inadequate to the expenses of living there. There were in the Territory four judges, three of whom had $1,500 per annum—one $2,000.

The difficulty for the House to decide was, whether, by the terms of the act, all the district judges, whilst employed in the discharge of the duties imposed by it, were entitled to their salaries? If the House were of opinion that each of the judges was bound to act, then the House were bound to make the appropriation. It did not appear that more than two of them had heavy duties to perform; and he presumed, if the Delegate from Florida could satisfy the House that the duties imposed on these caused them additional trouble, their decision would turn upon this fact.

Mr. WHITE, of Florida, went into an explanation of the duties performed by the Territorial judges, and maintained that, as the law had enjoined upon them all certain duties, for which a certain compensation was to be given them, there could not be any discrimination or selection, as to the persons entitled to receive the compensation, so long as there were any causes remaining for them to decide.

He might here state that he had seen the Secretary of the Treasury on the previous evening, who had informed him that he had lately received such information from the judges themselves; that he (the Secretary) said that he would send a statement recommending the appropriation to be made. It had not, however, been sent, as he expected it would have been, this morning. The judges had not completed the duties required under the act; and, as they were bound to perform them, they were entitled to the compensation. He could testify, so far as his own experience went, that the expenses of living were so great that no judge in the Territory could support the station to which he was appointed, on the salary he received.

The amendment was opposed by Messrs. McKAY and GAMBLE, in the form in which it was at first offered.

Mr. WHITE thereupon modified his amendment so as to make the extra compensation only retrospective; leaving the year 1834 to be provided for in the bill of next session--in which form it was agreed to.

Mr. SUTHERLAND now moved to amend the bill by adding the following as a third section:

"Sec. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to pay to the collectors, naval officers, surveyors, clerks, gaugers, weighers, provers, markers, and measurers, of the several ports of the United States, out of any money in the treasury not otherwise appropriated, such sums as will give to the said officers, respectively, the same compensation in the year one thousand eight hundred and thirty-three, according to the importations of that year, as they would have been entitled to receive if the act of the fourteenth July, eighteen hundred and thirty-two, had not gone into effect."

Mr. S. said that this amendment had been suggested by the Treasury Department, and was only the transcript of a similar clause in the bill of last session. Unless it should be adopted, the collector of Philadelphia would be $3,900 out of pocket. He insisted on the policy of giving these officers a full compensation.

Mr. CLAYTON observed that he should be opposed to the amendment, and he hoped he should have it in his power to show, before he closed his remarks, by the exhibition of certain facts which he was able to procure in a late short visit to the city of New York, that the House will act very unadvisedly if they legislate at present on the subject of the amendment.

[Here Mr. SUTHERLAND asked to explain the object of his amendment, which he did by a speech of some length; at the close of which Mr. CLAYTON continued.]

Mr. C. said he thought the House ought to be well satisfied with the gentleman's explanation, for it related to matters and things in general, and doubtless included every dispute which had taken place in the House for the last three days; but it did not convince him that the proposition was either wise or just. What does it amount to? That the duties received upon the importations of 1833, decidedly the largest that have ever accrued under this Government, should constitute the standard by which the fees of custom-house officers shall hereafter be regulated! The House might just as well ascertain by the Blue Book what they received during the last year, and fix their salaries at once at that amount. Who does not perceive that such a proposition is tantamount to the establishment of fixed salaries to officers whose pay, heretofore, depended upon the nature and extent of their services; and, what is worse, just at a time when those services were about to be greatly diminished? A more ingenious device to enlarge salaries, when we are endeavoring to reduce them, could not possibly be conceived. We were called upon to take the receipt of customs for the year 1833, being the greatest ever known; and whether officers performed any duties or not, they are to be paid according to their wages received in that year! Let us further examine into the monstrous character of such a proposition. By the act commonly called the compromise act, a great many articles are rendered duty free, and consequently all those classes of services belonging to weighers, gaugers, markers, measurers, and such as receive a per centage upon the amount of duties, will be evidently and notoriously reduced. Yet these persons are to receive the same compensation which accrued to them in the great business year of 1833, though their labor has ceased. Take an illustration. Teas are now duty free, and consequently the necessity for weighing them is at an end; but a public weigher, under the amendment proposed, has nothing to do but to ascertain the amount of that immense article of importation, for the year 1833, and receive his fees for weighing, though not a single pound has passed through his hands. But, Mr. C. said, he had another and a higher reason for his opposition to the amendment. It will be recollected that a committee had been raised for the purpose of investigating the necessity of equalizing and reducing the expenses of the Government, as well as to abolish unnecessary offices. The committee had entered upon that duty, and, as a member of it, he had lately acquired some important facts, which he would submit to the House, to show the propriety of abstaining from legislation on the matters referred to that committee, until the House could be furnished with all the information in the pursuit of which they had been despatched. He said, in his visit to New York, against which, as he had understood, some complaint had been made, he had not been unmindful of the trust committed to him by the House; and, while there, instituted an inquiry into the affairs of the custom-house, being the most important in the Union. He found these facts, which he would submit to the House, with this qualification, that there might be some slight variation in the sums, as the present results were acquired under a hasty enumeration. In the year 1828, the cost to the Government for the collection of its revenue at the port of the city of New York was about $130,000; last year it was $370,000; an increase of two hundred and forty thousand dollars. In the former year, the stationary account was about $3,000; now it is $8,000.

In 1828 there were	35 collector's clerks;	now	66
	2 appraisers,	"	7
	1 appraiser's clerk,	"	16
	63 inspectors,	"	120
	6 gaugers,	"	8
	13 weighers,	"	14
	12 measurers,	"	13
	4 markers,	"	9
	No night-watch,	"	32

It will be perceived that there is a most extraordinary increase of expense and of officers; and we are told that it is justified by the very great increase of business at that port. This may be; but in order to satisfy this House of the truth and soundness of such a justification, it is the intention of the committee to procure from the Treasury

Department a tabular statement of the amount of duties received in each year, or quarter of the year, from 1828 to this time; and therefore these facts are now submitted merely to warn the House of the danger of proceeding further in a course of legislation in which they must obviously grope their way in the dark. They are well aware that the compromise act has made, and is making, a material revolution in the receipt of customs, and as materially affecting the services of very many of the officers connected with the collection of imposts. Of this they have just been apprized by a letter from the Secretary of the Treasury, transmitted to the Committee of Ways and Means; so that the subject of the amendment on the table is now before two of your committees—one general, and the other special; and yet you are about to sweep the matter from under them without one particle of information upon which you can found any thing like safe legislation.

Mr. C. wished to be understood that he gave no opinion on the merits of the proposition—he did not wish to prejudge them; for on another occasion, and in another place, they might be sufficiently just to deserve respect: he only wished to exclude the subject from a common appropriation law, designed for other purposes, and where, if once lodged, it might be placed beyond the power of future control.

Mr. **HUNTINGTON**, of Connecticut, opposed the amendment, the true effects of which he stated to be, to give men salaries for duties they had no longer to perform.

Mr. **SUTHERLAND** modified his amendment, so as to confine it to collectors, naval officers, and surveyors.

Mr. **GORHAM** said that this modification had removed his chief objection to the amendment, which was, increasing the salaries of men appointed, not by the President and Senate, but by the collector only.

Mr. **HARPER** stated some facts, showing abuses which existed in the custom-house at Philadelphia; but had less objection to the amendment as now modified.

Mr. **SELDEN** supported the amendment. He thought the great want of reformation had respect to the inferior officers; the naval officer, in particular, might be dispensed with altogether.

Mr. **JARVIS** opposed the amendment, and commented on the high salaries of custom-house officers.

Mr. **VANCE** now offered an amendment to the amendment before the House, directing the collector in New York to dismiss a long list of officers in the custom-house there, including 1 deputy collector, 1 assistant cashier, 20 clerks, 4 assistant appraisers, 31 night-watches, &c. amounting in all to 121. He briefly advocated this amendment.

Mr. **CAMBRELENG** said he must be permitted to say this was an extraordinary mode of proceeding upon a subject which required so careful an examination of facts. The gentleman from Georgia [Mr. Clayton] had referred to the increase of officers at New York. He hoped that gentleman would do the collector the justice to ascertain the number of vessels which entered and cleared at that port; examine into the amount of the revenue collected, and satisfy himself whether it was collected so economically at any other port of the United States. He was entirely willing to support any well-digested and practicable arrangement of these offices. The amendment, as it had been originally moved, was the same as was proposed at the last session by the then chairman of the Committee of Ways and Means—a gentleman who resided in the city of New York, and who had also drawn the report in favor of the United States Bank.

Mr. **PARKER** said the amendment to the amendment did not go far enough. It only proposed to dismiss a part of the custom-house officers. It should have gone to dismiss the whole. He had frequently had occasion to go to the custom-house in New York. He was entirely convinced that the officers there employed could not be dispensed with. He had never seen in his life individuals more busily employed. Gentlemen appeared to suppose that, because the rate of duties had been lessened, there was less employment for custom house-officers. He would inform those gentlemen that every thing required before to be done was necessary now. In fact, some portion of employment was greatly increased. The abstruse mode of calculating duties required by the compromise law was calculated sometimes to puzzle even an expert accountant. The gentleman from Ohio [Mr. Vance] had alluded to his remark, that the high tariff of 1828 had increased the propensity for smuggling. This was notoriously the fact, and rendered more officers essential to the protection of the revenue; and one of the most unfortunate consequences of the system of high duties is, that when men, under the temptation of fifty per cent., have been induced to smuggle, they will not leave it off when duties are reduced to twenty-five per cent. It must also be remembered that the trade of New York had nearly doubled since 1828. It had swallowed up that of many other places, and, it might be said, of almost all other places in the United States. That a large increase of officers, under these circumstances, was necessary, was not a matter of surprise.

Mr. **BROWN** said, the amendment offered by the gentleman from Ohio [Mr. Vance] proposes to strike from existence one hundred and twenty-one of the officers employed in the collection of the revenue in the city of New York. As one of the delegation from that State, he could not feel indifferent to the fate of this extraordinary proposition; and unwilling as he was to occupy the attention of the House, he must be permitted to make a few observations upon the subject. Gentlemen seem to argue this question as if the revenue officers and the Government alone were interested in its decision. He begged to correct this impression, if he was right in supposing such existed in the minds of honorable members. There was another class whose interests might be prejudiced by the event; that class was the merchants; those concerned in the vast commerce of the city, which led them to transact business with the custom-house. What information is there before Congress that the officers employed in that branch of the public service were too numerous? Were there more than the public interest and convenience required? None whatever, sir. The facts communicated by the gentleman from Georgia [Mr. Clayton] do not touch the question. He would, at a proper time, and upon a proper occasion, go with gentlemen in any reasonable effort to reduce the number of revenue officers, or the salaries of revenue officers, whenever such reduction can be made without injury to the public service, or diminishing the facilities for the transaction of commercial business. What particular reason exists for the application of this proposition to the city of New York alone, the House had not been informed, nor could he conjecture. Gentlemen were sometimes inclined to find fault with New York politics and New York influence; but he hardly expected, while the general appropriation bill was under consideration, that the number of her citizens engaged in the collection of the revenue should be made the special subject of animadversion. New York has much to be proud of besides her well-spread commerce, which it might not become her representatives to enumerate here. And she had as little to fear from the most searching scrutiny into her political affairs on any other branch of her public concerns, as any other portion of the Union. He hoped gentlemen might have an opportunity to see her as she really was; and when they felt inclined to speak of the number of officers employed within her limits in the preservation and collection of the revenue, he begged they would not forget her commerce, and the vast amount of revenue she brought yearly into the public treasury. The gentleman from Connecticut [Mr. Huntington] seemed to think that the extent of service rendered in carrying into effect the revenue laws, and the collection of the impost duties, depended upon the amount realized by the Government; and that the operation of the last tariff law has taken away the necessity for the same number of custom-house officers. This opinion, he apprehended, was not true, to the extent which the gentleman seemed to suppose; and the observations of his colleague [Mr. Cambreleng] were so full and satisfactory that he would not trouble the House further with that branch of the subject.

Although, as a general rule, he was opposed to legislating upon officers or salaries in an appropriation bill, further than to provide means for the payment of those already created, still, rather than leave collectors, surveyors, and naval officers without an adequate compensation, he would so far depart from this rule as to vote for the amendment making provision for that purpose.

Mr. PEARCE, of Rhode Island, spoke in opposition to the motion, and in reply to Messrs. Vance and Clayton.

Mr. VANCE said, as the House was impatient for the question, and as the gentleman from New York [Mr. Cambreleng] did not wish his amendment to be encumbered, he would withdraw his motion.

Mr. FILLMORE, being solicitous, as he said, that this amendment should not be considered as inconsistent with the clause adopted on motion of the member from Ohio, [Mr. Vance,] moved to amend the amendment by adding to it the provision, that in no case should the compensation of a collector exceed three thousand dollars, nor that of a surveyor and naval officer twenty-five hundred dollars each.

Mr. SUTHERLAND accepted the amendment as a modification, in order to prevent further delay, declaring, at the same time, that he was opposed to the reduction of the emoluments of those officers.

Mr. CLAYTON again rose and remarked, that though several amendments had been submitted and withdrawn, yet they had given rise to very many insinuations that could not possibly follow them, and he felt it his duty to reply to them. The gentleman from New York [Mr. Cambreleng] had said, in substance, that the inquiry made concerning the condition of the custom-house at New York was a small business.

[Mr. Cambreleng here rose to explain that he did not say the inquiry into the affairs of the custom-house was a small business; but as to the number of clerks, and their compensation, he did consider it a very little matter.]

Mr. C. resumed, by saying that the question was fast becoming one of little consequence, by the unnecessary interference of the gentleman, and the very little understanding which he manifested concerning its true character. His remarks, he said, related to the entire subject of retrenchment; and that branch, connected with the collection of the customs, had furnished the first opportunity of illustrating the necessity of a full investigation of the charge confided to the committee of which he was the chairman; not by scraps of legislation in this and in that law, but that it should be reduced to a system, embracing every expenditure of Government, in every department, and to be carried out in one complete general law. This is not the first time he had heard that the object of the Committee of Retrenchment was a small affair, and he had no doubt that an attempt would be made to accomplish, by sneers and taunts, that which fair argument dare not essay. It was in the mouth of every body, that something ought to be done; that the extravagance of expenditure and the abuse of office were such as to cry aloud for thorough redress; and yet, begin where we may, we shall meet with the cry of "small business." There had been commenced an inquiry into the abuses of the Legislative department of Government, by requesting, from certain sources, a statement of expenses in different branches—it was whispered immediately that an inquiry into the expense of paper, pens, and wafers, was a "small business." Members may sit here in this chamber and shoot away wafers for amusement the live-long day, and if a correction of such an undignified sport should be attempted, it would doubtless be called a "small business," never once dreaming that the act itself is a very little affair. If we go to the custom-houses, we are met directly with the cry of "small business;" if you seek to apportion the expenses to the services, or the officers to the labor. If we should knock at the Post Office, that institution which hardly hangs together by reason of its wasteful debaucheries, we should be told researches here for the purpose of scaling down the number of clerks, or their salaries, will be a very "small business." Indeed, where can we go to escape this reproachful term? No, sir, there is devolved upon the committee a trust of fearful responsibility; and they owe it to themselves, as well as to the country, not to shrink from their duty; not to be shamed out of a service than which nothing is better calculated to promote the public interest, or the purity and duration of the Government. For one, he said, he was determined to persevere, and, in the language of a celebrated Tennessean, to stand up to his rack; and, he believed, it was equally the intention of the rest of the committee to do the same thing. It has been said, nothing can be done in this House, but that New York must be attacked. Mr. C. said he disclaimed all such views. He could not, under any circumstances, be induced to be guided by such a narrow policy. He was quite sure that such a course from him would be signally illiberal, for he had lately received the most pleasing proof that no one deserved it less than the inhabitants of the city of New York, from whom he had received the most generous and hospitable treatment. He appealed to the candor of the House, and the sincerity of the gentleman himself, to say, whether any thing in his remarks had tended to impugn the conduct of the officers of the custom-house, or to reflect upon the character of the people of New York. He had sought and derived his facts from that city, because it was the most important point, being the great centre of commerce, and, it seemed to him, the most appropriate place to begin the inquiry, seeing we must begin somewhere; and he merely adduced them now to show that the subject under consideration had better be postponed until a full investigation should furnish the House with the proper materials for action. He wished it to be distinctly understood that he intended to enter into this examination with no partial or illiberal views; that party considerations should form no part of the principle by which he would be actuated, being resolved that the benefit of the country, and the whole country, should alone direct his every movement. He had requested one of his colleagues on the committee to withdraw his amendment, because it seemed to be partial in its effects, and partook of the nature of his other objection to the original amendment, which was, that the appropriation law was not the proper stock upon which to ingraft the abolition of offices, or the reduction of salaries. If the House is honest in its desire to retrench the expenses of Government, and the committee be faithful in the supply of the proper occasions for such a commendable service, they will have a fair opportunity to gratify their wishes. But if, in every law which comes before the House, where appropriations are to be made, you gradually undermine the committee of its jurisdiction, by settling the different subjects properly belonging to their inquiry, and placing them beyond their reach, by final enactments, you had better at once discharge them from their commission, and let the people know it was all a pretence—nothing but a sham.

There is one other reason why this subject should be dropped for the present. The amendment contemplates a provision for that branch of the revenue collection under the care of the naval officer. Now this service can, and ought to be dispensed with--it is a wholly useless expense. It is a creation in the system, founded upon erroneous principles, and supposes a want of honesty in the collector, which, as a high and honorable officer, ought not to be indulged. His duty I understand to be this, and, if I am wrong, I beg to be corrected: that he serves as a check upon the collector. When a merchant settles an account with the collector, he is bound to carry it to the naval officer, and he makes an entry of it in his books, and this serves to show what has been received by the collector. Now all this is unnecessary, and, as stated before, proceeds upon the suspicion that the collector is, or may be, a dishonest man; not reflecting that a naval officer may be the same thing, and that the inducement which could be of sufficient influence to affect the virtue of one man could be as readily applied to two. The truth is, the bond and oath of so high an officer ought to be sufficient, and relied upon alone; and we are paying too high a premium for his faithful conduct when we create an officer, with his expensive retinue, merely to watch him. It is a little curious to observe the consequences of establishing one of these high offices in any of the departments—such as a bureau, an auditor, a chief clerk, &c. He draws around him, immediately, all the state and pomp of a departmental appointment. It is a wheel within a wheel; a machinery, or contrivance, that has almost the appearance of standing out to itself: you scarcely perceive where it touches any other moving power. They have their deputies, their chief clerks, their private clerks, their messengers, doorkeepers, and, in some instances, their deputy doorkeepers, with all the little kingly powers of patronage, attended with the right of appointment without merit, and removal without cause. Now this very naval officer has all this. Upon examining the Blue Book, you will find his own salary at $3,000; his deputy at $1,000, his clerk at $800, his private secretary at $80; and, I have no doubt, he has a messenger, or servant, at some other considerable sum, making an expense of something like $6,000, in this single port, for watching the collector. Besides, if report be true, (and it is mentioned by no means as being authentic, but, having heard it, it is due to those concerned to refute it if false,) the merchants, in their settlements with the collector, do not always carry their accounts to the naval officer to be checked; in that case, he sends his clerk, at the end of the quarter, to copy the entries from the collector's books into his own, and thus they are made to correspond. If this be false, it ought to be shown; if true, it is infamous, and demands that the office should be instantly abolished.

Mr. HUNTINGTON called for the yeas and nays on the question, and they were ordered.

The question being taken, it was decided in the negative: Yeas 74, nays 117.

So the amendment was rejected.

On motion of Mr. POLK, the word "custom-house" (at Baltimore) was changed to "warehouse," and the appropriation of $850 for watchmen at the War Department was augmented to $1,250.

Mr. ADAMS now renewed the motion which had been made in committee, by Mr. Foot, to strike out the words "Great Britain" and "Russia" from the appropriation for salaries of foreign ministers; and accompanied his motion by a statement of the grounds on which he opposed it.

Mr. WAYNE briefly replied.

Mr. DAVIS desired the question first to be taken on the proviso he had offered in committee, that the nomination be made to the Senate; but this was pronounced out of order.

Mr. BARRINGER explained the reasons why he would not vote for the motion to strike out.

Mr. WILLIAMS briefly replied.

Mr. FOSTER went, with warmth, into an expression of his views, declaring his apprehensions that no nomination would be made to the Senate; and his determination to support the constitutional rights of that body.

The yeas and nays were taken on this amendment, and decided as follows: Yeas 68, nays 122.

Mr. JARVIS moved to reconsider the vote in favor of a part of Mr. Vance's amendment, on the subject of the salaries of custom-house officers.

Mr. HUNTINGTON demanded the yeas and nays, which were ordered.

Mr. ADAMS was in favor of reconsidering, but, wishing to express his views on the subject, and to offer some other amendments, particularly one in reference to Buenos Ayres, moved an adjournment.

The House refused to adjourn.

The yeas and nays were taken on the motion to reconsider, and decided as follows:

YEAS.—Messrs. John Q. Adams, John Adams, William Allen, Baylies, Beale, Bean, Beardsley, Blair, Bockee, Bodle, Briggs, Brown, Bunch, Burns, Bynum, Cage, Cambreleng, Chinn, Samuel Clark, Clay, Coffee, Day, P. Dickerson, Fowler, William K. Fuller, Gillet, Graham, Thomas H. Hall, Halsey, Hannegan, Hard, Hardin, Joseph M. Harper, Hathaway, Hawkins, Howell, Hubbard, Abel Huntington, Jarvis, Richard M. Johnson, Noadiah Johnson, Cave Johnson, Benjamin Jones, Kavanagh, Kinnard, Lane, Lansing, Luke Lea, Thomas Lee, Leavitt, Loyall, Joel K. Mann, Martindale, Moses Mason, McIntire, McKim, McLene, McVean, Murphy, Osgood, Page, Parks, Parker, Patton, D. J. Pearce, Franklin Pierce, Pierson, Pinckney, Plummer, Polk, Schley, Selden, Shinn, William Slade, Speight, Standefer, Sutherland, William Taylor, Thomson, Turrill, Vanderpoel, Van Houten, Ward, Wardwell, Wayne, Whallon, Wise. --80.

NAYS.—Messrs. Heman Allen, John J. Allen, Chilton Allan, Anthony, Banks, Barber, Barringer, Bates, Beaty, Beaumont, James M. Bell, Binney, Boon, Bull, Burd, Casey, Chambers, Chaney, Chilton, William Clark, Clayton, Clowney, Connor, Corwin, Coulter, Crane, Darlington, Warren R. Davis, Amos Davis, Davenport, Deberry, Deming, Denny, Dickson, Dickinson, Dunlap, Evans, H. Everett, Ewing, Felder, Forester, Foster, Philo C. Fuller, Gamble, Garland, Grennell, Hiland Hall, James Harper, Harrison, Hawes, Hazeltine, Henderson, Hiester, Jabez W. Huntington, Jackson, William Cost Johnson, Laporte, Lay, Lincoln, Love, Lyon, Marshall, Mardis, McCarty, McKay, McKennan, Miller, Milligan, Robert Mitchell, Moore, Peyton, Pope, Potts, Ramsay, Reed, Rencher, William B. Shepard, Augustine H. Shepperd, Charles Slade, Smith, Spangler, Stewart, William P. Taylor, Philemon Thomas, Tompkins, Turner, Tweedy, Vance, Wagener, Watmough, Webster, Elisha Whittlesey, Wilde, Young.—94.

Mr. DAVIS, of South Carolina, thereupon moved in the House the same proviso he had offered in committee, in relation to the appropriation for the missions to Great Britain and Russia, as follows:

"Provided that so much of the sums herein appropriated as is for the payment of the salaries of the ministers to Great Britain and Russia shall not be expended, unless the appointment of said ministers shall have been made with the consent and advice of the Senate; nor shall any part of the sum herein appropriated for the contingent expenses of all the missions abroad, or for the contingent expenses of foreign intercourse, be expended in the salary or outfit of such minister or ministers, unless such appointment shall be made during this session of Congress, by and with the advice and consent of the Senate."

Mr. DAVIS, of South Carolina, supported this amendment by an eloquent speech, in which he urged the

House to make one united effort to effect a resurrection of the constitution. Alarming as were the usurpations on the part of the Executive, those by the House were ten times more so.

Mr. BYNUM, of North Carolina, replied in a speech of great animation, in which he repelled the charge of usurpations on the part of the Executive; and alluded to the attack upon the bank as affording only a second part of the victory of New Orleans; and averred that the name of the President would go down to posterity second to but one, if to any, in our history, when Mr. Davis, and his coadjutors, would long have been forgotten. He spoke of the Senate as a body not elected by the people; but thanked his God that the people could be able to reach them at last, &c. There were no slaves about the White House, whatever there might be in other quarters.

Mr. LANE disclaimed any purpose to venture into the war between North and South Carolina; but opposed the proviso, as preventing any appointment of the ministers in question, even should a vacancy, by the death of either or both, happen in the recess of Congress.

Mr. H. EVERETT remarked with alarm on the position taken in Mr. Bynum's speech, that the President was responsible alone to the people, which he conceived to be setting aside the constitution entirely, in its provisions relating to the legislative powers, and tending to annihilate the structure of our Government. Mr. E. was led by the course of things, in and out of the House, to doubt whether the Executive did not purpose to appoint ministers without the concurrence of the Senate; and he called upon his friends, if they had authority to do so, to disavow, on the part of the President, all claim to the right of doing so.

Mr. EWING, of Indiana, said: The gentleman from North Carolina [Mr. Bynum] has excited feelings and apprehensions in my bosom which I would gladly suppress. I should much rather accord with the opinions of those whom the people have clothed with power, than, in the conscientious performance of my duty in this House, to be compelled to oppose them. The claims for power advanced on the part of the present Executive, so far as sanctioned by the constitution, I most cheerfully accord to him, and no man is more ready to award him the meed of gratitude for his military services. But when, in the language of the honorable member from North Carolina, tacit obedience and blind acquiescence are claimed for his civil services as the only test of patriotism; and when those who question his fallibility, with full knowledge of the fatal effects of his civil career, are denounced as base calumniators and traitors, "and the battle of New Orleans," and that "monster, the United States' Bank," are held up as the reasons for the assumptions of unlimited power, and as evidence of the baseness and profligacy of those who question them, it is time for the representatives of freemen, "men who know their rights, and, knowing, dare maintain them," to repel such declarations and to absolve themselves from the bondage to which such slavish doctrines would lead them and their country. In adopting this course, I still manifest no undue want of confidence in the Executive, but I will not allow his talents as a general, or his fame in the field, to be placed here as an offset to the pernicious effects of his civil career. Nor do I acknowledge any responsibility to him, or to his partisans here, for my course on this floor. It was not to serve him or to register his will, but to represent the people and watch over their interests, that I have been sent here. Can those who in this House yield passive obedience to all his pretensions to power, go home and tell their constituents that the glory of New Orleans, the fame of the hero, demanded a sacrifice of their interests and the prostration of the constitution? Can they thus shield themselves from the indignation of a free people, for sacrificing their interests and tampering with public liberty? On the contrary, will they not, at home, change the views and urge the good of the country as their great polar star. I come, sir, from a State in the interior, among the last to be affected by the foreign relations of the country, and in the few remarks I now submit, I will not confine myself to the amendment which only exacts from the President obedience to constitutional enactments. When I hear it boldly on this floor declared that the President of the United States is not responsible to Congress, and at the same time accompanied with declarations containing allegations disreputable to the representatives of the people, then I feel myself called upon to invoke that constitution which we and the President have sworn to support, and to fling back the foul and degrading imputations. Sir, in turning my eye to the constitution, I see it clearly laid down that the President is responsible to Congress, and had it not been for the confidence in the purity of his intentions, probably he would ere this be called before this House and be made to feel his responsibility. It would be as useless for me to spend time in dilating on the language of the constitution, with which every member is familiar, as it should be known to the people to be for his partisans here to drag in the battle of New Orleans and the United States Bank to justify the various assumptions of power.

But when we know that vacancies have long existed at the Courts of St. Petersburg and St. James, that five months of the session have expired, and no nominations have been made for the concurrent power of the Senate to fill these vacancies, no effort to obtain the constitutional sanction of the most important functionaries at home, and when we reflect on the power heretofore exercised, there is more than abundant reason to recommend and justify the amendment of the gentleman from South Carolina. Our foreign relations must always, more or less, operate on the internal trade of the country; and while I would not withhold, or improperly restrict the expenditure necessary to sustain them, I will not vote the people's money to the unconstitutional discretion of any President; nor shall I admit that those who act with me are guilty of utter treachery or treason when they refuse to accept charges against the United States Bank, and the vaunted heroism of New Orleans, as valid reasons on which to rest his claims to a discretionary or unconstitutional power.

I have been mistaken in the lofty bearing of General Jackson's own mind, if he would desire always to have his claims to obedience in this House founded on the military glory of New Orleans; and be his desires what they may, in that particular, I shall not yield to them. I came here to serve and to obey the people; to advance their prosperity and to guard their interests, not blindly to register his dictates. We are, to be sure, told that the constitution is safe in his keeping. I think it at least not less safe when the people's representatives shall exact an observance of all its requisitions. Will this course draw down upon me the denunciations levelled against those with whom I have the honor to act? Could those who abuse the glory of New Orleans, by comparing it to that acquired by the destruction of trade, of credit, of confidence, and the happiness of the country, by the uncalled for, and lawless war on the United States Bank? Could they justify such denunciation when the beauty and booty is wasted, and the glory then acquired is tarnished by the comparison? Could they, while they disregard the wishes of their own constituents and obey the mandates of power, denounce those who only pursue the public good as pointed out by the constitution? I may well ask, after what has just been said, how is it on this floor? Are there not members who are denouncing another branch of Congress for resisting executive encroachments, while they are openly misrepresenting the recorded will of their own constituents? The evidence of this is on your table, and is known to the world. What temptation has a member here to disregard the voice of his constituents, and to oppose any act of an administration so fortified by patronage as the present?

Why is it that the members of another branch of the Legislature are censured for disobeying the behests of party, when in this House instances of disobedience to the will of the people may be found to exist? Is it right to charge those who question doubtful policy with improper motives, when we know that the coffers of the nation are emptied in rewarding those alone who acquiesce in the course of the Executive? What, sir, has become of the reform, the economy, and rotation in office promised to the people? They will learn by the enormous amount of their money now annually expended, over and above what was denounced. Is not a simple reference to past promises sufficient to silence all such denunciations, and the preposterous and degrading topics by which they are sustained? It is not in the nature of things that all men should see alike; it is not the nature of man to be infallible; why, then, is tacit obedience to the executive mandates claimed from the people's representatives? I will not say it is from a desire to bring the people into bondage; but they cannot remain long free when their representatives cease to be so. I should feel myself unworthy of a seat in this House, if, forgetting the functions of my station, I surrendered the dictates of my judgment and the interests of the people whom I represent, to the discretion of any man or set of men. The people are the sovereign. In days of yore this House afforded noble examples of wisdom and independence. In travelling over an extensive country to take my seat, I witnessed diversity of opinion among the people sufficient to prevent me from yielding implicit obedience to executive will, unless when it accords with public good. And in this House, surrounded with the emblems of our national independence, devoted to constituents whom I respect and cheerfully obey, in legislating for them and the Union, I may be permitted to repeat the language of the noble poet, and exclaim--

> "Who could walk where liberty had been, nor see
> The shining footprints of her deity,
> Nor feel those godlike breathings in the air
> Which mutely told her spirit had been there?"

Sir, when I give my vote for the amendment offered by the gentleman from South Carolina, I will not ask the responsibility of General Jackson; as I would not call on the glory of New Orleans to cover a rag bank system that is to be better calculated to ruin the country than to advance the wishes of the heir in succession. No, sir; I will leave all these matters to be judged of by their own merits, and "by deeds, not words," to what I believe the good of the country and the preservation of constitutional liberty demand at my hands.

In conclusion, Mr. E. said he would emphatically advert to the condition of a variety of subjects of legislation, much more interesting to the people at this moment than the matter under consideration--subjects too long neglected--to pass upon others which are only of interest to office-holders. He adverted to the bill making appropriation for the national road and other objects of internal improvement. He lamented that a colleague had, before the business of the people had been acted on, stirred the subject of adjournment, which could not fail to rouse the anxiety of all sectional interests on account of favorite measures. The interests of the office-holders (Mr. E. thought) should be the last attended to. The business of the representatives of tax-paying people, now distressed by apprehension and pressure, he hoped would command the attention of all; and let those who can appreciate the measures of the administration judge all by "their deeds, not words:" for these, said he, are the true tests of worth and patriotism, as well in public as in private life.

Mr. BOON now moved the previous question; but the House refused to second the motion: Ayes 77, noes 82.

Mr. SLADE, of Vermont, moved an adjournment; but the motion was negatived by a large majority.

Mr. WISE, of Virginia, moved to amend the amendment proposed by Mr. Davis, by adding words of the following import: "unless a vacancy shall happen during the recess of Congress."

Mr. DAVIS accepted this as a modification of his amendment. Mr. D. now observed that the gentleman from North Carolina [Mr. Bynum] had spoken of "calumnious assaults being made upon the Executive," and wished to know whether this had been meant as a personal reflection upon himself?

Mr. Bynum not being in his seat--

Mr. WISE replied, in his behalf, that he was confident no such reference had been meant.

Mr. PEYTON said he had had a conversation with Mr. Bynum, and he understood that nothing had passed between the gentlemen which needed any public or other explanation.

Mr. Bynum having, in the meanwhile, entered the House--

Mr. DAVIS repeated the inquiry, whether he had intended the assertion to apply to him personally, or to the party only to which be belonged?

Mr. BYNUM replied that he had referred to the party.

Mr. SELDEN called the attention of Mr. Wise to an exposition by Mr. Wirt of the meaning of the word "happened," in that clause of the constitution which refers to the President's appointing power; suggesting that it would be better, in Mr. Wise's amendment, to employ the word "arise."

Mr. WISE replied at large; insisted on the propriety of retaining the word "happen," and went into a constitutional argument on the effect of the word on the appointing power.

Mr. PATTON united heartily in denying the power of the President to re-appoint, in the recess, an individual who had been nominated and rejected by the Senate, but could not support the amendment, because it would operate as no further restraint upon the Executive than the constitution already imposed; and the President's interpretation of one would be the same as that of the other.

Mr. WISE rejoined, and defended the amendment he had proposed.

Mr. BEARDSLEY derided the idea of re-enacting parts of the constitution in an appropriation bill, and thought a better course would be to attach the whole of that instrument to the end of every law as an additional section.

Mr. DAVIS again addressed the House in support and defence of his amendment; and in explanation of what he had said when last up. He replied with some severity to the speech of Mr. Bynum.

Mr. BYNUM inquired whether, in the expression "super-serviceable friend of General Jackson," Mr. D. had intended any personal allusion to himself?

Mr. DAVIS replied that he had said "super-serviceable friends."

Mr. FOSTER now suggested, for the adoption of his friend from South Carolina, [Mr. Davis,] an amendment going to prohibit the payment of the salary of any minister so appointed, from out of the contingent fund for foreign intercourse.

Mr. DAVIS did not accept it as a modification.

Mr. COULTER, observing that it was now 8 o'clock, and that the House had been laboriously occupied for nine hours, while grave constitutional questions were still pending, moved an adjournment.

The motion was promptly negatived, only 48 rising in the affirmative.

Mr. DAVENPORT, adverting to the noise and disorder prevalent in the House, and which the Speaker seemed unable to control, moved a call of the House, and demanded the yeas and nays, which were ordered.

Mr. GAMBLE moved an adjournment. Negatived: Ayes 45, noes 96.

The yeas and nays were taken on the motion for a call of the House, and stood: Yeas 41, nays 127.

So the motion for a call was rejected.

The question was then taken by yeas and nays on Mr. Davis's amendment, and decided as follows:

YEAS—Messrs Heman Allen, Banks, Barber, Bates, Beaty, Burd, Campbell, Chambers, Chilton, Wm Clark, Clayton, Clowney, Darlington, Warren R. Davis, Amos Davis, Deming, Denny, Dickson, Evans, Horace Everett, Ewing, Foster, Fulton, Gamble, Griffin, Hiland Hall, Hard, Jas. Harper, Jackson, William Cost Johnson, Lay, Lewis, Lincoln, Martindale, Milligan, Pinckney, Selden, Sloane, Turner, Tweedy, Vance, Watmough, Elisha Whittlesey, Wise, Young—45.

NAYS—Messrs. John Quincy Adams, John Adams, John J. Allen, William Allen, Anthony, Barringer, Baylies, Beale, Bean, Beardsley, Beaumont, Binney, Blair, Bockee, Bodle, Boon, Bouldin, Briggs, Brown, Bull, Bunch, Burns, Bynum, Cage, Casey, Chaney, Chinn, Samuel Clark, Clay, Coffee, Connor, Coulter, Davenport, Day, Deberry, P. Dickerson, D. W. Dickinson, Dunlap, Forester, Philo C. Fuller, William K. Fuller, Gillet, Graham, Halsey, Hamer, Hannegan, Hardin, J. M. Harper, Harrison, Hathaway, Hawkins, Hawes, Hazeltine, Henderson, Hiester, Howell, Hubbard, Abel Huntington, Jarvis, R. M. Johnson, Noadiah Johnson, Cave Johnson, Seaborn Jones, Benjamin Jones, Kavanagh, King, Kinnard, Lane, Lansing, Luke Lea, Thomas Lee, Leavitt, Love, Loyall, Lyon, Joel K. Mann, Mardis, M. Mason, McCarty, McIntire, McKay, McKim, McLene, Miller, Robert Mitchel, Moore, Murphy, Osgood, Page, Parks, Parker, Patton, D. J. Pearce, Peyton, Franklin Pierce, Pierson, Plummer, Polk, Pope, Potts, Ramsay, Rencher, Schley, A. H. Shepperd, Shinn, Slade, Smith, Spangler, Speight, Standefer, Stewart, Sutherland, William Taylor, John Thomson, Turrill, Vanderpoel, Van Houten, Wagener, Ward, Wardwell, Whallon, Edward D. White—122.

Mr. ADAMS moved to amend the bill, (as he had previously proposed in Committee of the Whole,) by striking out the outfit and salary of a charge d'affaires to Buenos Ayres.

Mr. A. repeated, succinctly, the substance of the objections he had before urged against this appropriation, and appealed to the House, if there was one feeling of national honor in their hearts, not to provide for sending a minister to a Power which, according to the statement of the President himself, had inflicted great injury upon our citizens, and, instead of making reparation or apology, had so treated our minister demanding it, that he had demanded his passports and come home, and which had afterwards published to the world a manifesto, complaining, in the srongest terms, of the injustice of this Government.

The question was taken on this amendment, without further debate, by yeas and nays, and decided as follows: Yeas 53, nays 101.

So the House refused to strike out the appropriation.

Mr. POLK, observing that all the amendments agreed to in Committee of the Whole had been acted on, as well as the most important of those proposed in committee and there disagreed to, moved that the bill be engrossed for its third reading. He withdrew the motion, however, at the request of

Mr. LINCOLN, who moved to strike out the item of 31,000 dollars for extra clerk-hire in the Post Office Department.

Mr. L. went into a brief explanation and support of the amendment, insisting that this sum was not, in fact, required for extra clerk-hire, but to pay the salary of additional clerks, appointed, without authority, by the Postmaster General, whose names were in the Blue Book, and who were as much clerks of the Government as any others in any of the Departments, and as those in the other items of this bill. He made some general remarks on the management of the Department; stated its debt to be $1,089,000, and said that the Postmaster General himself had admitted that he could not get along without aid from Congress to the amount of $450,000.

Mr. CONNOR replied, as was understood, in vindication of the Department; but, owing to his position, (while turning round towards Mr. L.,) his remarks were totally inaudible to the reporters, except at the close, when he said he was authorized to declare that the Department was not indebted more than $300,000 beyond its available funds.

Mr. WILDE rose, amidst cries for the question, (which indeed were repeated at intervals throughout the rest of the evening,) and said that, when it was deemed a sufficient vindication of a Department to say that its debts were not more than $300,000 beyond its available funds, it would be a hopeless task to make an argument in support of the amendment: he would, therefore, only demand the yeas and nays.

Mr. McKAY said he must vote to strike out this item, unless some proviso should be inserted, declaring that nothing in the bill should be considered as giving any sanction to the right of the Postmaster General to appoint extra clerks at will.

Mr. BATES, observing so wide a difference between the statements of his colleague [Mr. Lincoln] and the chairman of the Post Office Committee, [Mr. Connor,] inquired what were the available funds to which his former answer had reference?

Mr. CONNOR replied; but, as before, his remarks were too imperfectly heard to be reported.

Mr. LINCOLN requested Mr. Connor to tell him which of the clerks marked in the Blue Book as clerks of the Post Office Department were clerks, and which were extra clerks?

Mr. CONNOR referred him for an answer to the chairman of the Committee of Ways and Means, [Mr. Polk,] who had a list of the clerks.

Mr. WHITTLESEY denied that the conduct of the former Postmaster General (Mr. McLean) furnished any precedent to justify the recent management of the Department, on the subject of extra clerks.

Mr. CONNOR replied, and read a letter from Mr. McLean in support of the positions he had taken.

Mr. WHITTLESEY resumed, and went a good deal at large into a course of strictures on the condition of the Post Office Department, disavowing all personal ill-will to the Postmaster General, complimenting the ability and diligence of some of the clerks, but, professing his belief that many held places there which were perfect sinecures, adverting to the state of the funds, and starting a doubt whether, by permitting the debts of postmasters to remain so long outstanding, their securities had not in many cases been forfeited.

Mr. PEARCE replied: he said that the large sum mentioned by Mr. Lincoln was only the debit side of the account, and declared himself authorized to say that $400,000 would pay all claims of every sort against the Department; nor did the Postmaster General wish any aid from Congress. All that was now asked was, that Congress would do this year what it had done the last.

[The cry for the question was now tremendous.]

Mr. McKAY moved a proviso of the nature he had indicated when last up, and spoke some time in defence of it. It is as follows:

"After line 275, insert: '*Provided*, nothing herein contained shall be construed to sanction the practice that has prevailed to some extent for many years past, of heads of Departments appointing additional and temporary clerks, or to authorize the Postmaster General to employ extra clerks in his Department beyond the present year, without provision being previously made by law.'"

Mr. **REED** replied to Mr. Pearce, and insisted that it was not for the Postmaster General to decide whether his Department did or did not call for aid from Congress. What Congress wanted was a statement of its real condition; and when that should be known, they were the judges of what ought to be done.

Mr. **HAWES** replied with warmth to the remarks of Mr. Wilde; went into a general defence of the Department, and assigned, as one chief cause of its embarrassments, the great number of bank documents circulated by the opposition among the people. The gentleman from Ohio, [Mr. Whittlesey,] in particular, had hunted among other districts, distant from his own, and circulated these documents there.

Mr. **CAVE JOHNSON** now moved the previous question.

Mr. **WILDE** moved a call of the House.

Mr. **WISE** moved an adjournment.

Mr. **CAMPBELL**, of South Carolina, demanded the yeas and nays on the adjournment. They were taken, and stood, yeas 48, nays 98.

So the House refused to adjourn.

Mr. **WILDE**, referring to an assurance of Mr. Polk as to an amendment Mr. W. had wished to offer in Committee of the Whole, appealed to Mr. Johnson to withdraw his motion.

Mr. **POLK** explained.

The **CHAIR** put the question, whether the motion for the previous question was seconded by the House? Ayes 67, noes 34.

No quorum having voted—

Mr. **BEARDSLEY** moved a call of the House.

The **CHAIR** decided the motion to be not then in order.

Mr. **BARRINGER** was about to explain why some gentlemen had declined voting, when he was called to order by Mr. **BEARDSLEY**. He in turn called Mr. Beardsley to order.

The question was again put. The ayes were 78, the noes 33.

No quorum having voted—

Mr. **EVANS** moved an adjournment.

Mr. **C. JOHNSON**, at the suggestion of Mr. Polk, withdrew his motion for the previous question.

The question was then put on adjourning; when the ayes were 12, and the noes 95. No quorum.

Mr. **WILDE** now took the floor, and replied at length to Mr. Hawes.

Mr. **WHITTLESEY** made some further explanations and remarks on the state of things in the Post Office Department, and expressed his desire that a fair and candid, but thorough, investigation should be had into its whole affairs; in which case, he was willing to vote any proper sum for its relief.

Mr. **LINCOLN** opposed the proviso which had been moved by Mr. McKay; and

Mr. **McKAY** consented to withdraw it.

The question now recurring on Mr. Lincoln's motion to strike out the item for extra clerk-hire, it was decided by yeas and nays as follows: Yeas 56, nays 96.

So the motion was rejected.

Mr. **WILDE** now moved to strike out the clause for an agent at Havana, $4,500.

Mr. **POLK** explained, insisting that the appointment had been one of the most useful and important that had ever been made at the same expense by the Government.

Mr. **WILDE** admitted its usefulness; but resisted the principle of thus creating, by an appropriation, an officer unknown to the law.

Mr. **McKAY** took the same ground.

Mr. **POLK** further explained: when the yeas and nays were taken, and resulted as follows: Yeas 69, nays 91.

So the motion to strike out failed.

Mr. **LEWIS** now moved an adjournment; but it was negatived without a count.

Mr. **McKAY** moved again the proviso he had formerly offered.

Mr. **HARDIN** opposed it.

Mr. **CONNOR** reminded those who objected to the appointment of extra clerks by the Postmaster General, that a bill had been introduced into the Senate by the Post Office Committee of that body, which contained provisions on that subject. He hoped it would reach the House in time to be acted on; and thus the difficulty would be obviated.

The question was then put on Mr. McKay's proviso, which was negatived without a count.

Mr. **POLK** now moved that the bill be engrossed and read a third time to-morrow; which was agreed to.

On motion of Mr. **WARDWELL**, it was resolved that when the House adjourn, it adjourn to meet on Monday next; and the House then, after a session of fourteen hours, adjourned at one o'clock in the morning.

Monday, May 12.

The memorial from Savannah, heretofore presented by Mr. Wayne, being the unfinished business from last petition day—

Mr. **PATTON** said, owing to the absence of Mr. Wayne, he would move to have it postponed until Monday next.

Mr. **DUNCAN** moved to lay it on the table.

Mr. **WHITTLESEY** objected.

The motion to lay on the table was negatived, and the motion to postpone agreed to.

On motion of Mr. **DICKSON**, the consideration of the Ontario county memorial, which came up in its order, was also postponed to Monday.

The memorial from the inhabitants of Oneida county coming up—

Mr. **SELDEN**, who had the floor, gave way, at the request of

Mr. **POLK**, who asked the unanimous consent of the House to take up

THE APPROPRIATION BILL.

Objections having been made, Mr. **POLK** moved a suspension of the rule, to allow the bill to be taken up.

The House agreed to suspend the rule: Yeas 101, nays 31.

The bill was then taken up and read a third time, and the question being, Shall the bill pass? it was decided in the affirmative.

So the bill was passed, and sent to the Senate for concurrence.

ARMY APPROPRIATION BILL.

Mr. **POLK** moved that the House consent to take up the bill for the support of the army for 1834, which had been returned from the Senate with amendments, in order that it be recommitted.

The House, by unanimous consent, took up the bill.

Mr. **POLK** said the amendments made in the Senate introduced a small appropriation for certain militia employed against Black Hawk and his followers, which had been submitted to the Committee of Ways and Means, and was assented to by every member of that committee. As it was necessary by the rules that the amendment pass through the Committee of the Whole, he hoped the House would refer the bill to the Committee of the Whole on the state of the Union, and, for a moment, gointo that committee, in order to dispose of the amendment.

The motion of Mr. Polk to that effect having been agreed to—

The House resolved itself into a Committee of the Whole on the state of the Union, Mr. Briggs in the Chair.

The amendments having been read—

Mr. POLK said the Committee of Ways and Means had examined the papers upon which these amendments were founded, and unanimously agreed to recommend a concurrence with them.

The Committee of the Whole agreed to the amendments without a dissenting voice, when the committee rose, and reported the bill to the House as amended.

The House then concurred in the amendment without a division.

So the bill finally passed.

ONEIDA MEMORIAL.

The following resolution, heretofore offered by Mr. Selden, in connexion with the memorial of sundry citizens of the county of Oneida, in the State of New York, came up:

Resolved, That a committee, consisting of one member from each State, be appointed to consider and report, in form of a bill, a plan for a safe and uniform currency, under the authority of the United States, and that the memorial of the citizens of the county of Oneida be referred to that committee.

Mr. SELDEN said he had become satisfied, after examination of the report of the Committee of Ways and Means, that the plan proposed by the majority of that committee was not fitted to carry their objects relative to the currency into effect. Mr. S. discussed some of the features of the report, and replied at length to the remarks made by Mr. Beardsley when this subject was before the House on Monday last. His colleague, he said, had stated that it would have afforded him pleasure to have presented the memorial. It was proper for him to state that the gentleman had an opportunity of presenting this memorial, and had declined doing so. Mr. S. then referred to exertions which had been made by his colleague to procure the establishment of a branch of the Bank of the United States at Utica.

Mr. BEARDSLEY said it was unequivocally untrue that he had ever made such exertions.

Mr. SELDEN said he had stated what was generally reported and believed to be true on that point. Mr. S. went at length into the propriety of having a digested plan relative to the currency prepared in case the bill reported by the Committee of Ways and Means did not become a law. His constituents, he said, were of opinion that the financial concerns of the nation required the institution of a national bank.

Mr. BEARDSLEY said, the remarks of his colleague [Mr. Selden] relative to his agency in the establishment of a branch of the Bank of the United States at Utica, in 1830, rendered it proper for him to make a few remarks. He had never before heard of any such agency being laid to his charge. He had certainly heard and seen in newspapers a great many things, but it had never been his fortune to meet with this statement before. Entirely new as it was to him, he did not doubt but his colleague had both seen and heard what he had stated to the House. He would frankly state all he knew or had heard, which had the most remote bearing on the subject. Two years ago, an honorable member of the House from Pennsylvania [alluding to Mr. Watmough] showed him a paper purporting to be a copy of a petition for the establishment of a branch bank at Utica, and which was dated in or about the year 1824, and to which his name was attached. Mr. B. said he informed the gentleman from Pennsylvania, at that time, that he had no recollection of signing any such paper, nor did he believe he ever did sign it; that, as far as he could pretend to recollect his views at that time, he was satisfied that he could not have signed it; that he desired the gentleman from Pennsylvania to procure the original, but from that day to this, Mr. B. said, he had neither seen nor heard any thing further about the copy or the original.

My colleague, said Mr. B., seems to regard it as extraordinary that I should say it would have given me pleasure to present this memorial, had it been forwarded to me for that purpose; especially as the honorable gentleman thinks it remarkable, inasmuch as I had, as he says, severely criticised the memorial. Sir, I would gladly have presented this memorial; it was from my constituents, and I shall certainly ever be ready to present their wishes here, although I may not be able to agree with the views which are expressed by the memorialists. It is true, that my honorable colleague did state to me that he had received a memorial from my district, and he inquired whether he should present it, or whether I should. He certainly did not suggest to me that those who had sent it to him had expressed any wish or willingness that it should be handed to me for presentation. I regarded it only as an act of civility on his part, and which courtesy required me to decline. I could not, under such circumstances, think of taking it out of his hands, but very willingly left it for the honorable gentleman to present. I could not but know and feel that those who had sent the memorial to him, did it because they felt a greater confidence in him than myself, and I could not think of breaking off this relation by thrusting myself between the honorable gentleman and those who had communicated with him.

My colleague infers that those who established the branch at Utica, could not have had any political objects in view in arranging the board of directors; because, as he says, they were willing and desirous of placing in that board influential members of the democratic party. Sir, that is what I stated. I referred to that as evidence of the wish to draw in that class of individuals to sustain the bank. All experience proves that nine-tenths of those who are in any way drawn into a management of the concerns of the bank or its branches, slide into its political views, and are found arrayed against the democracy of the country, and politically in favor of the bank. This the bank knew, and acted upon it; it failed, however, in a great degree, in that object, maugre all its efforts; for those who were selected could not be prevailed upon to lend themselves for any such purpose.

But the Lever could not have been got up and sustained by the bank, as it broke down in a few months. It would have cost, says the honorable gentleman, but $1,500 a year, a sum which the bank would not have regarded; it is certain, therefore, that it could not have been the creature of the bank. I know, said Mr. B., that the bank cares little about $1,500; but where that sum is so invested as to yield no adequate return, in money or influence, the bank, able as it is, would certainly prefer to save the $1,500. Sir, I might inform the House that there are papers in judicial proceedings, which establish very satisfactorily the connexion between a part of the bank direction and the Lever; but I choose not to occupy the attention of the House further upon this part of the subject.

My colleague understands me to have made a censorious remark about the gentlemen whose names are annexed to the printed circular which was read when the memorial was presented a week since. My remarks are in print and must speak for themselves. I deem it only proper, however, to state unequivocally that my colleague has misapprehended my object and purpose; I had no design to animadvert upon the gentlemen referred to, although I deemed their circular a fit subject for comment. That will also speak for itself, and I am willing to submit it, with my comments, to the judgment of the public.

This memorial, sir, has been presented and commented upon elsewhere, and it was there stated that the county of Oneida was "largely interested in manufactures, both of woollen and cotton; which were in active operation until the Executive began its experiment; and as the experiment has gone on, one of these establishments after another has stopped." This statement was said to have been made on the authority of gentlemen who were "incapable of misrepresentation." I know not who should have been referred to as the originators of this statement, but I feel it to be my duty to state, that I have direct information, on that subject, from Oneida county, and that down to the 6th instant, (several days after the statement had been made,) no such failure or failures had occurred; nothing had at any time taken place to warrant any such statement or suspicion of the failure of any one manufacturing establishment in that county. The gentleman who made the statement, I cannot doubt, had what he regarded as good authority for what he said; but it is equally certain that the statement is without foundation; it is made by some one out of whole cloth.

The memorial represents the county of Oneida as in the most deplorable condition. Now, sir, I cannot pretend to be furnished with all the indications which in fact exist of the actual situation of its business population; but I have one evidence of the prosperity of Utica, which is very convincing to my mind. The Erie canal passes through Utica, and a toll-office is established in that city. Now, sir, although the tolls have been greatly reduced during the last winter, upon some property twenty per cent., and on the residue ten per cent., yet a greater amount of toll was collected in Utica, during the month of April, than in either of the last two years. It is true the canal opened this year five days earlier than the last; but, taking the number of days which it had been open, down to the fourth of this present month, a greater amount had been received than in an equal number of days at the commencement of the last year. This is a very substantial indication of individual and general prosperity. And as to the whole State, the aggregate of the tolls received in the month of April, this year, exceeded that of the last. In fact, sir, I apprehend that the State at large was never more thriving and prosperous.

My honorable colleague objects to a former remark of mine. I did say that I would sooner see the State institutions prostrated than submit to the corrupt control of the United States Bank. This does not seem to accord with the views of my colleague: he is for submission; he is for yielding to the bank, let the consequences be what they may. In this we differ. My constituents do not, in this matter, as I believe, agree with the honorable gentleman more than I do; they have hearts and arms, as I trust, to resist, at all hazards, every effort to bring them into passive obedience to the bank.

But the bank, in the language of my colleague, "seems to have the power of making political enemies, not friends." This is, indeed, a new idea. Will the honorable gentleman look at New York, Philadelphia, Baltimore—indeed, in any part of the Union. Has the bank made political enemies only? None but enemies, here or elsewhere? Have its unprecedented efforts only resulted in making political enemies? Has it not almost denationalized the feelings of a considerable proportion of our countrymen? Have not, in many instances, the firmness and spirit of American freemen sunk under the influence of the bank? "Give us the bank," is the cry, although at the price of degradation and servitude. This is the impassioned expression of its followers and partisans.

The bank only makes "political enemies, not friends!" Is not its influence seriously impairing the respectful reverence due to our moral and religious institutions? Have we not recently seen, in a neighboring city, a factious mob, assembled in defiance of both human and divine law, for the purpose of hearing inflammatory harangues in support of the bank, on the Sabbath day? Are not the efforts which are now making to control the population of our cities in favor of the bank, calculated to weaken, if not to eradicate, sound and correct principles of conduct among the mass of their citizens?

Sir, I have done. I will not trouble the House with any suggestions as to what my constituents may think of my remarks upon this memorial. I hope nothing has been said by me which can deserve their reprehension; but that point my honorable colleague and myself will leave to be adjusted between the constituents and their representative.

Mr. **PLUMMER** said he was opposed to the adoption of the resolution; but, before he proceeded to present his views on the subject under consideration, he begged the indulgence of the House while he did an act of justice, by correcting the report of a speech published in the National Intelligencer of the 10th ultimo, which purported to have been delivered by his colleague, [Mr. Cage,] in reply to a few remarks of his, on the motion to commit the Natchez resolutions. This was the first opportunity he had had of obtaining the floor since the publication of the speech referred to. He did not wish to violate the rules of the House, and therefore asked special permission.

[Objection being made, leave was granted, on motion, by a vote of the House.]

Mr. P. then thanked the House for their kind indulgence, and said he did not know who was responsible for the speech; but, let the responsibility fall wherever it might, it was due to himself, and that good name, fame, and reputation, which he prized above all price, that he should be permitted to pronounce it as being one of the most bare-faced impositions ever practised by the conductors of a public journal professing to give to the public the substance of a speech delivered on that floor. He did not think the very respectable editors of that paper, for whom he had a high regard, capable of so great a misrepresentation of facts. The speech of his colleague, as delivered by him, he found no fault with. He sat near to him, and heard every word he uttered. He said nothing which, in his opinion, called upon him for a reply. He did not (said Mr. P.) contradict an assertion that he (Mr. P.) made. He made no allusions of a personal character, calculated to wound his (Mr. P.'s) feelings. That which purports to be a report of his speech, published in the Intelligencer, contains, said Mr. P., insinuations of a low and contemptible character, which he there took occasion to repel, and throw back to the vulgar and grovelling source from whence they originated, as unworthy of notice; and it contained fabricated statements, which he pronounced to be false. He had too high an opinion of his friend Stansbury to believe him capable of so base an act as to dress up the speech of a member, spiced with personal allusions towards any gentleman on that floor, which were never uttered in the House. He had too high a regard for his character as a reporter. He therefore held the editors responsible for the tissue of falsehoods which it contained. He disliked, he said, to trouble the House with things of that nature; but it was evident to every one, that the object of the production was to injure him in the estimation of those whom he had the honor of representing. It was his only means of defence. If the speech had been delivered on that floor, at a time when he was present, as it pur ported to have been, he should have responded to it at the time. If his colleague had been a little personal in the heat of debate, it might have been, under the circumstances, somewhat pardonable. If he had, by any happy hits of wit, turned his remarks into ridicule, he should have been the last man to have complained. If he had been a little satirical or sarcastic in his remarks, and he had had an opportunity of replying, he would have been satisfied, even though he had failed to retort with success. Every gentleman, he said, was welcome to all the advantage he can gain over him in fair debate. But when a cowardly, midnight, political assassin, undertook to stab his reputation in the dark, (although his poniard might not have pierced him,) by manufacturing for home consumption, out of the House, falsehoods and misrepresentations, purporting to have been delivered to his face in open day, on that floor, he felt it to be his duty to hold him up to the scorn and contempt of the House and the world.

After having premised thus much, he considered it his duty to his colleague, as well as to himself, that he should point out the particular misrepresentations contained in the paper to which he referred; for, he said, he was certain that his colleague did not desire to have falsehood promulgated to the world in connexion with his name. He proposed to read such portions of the published speech as were not delivered in that hall, but which had been concocted, by some one, since the publication of his remarks, to which they purported to be in reply.

Mr. Plummer then read from Mr. Cage's speech:

"Mr. C. resumed. I did not hear the commencement of the gentleman's speech this morning, not being in my seat when he began it; but the first sound which fell upon my ear, after I was so fortunate as to reach my seat, was a most deserving eulogy upon the characters of the gentlemen constituting the committee which reported the resolutions adopted at the meeting of the citizens of Natchez. He accorded to these gentlemen honor, worth, and respectability. He placed them in an attitude that could not fail to be most gratifying to their warmest friends. It was at least so to me. I thought his eulogy creditable to his head and his heart. But, alas! how short and evanescent are the honors of this world! These gentlemen were not long permitted to enjoy this enviable place in the minds of the listeners to the speech of my honorable colleague. After besmearing them, he commences by telling the House that, among the honorable and high-minded men, he could discover among them the name of but one man who was not now, and who had at all times past, been decidedly opposed to the present Chief Magistrate and his administration. He proceeded to tell the House that these gentlemen, and all others of the State of Mississippi who are opposed to the President, are the federalists of '98, of alien and sedition law memory—the anti-war party, of Hartford convention memory. Sir, said Mr. C., whatever may be the faults and foibles of the people of Mississippi, or any portion of them, in the opinion of the gentleman, they are, in my estimation, the last people on earth obnoxious to the charge the gentleman has thought proper to bring against them on this occasion. I know no man, of any party or politics, who, if he were not a participator in the scenes of the last war, did not rejoice at our victories and mourn over our defeats, whose political differences were not merged in the intense anxiety which he felt in the common cause. Yet, sir, one of the representatives of such a people has been induced to charge them, for reasons and under circumstances best known to himself, with entertaining political opinions held in utter detestation by every individual against whom they are made, and which charge is utterly false and unfounded."

"It is a matter of deep regret with me, said Mr. C., that the gentleman should have thought it expedient, in his place, thus wantonly, as I conceive, to have heaped unmerited obloquy on any portion of his constituents and fellow-citizens. I, however, do not consider it necessary that I should enter upon their defence here. The gentleman's speech is made for home consumption. There it cannot affect them. Here I am persuaded it will not. The manner and temper in which this portion of the people of Mississippi have been brought before this House, connected with the fact that the representative who feels himself called upon thus publicly to assail his constituents, or any portion of them, for no other reason than that they have presented a memorial, accompanied with some resolutions of a most mild and temperate character, in which the representative is not referred to, except in the most respectful language, asking his co-operation in aid of their views; and when, too, the great reservoirs to which gentlemen who are inclined to indulge in this sort of debate may resort for matter and manner is known to the House, the effect will not, I think, be very injurious to them, even here."

This paragraph, he said, contained five distinct misrepresentations:

1. He pronounced no "eulogy upon the characters of the gentlemen constituting the committee."

2. He did not "tell the House that these gentlemen, and all others of the State of Mississippi who were opposed to the President, were the federalists of '98, of alien and sedition law memory; nor that they were of the anti-war party, of Hartford convention memory."

3. He brought no "charge, he said, against the people of Mississippi."

4. He did not charge any portion of the people of that State "with entertaining political opinions held by them in utter detestation."

In the last place, the whole paragraph, he said, was false; for scarcely a single sentence or word therein contained was delivered by his colleague at the time pretended.

Mr. P. then read:

"I believe he is not generally suspected of acting very promptly or decidedly upon any question of magnitude, until he shall have looked well to the effect it is to have upon that overshadowing popularity which he has, in the course of his remarks, informed the House he enjoys in our State. Yet, for the life of me, I cannot imagine the channels through which the gentleman has derived his information."

He used no such language.

Mr. P. then read as follows:

"I must be permitted to say, among these good citizens, I know no line of distinction, either personal or political, such as the gentleman has thought proper to draw in his imagination, and on one side of which he has thought proper to place what he is pleased to call the working men; to the other, I believe, he has given no name. If he means, by working men, the industrious, enterprising, frugal men, of all vocations, then I imagine we are all on the same side of the question, and constitute the working men, or at least we will say so, as they embrace certainly the most important and interesting portion of society. If the gentleman means, as distinguishable from the working men, the non-working men, as that portion of our population that he does not intend to patronise, then, too, do I think he will be in the majority; for, however much we may lament over the foibles and imperfections of our fellow-men, there are few among us who will be found the advocates of the idle and dissolute, whose conduct, in reference to their families, and those dependent upon them, is pronounced, by the highest authority, 'to be worse than that of an infidel.'

"If the gentleman intends the line to be drawn between the rich and the poor, then the distinction is an invidious one, and should not be permitted to insinuate itself into any portion of the society of this free and independent Government, where the road to wealth and fame is equally open to all. Besides, it would be a political distinction that cannot be defined. How much, or how little, must a man be worth to belong to this new-fangled party of my colleague? And is it not more perfectly clear that, if such is made the test of party, there can be no permanency in it? Every man aspires to a competency for himself and family. Should his industry and enterprise secure this to him, beyond a given amount, then he ceases to be of the one party, without any effort of the mind, or the change of a solitary political opinion. On the other side, accident or misfortune, under the operation of this political thermometer, must decide the victim's political station. In fine, sir, said Mr. C., the people of Mississippi, as I recognise them, are all the working class, in some vocation, and among them much the largest proportion cultivate the soil, upon whose prosperity essentially depend the happiness and prosperity of all. They are an enterprising and thrifty people, and, if permitted to pursue the even tenor of their way, under a just and wise administration of the constitution and laws of their country, they will be prosperous and happy."

This, said Mr. P., has all been fabricated since the speech was delivered.

He again read:

"Indeed, sir, if the gentleman has not mistaken his growth and strength in Mississippi, his opposition to, and aid in, any measure, must settle the question, so far as Mississippi is concerned. I am, said Mr. C., as little disposed to give my advice to my colleague, as he is to me. I will, however, take the liberty of saying to that gentleman, not to lay the "flattering unction to his soul," that, because he is strong in the affections of these people, they will therefore permit him to experiment upon their affections, attack their best interests, and sap the very foundation of their prosperity. No, sir; and though he may be the largest, strongest, and most beautiful proportioned tree in all their political forest, yet, if it be found that his beauty and ornament is to be sustained at too great a sacrifice, these people may think proper to relieve themselves of the dense shade, with its chilling influence, which withers and blasts every flower in its reach, extending itself even to the destruction of every cotton plant, in every field in that fertile region of the country."

No such language used by my colleague, said Mr. P.; all made up since.

Mr. Plummer then read the following extracts:

"Sir, this may not be a libel upon the gentleman himself, but it is a most egregious one upon me, if he intends to convey the idea, by the interrogatory propounded, that such was my course; and not less so upon the people of Mississippi, who have honored me with their confidence. I cannot believe, sir, that the gentleman himself pursued that course, and I have but one reason for doubting it; and that is, that I do not believe the high-minded, honorable freemen of Mississippi could be brought to support any man for a high and responsible station, however large and beautiful he may have grown, or however much he may have strengthened with that growth, either physically or mentally, who would thus consent to prostitute the noblest gift of God to man, immolate that divine faculty which raises him above the rest of the animal creation, and thus consent to become the willing instrument of party, regardless of consequences, either to them or their common country."

Mr. P. said that his colleague did not use any such language when he delivered his speech.

Mr. P. again read from the same speech:

"Whilst my colleague was alluding to the course of the Legislature of Mississippi, in reference to the bank question, if it had suited his purposes equally well, he might have told the House what took place in that body in December last. As he has thought proper to pass over that part of the history of their actings and doings on this subject, I will, in support of my own course, and to give to the House some idea of what is the probable portion of the people of that State which the gentleman has sought to place in so odious a light before them, inform them that, during the session referred to, a resolution was introduced into the House of Representatives, instructing their Senators, and requesting their Representatives, to vote against a recharter of the United States Bank. It was laid upon the table in that House. The Senate, perceiving that the resolution was not likely again to be called up in the House, introduced a resolution of an opposite character, instructing their Senators and requesting their Representatives to vote for the recharter, with such modifications as Congress might deem proper. This resolution passed the Senate by a majority of nine to three, was sent to the House, and there laid upon the table, with the one which originated in that body. My correspondent adds, 'that, upon a joint vote of the two Houses, there would have been a majority of two in favor of the recharter.'"

So far from using this language, he said, his colleague did not hint at a single idea therein contained.

Again, said Mr. P., speaking of his vote on some important question connected with the bank, the author of the speech says:

"I hoped to have had him on our side; I found him there upon one occasion, on what was considered, to some extent, a test vote; and this was some time after the letter was written. I hoped to have had him on our side throughout—it was quite reasonable that it should be so."

Mr. P. said he had never given any such vote, and that his colleague made no such charge.

Mr. P. then read—

"It may have occurred to him, however, that this was a fit occasion, and fair, to leave some impression at least, without stating the fact, that he had seen some service, and that he was not afraid of fighting. If he has succeeded in making this impression, I, at least, shall not disturb his repose under it, by attempting to add to, or take from, his brow the laurels which, in his imagination, he may have won, by saying what he has or has not done in the field of Mars. I shall take the liberty of asking, if not a division of the question, a division of the persons; and, so far as I shall respond, speak alone for myself."

All a mistake; all fabricated since.

Mr. P. begged leave to call the attention of the House particularly to the following paragraph. It is eloquent; and some one will certainly recollect it. He then read:

"It was in this situation, said Mr. C., where my mind was fired with, and received its strongest impress for, the love of liberty. It was there where I was taught that we were engaged in a conflict in defence of our rights as freemen. It was there I heard and believed it—there, when the tocsin of war should cease to sound, and peace be restored to our land and country, that we should be permitted to return to the walks and duties of civic life, where we might enjoy freedom of thought, of opinion, and of action, uncontrolled by any other influences than those of moral rectitude, amenable at all times, for any abuse of our liberty, to the laws of the best Government, if wisely administered, that has existed since the creation of man. To this happy and peaceful state I have long been restored; and am now, thank God! enjoying the liberty, and exercising the freedom of opinion and of action, the birth-right of every American citizen, 'and there is none to make me afraid.' It was there, too, I was taught, by the force of illustrious examples, never to shun responsibility, when the good of the service in which we are engaged requires that we should meet it. How we shall meet the responsibility forced upon us all by the question now under consideration, is a matter about which gentlemen may and do differ. I hope we shall all meet it in a spirit of frankness and candor, and with an eye single to its merits, and the great interests involved in it."

Not one word of this elegant extract, he said, was spoken on that floor. All concocted since.

In addition to the extracts which he had read, the most of the remainder of the pretended speech of his colleague, he said, had been fabricated since that time. But a small portion of it was delivered on that floor. It was the result of some eight days' labor. If he might be allowed to express an opinion, he would say that it was the joint effort of congenial spirits, afraid to meet the real question before the people of Mississippi. He said it was a wanton and premeditated attack on him, unparalleled in the history of parliamentary speech-making. However uninteresting it might be to the House, in consequence of his peculiar situation he begged the indulgence of gentlemen while he briefly responded to some of the general charges, intimations, and innuendoes, contained in the pretended speech of his colleague. When he had the honor of addressing the House on the presentation of the resolutions from Natchez the other day, he thought that he was distinctly understood by the House and his honorable colleague. On that occasion, he said, his colleague had stated that those who composed the meeting were eminently well qualified to judge of the cause of the pecuniary distress which pervaded the whole country, and the wishes of the people, or something to that effect, and added that he concurred with them in opinion.

Mr. P. said he differed from them and his colleague in opinion, and felt it due to those of his constituents composing the meeting, as well as to himself, that he should explain the reasons for the course he intended to pursue. His colleague had written home a letter which had found its way into the newspapers, and was trumpeted forth to the world by the opposition papers as positive evidence that the people of Mississippi had turned against the administration, and were opposed to its measures. In these times of high party excitement, he said he was in honor bound, as one of the Representatives from that State, to rescue her from such unjust imputations. For that purpose, and for the purpose of repelling a charge made on a majority of the members of that House, that their course was "the effect of party trammels," and that "they were under the influence of decided party discipline," it became necessary for him to speak of the situation of the political parties of the State he had the honor in part of representing, and the circumstances under which he was elected, not for the purpose of showing his "overshadowing popularity" among the people, nor his "irresistible influence" in the Legislature, of which his colleague spoke, and which he was not disposed to dispute about, but in justification of his course as a Representative on that floor, and for the purpose of repelling the insinuation, so far as he was concerned, of being under the influence of "party trammels," or "party discipline." He adverted to the circumstances under which his colleague was elected, and the means by which he obtained the votes of the honest and unsuspecting citizens, for the purpose of showing that he, [Mr. CAGE,] instead of the individual addressing the House, was misrepresenting the wishes of the people of Mississippi, (if there was any misrepresentation,) as had been charged in the public newspapers on the authority of his letter. Mr. P. said he did not accuse his colleague of pledging himself "to go the whole animal, or blindly to follow the dictates of any man or party," right or wrong. The people of Mississippi would disdain to ask such a pledge. The gentleman was not required to make it.

The CHAIR interposed, and arrested his remarks, as transcending the permission granted by the House.

Mr. PLUMMER thereupon asked leave of the House to proceed; but it was negatived.

Mr. CAGE, having obtained leave of the House to reply, said that it was at all times, and upon all occasions, a painful thing to him to be drawn into personal or political contact with any individual earthly, and it was particularly so when that individual was his colleague; one who had been selected by the people of Mississippi to attend to their interests upon that floor. It would be far more desirable that her Representatives should harmonize personally, apparently at least, and should agree in their efforts to advance her interest. That they should differ in their sentiments on political subjects of vast concern, was, perhaps, what might be expected; but that they should expose themselves before the House and before the nation, and thus destroy all the joint influence they might otherwise exert for the good of their State, was deplorable.

Mr. C. said that he felt the immense difficulty that was thrown around his conduct on the present occasion. He knew what was due to the dignity of that House, and what he owed to himself as one of its members, and he would not sacrifice either, by entering into a personal collision on that floor. He had witnessed too much of it in that House, and witnessed it with pain, and he never would descend from the honorable and dignified station which his constituents had assigned to him there, to notice personal and abusive allusions to their Representative. That hall had never been designed for such purposes. It had been erected, that therein the Representatives of the people might deliberate on great and weighty subjects connected with the interests of the country; and he would not detract from the dignity of such a design by replying to personal remarks. In reply to what the gentleman had said respecting a pretended speech, he would observe that, when he had presented a memorial from his constituents, its consideration had, on the motion of his colleague, been postponed, and, on the subsequent petition day, he had entered the hall, not knowing that the consideration of the memorial would at that time be in order, when, to his surprise, he had found his colleague on the floor, and engaged in debating the subject of that memorial. He was without a single note of preparation; and being thus taken completely aback, he had made at the time such observations in reply as then occurred to him. The gentleman had said that the speech which subsequently appeared in the Intelligencer as his, was written, but not delivered. Now, Mr. C. would not vouch that all that was contained in that speech had been spoken upon the floor of the House. He had drawn it out as he had thought proper at the time. The gentleman complained that he did not know whom to make responsible for what it contained. He now said to that gentleman that he (Mr. C.) was responsible, and he alone, for every thing contained in it.

The gentleman had spoken of it as the "joint production of congenial spirits:" to this Mr. C. would reply that he there pledged his honor (which was nearly all that he possessed) that every sentence, word, and letter of that speech was his own production. Would the gentleman, on the honor he had pledged, say as much for his own? Mr. C. felt it due to the editors of the National Intelligencer, who had published that speech or document, or whatever else the gentleman pleased to call it, to make this avowal. Mr. C. said he had none of that ridiculous pride which some persons manifested in respect to what came from him. This he could assure the House and the gentleman, that every thing purporting to come from him did come from him. The gentleman had called portions of that speech false, and said that it was a fabrication. Now, the speech had come out under his name, as his speech, and he was responsible for it, there and every where. He was now responsible for it. The editors of the paper had never seen the speech till it was delivered to them; and he presumed that their reporter had not made himself so busy as to tell them that it had not been prepared by him; and, even if he had, he took it for granted that the editors would have published it notwithstanding.

The gentleman had said that the speech was intended to injure him with his constituents. It had been intended for no such purpose. It had been intended as the best argument Mr. C. could offer with a view to sustain himself, and to show why he had taken the course he pursued. If that gentleman did nothing himself to injure himself with his constituents, Mr. C. should certainly never make the effort. He would take no such course; and the gentleman had mistaken his character when he had spoken of him as a midnight assassin, stabbing in the dark. As he was anxious to sustain his honor before that House and the nation, he wished them to believe that he was no midnight assassin, either of character or of person. So far as this representation might go home to his own State, it would not be believed. Mr. C. said he had no imputations to throw back in return upon his colleague. He would not consent to make that floor a place for indecorous language to any one; and he would not himself be guilty of that which he should condemn in others. He would say, however, in reference to his former speech, written or spoken, that he cared nothing about it. He alone was responsible for any thing it contained.

Mr. PLUMMER now rose to reply, but

The **CHAIR** interposed, and said that the matter could go no further.

Mr. PLUMMER said he only wished to explain.

The **CHAIR** replied that the gentleman had already had an opportunity to explain, and could not proceed unless by the express permission of the House.

Mr. PLUMMER thereupon asked leave of the House.

Mr. CLAYTON objected. He said he had a memorial in his pocket, which he was anxious to present; but, if these personal explanations were to go on, the day would be wasted, and he and other gentlemen should lose the opportunity.

Mr. CAGE said that he hoped the gentleman would be permitted to explain. If he had any thing to state which would tend to allay the unpleasant feeling which had been produced on either side, he wished to hear it.

Mr. CLAYTON thereupon withdrew his objection; and the question being put by the Chair,

Mr. PLUMMER had leave to explain. He said that the remarks he had before made had been directed to what he had then termed a pretended speech. His colleague had now avowed himself to be the author of it. In speaking of the author of the speech as it appeared, he had used the term midnight political assassin. That was all he meant. He had used the term assassin in a political sense; but, since his colleague now admitted himself to be the author of every part of that speech, and as the editors of the paper had been exonerated from the responsibility, Mr. P. was willing to withdraw the remarks he had made. He now understood the gentleman to say that he had no design to injure him, either in the House, or at home. With that understanding he withdrew the remarks he had made. There was no unkindness in his bosom toward any one; and if he had rightly understood his colleague as meaning to say that he had not designed to injure him, he withdrew what he had said.

Mr. CAGE replied that he did not pretend to say either more or less than he had spoken. The language he had used was too plain to be misunderstood. He had not intended the speech he had published as an interference in any way between his colleague and his constituents; and it now gave him great pleasure to find that his colleague had relieved him from that multiplicity of personalities he had heaped upon him. No man was ever more disposed to avoid personal collisions than he was, when he could do it properly, and in an honorable manner.

Mr. **BROWN**, of New York, moved to lay the memorial and resolution on the table.

Mr. **SELDEN** remonstrated, and wished only for a vote, without debate.

Mr. **BROWN** refusing to withdraw his motion,

Mr. **WILLIAMS** demanded the yeas and nays.

Mr. **CLAY** moved a call of the House; but it was negatived.

The yeas and nays were then taken, and had been proclaimed by the Chair to be yeas 90, nays 90; and that the Chair voted in the affirmative,

When Mr. **GARLAND**, who had voted in the negative, but whose name had, by mistake, been recorded as in the affirmative, had the record corrected.

Whereupon, Mr. **HAWES** changed his vote from the negative to the affirmative.

This left the state of the vote as before, as follows:

YEAS—Messrs. William Allen, Beale, Bean, Beardsley, Beaumont, Bockee, Bodle, Boon, Bouldin, Brown, Bunch, Burns, Bynum, Cambreleng, Chaney, Chinn, Samuel Clark, Clay, Clayton, Cramer, Day, P. Dickerson, Dunlap, Felder, Forester, Foster, Fowler, William K. Fuller, Galbraith, Gamble, Gholson, Gillet, Gilmer, Gordon, Joseph Hall, T. H. Hall, Halsey, Hamer, Harrison, Hathaway, Hawkins, Hawes, Howell, Abel Huntington, Jarvis, Noadiah Johnson, Seaborn Jones, Benjamin Jones, Kavanagh, Kinnard, Lane, Lansing, Luke Lea, Thomas Lee, Loyall, Joel K. Mann, Mardis, Moses Mason, McIntire, McKay, McKim, McKinley, McVean, Miller, Robert Mitchell, Page, Parks, Parker, Patton, Patterson, Peyton, Franklin Pierce, Pinckney, Plummer, Polk, Schenck, Schley, Shinn, Standefer, Sutherland, William Taylor, William P. Taylor, John Thomson, Turrill, Van Houten, Wagener, Wardwell, Webster, Whallon, C. P. White—90.

NAYS—Messrs. John Quincy Adams, Heman Allen, John J. Allen, Chilton Allan, Anthony, Ashley, Banks, Barber, Barnitz, Barringer, Bates, Baylies, Beaty, Binney, Briggs, Bull, Burges, Cage, Campbell, Chambers, Chilton, William Clark, Clowney, Connor, Corwin, Coulter, Crane, Darlington, Davenport, Deberry, Deming, Denny, Dickson, Duncan, Horace Everett, Fillmore, Philo C. Fuller, Fulton, Garland, Gorham, Graham, Griffin, Hiland Hall, Hard, Hardin, James Harper, Hazeltine, Henderson, Hiester, J. W. Huntington, William Cost Johnson, King, Laporte, Lewis, Lincoln, Love, Lucas, Lyon, Martindale, Marshall, McCarty, McKennan, Mercer, Milligan, Moore, Murphy, Osgood, Potts, Ramsay, Reed, Rencher, Selden, William B. Shepard, W. Slade, C. Slade, Sloane, Spangler, Stewart, Philemon Thomas, Turner, Tweedy, Vance, Vinton, Watmough, Elisha Whittlesey, Wilde, Williams, Wilson, Wise, Young—90.

The Speaker voting in the affirmative, the memorial from Oneida county, and Mr. Selden's resolution, thereupon were laid upon the table.

ADAMS COUNTY (PA.) MEMORIAL.

Mr. **CHAMBERS** remarked that he had been requested to present to the House the proceedings of a public meeting of the citizens of Adams county, Pennsylvania, held at Gettysburg on the 5th April last. These proceedings (said Mr. C.) I have had in my possession for some weeks; but, under the rules of the House, and the order of business, I had no opportunity to present them until now. The call for this meeting was addressed to those who were opposed to the arbitrary measures of the Executive respecting the public deposites and the currency of the country. The call was met by the citizens in the spirit that made it. Party animosities were subdued, party contests overlooked, and party names suppressed, at a meeting of citizens, where party separation has been maintained with a zeal and pertinacity not surpassed in any part of Pennsylvania. They professed to assemble as freemen, to express their opinion of public measures, and to present their complaints to their representatives for consideration and redress. The meeting was not only large, but I have good authority for saying that it was the largest political meeting ever witnessed in that county. It was highly respectable. I recognise amongst the officers gentlemen of deservedly high reputation for intelligence and integrity, and who have enjoyed a large share of public confidence. Amongst the officers of the meeting was a revolutionary officer who has numbered more than eighty years, and whose aged spirit brought its feeble frame to a public meeting, where he might stlll bear his testimony in defence of the constitution and laws against arbitrary Government. The meeting was composed principally of farmers, who sustain, educate, and apportion their families from the profits of a soil cultivated by the labor of their own hands, and who are the great pillars of our political system; but at it were also laborers, merchants, mechanics, manufacturers, and others, who take and feel an interest in a sound currency, uninterrupted trade, steady markets, and a faithful administration of the powers of Government. These assembled freemen affirm their constitutional right to express their opinions, and to complain to their representatives of their grievances. They represent that they are suffering from a deranged currency, interrupted trade, low and declining markets, and the loss of mutual credit and confidence in business, between man and man; industry is deprived of its ordinary employment and reward, and enterprise is fettered and chained. Whilst they complain of these grievances, they attribute them to the removal of the public deposites from the Bank of the United States, and the arbitrary and unauthorized experiment which the President has assumed to make and pursue on the currency of the country. They declare that the removal of those deposites was, in their opinion, uncalled for by any reasons of expediency or security, and was a violation of public faith. They believe that a subject of infinitely more concern than pecuniary embarrassment and sacrifices of property is presented to the American people in the question whether they are to have a Government under a constitution and laws, or dependent on the will and responsibility of an individual; and they pledge themselves, at this meeting, to suspend their party animosities, and unite for the common purpose of restoring the constitution and laws to their high place, maintaining the public faith, and relieving a suffering community. Of this pledge, there was the best evidence in the names of the officers and actors at this meeting, who, in October last, were arrayed against each other at the polls in all the bitterness of party. Did the rule of the House allow me, I should be disposed to pay a tribute to the liberality and independence of these my fellow-citizens, who are, and deserve to be, freemen. They express their alarm at the attempts made to excite a prejudice against the Senate, which represents the sovereignty of the States in the National Government; and also at the evasion by the Executive of the counsel and concurrence of that body, as provided by the constitution, in appointments to office. They ask relief from Congress for a suffering country, and call upon us not to adjourn or separate until some effectual remedy for that relief is devised, not by the negative "let-us-alone" policy of the Committee of Ways and Means, but, as they declare and desire, by restoring the public deposites to the Bank of the United States, and rechartering that institution, under proper modifications and restrictions. They express the opinion that a national bank is essential, not only to the successful operations of the Treasury Department, but to the regulation of the currency and exchange of a trading community. They also say that, in their opinion, the scheme of a hard money currency is not now practicable, and, as a medium of exchange, it is inferior to a sound paper currency. They also except to the inconsistency and insincerity of those who profess to be in favor of a hard money currency, when they are proposing numerous new State banks with large capitals. They have also testified their respect for the official conduct of the late Secretary of the Treasury, W. J. Duane, who exhibited in his high official station an integrity and independence, which, however rare in these degenerate times, are yet essential to the faithful discharge of official duty. Such are some of the sentiments entertained and expressed at the public meeting whose proceedings I am pleased to present for the consideration of this House.

On the same subject, Mr. Speaker, I have received within the last few days memorials signed by 852 citizens of the same county. They represent that, whilst pecuniary distress and embarrassment was at a distance from them, they did not complain; but that it has now reached their own doors, and that what was speculation is now reality. Business transactions are now paralyzed by a suspicious currency, and the want of credit and confidence. All this mischief they attribute to the removal of the public deposites from the Bank of the United States, and to the pursuit of an experiment and policy which is bringing ruin alike upon the agriculturist, the mechanic, the day laborer, and merchant. They ask Congress to restore the public deposites to the Bank of the United States, to recharter that bank, with such modifications as may be deemed necessary, or to extend the present charter for a time, until Congress shall devise a plan that will afford future safety to all the great interests that are liable to be affected by a derangement of the currency.

The citizens of this county have no connexion with the Bank of the United States, either as stockholders or debtors, and are as independent of it as any citizens of these United States. Their movement and action on this subject was the spontaneous one of a free people, who had been made to feel the ruinous policy of the Executive.

I hope the House will give to this expression of public opinion and complaint the attention and consideration which they eminently deserve, from a regard to the number and respectability of the memorialists.

The proceedings were then laid upon the table, and ordered to be printed.

YORK COUNTY (PA.) PROCEEDINGS.

Mr. BARNITZ presented the proceedings of two public meetings lately held in the county of York, in Pennsylvania, and stated that they were respectable in number as well as character. The one was held in the western section of the county, at Hanover, a flourishing incorporated town, composed principally of enterprising mechanics, and surrounded by a highly improved agricultural district, on which the town depends principally for its support and prosperity. The other meeting was held in the eastern section of the county, in Hallam township, and was composed of independent farmers, and others connected with the agricultural interests of the county. He begged permission to state that the presiding officer of the Hanover meeting had always heretofore been a zealous supporter of General Jackson, and also that the presiding officer of the other meeting had been his warm original friend and supporter. One of those who acted as assistants at the Hallam meeting, an independent influential farmer, had also been heretofore a supporter of the present administration. These persons, like many others, had changed their opinions in regard to the policy of the administration respecting the United States Bank. He stated these facts to show that those meetings were not of a partisan character, where men meet to further the views and interests of a party. They were meetings of independent citizens, who have a deep interest in the prosperity of the country, and who now believe that the measures of the administration, in removing the deposites and endeavoring to destroy the United States Bank, are injurious and destructive. Mr. B. further briefly stated that the resolutions in both cases express the same general opinions—that the embarrassments now affecting the agricultural and manufacturing interests of the country are to be attributed to the unnecessary and unjustifiable warfare of the Executive upon the bank; that a restoration of the deposites would enable the bank to extend immediate relief to the community, and would restore confidence and credit; that the recharter of the bank, with such modifications and alterations as may be deemed expedient, would have the effect to place the public credit and confidence, as well as the currency of the country, on a permanent basis.

Owing to the late hour, he concluded by moving that the proceedings be printed, and laid upon the table.

MIFFLIN COUNTY (PA.) MEMORIAL.

Mr. **BANKS** addressed the House to the following effect:

Mr. Speaker: I am requested to present the memorial of farmers, manufacturers, mechanics, and others, citizens of Mifflin county, in the State of Pennsylvania. This memorial is signed by about 680 citizens. They state, in their memorial, that they have enjoyed an unexampled degree of prosperity for years past; that their currency was sound and uniform; that their merchants and business-men were solvent, and at all times prepared to meet their pecuniary engagements; that there was a constant demand for all their products, and the price fair and adequate; that their manufacturers were extending their business; that new establishments were about to be erected; that the products of the skill of the mechanic found a certain and profitable market at all seasons; that the demand for labor of all kinds was increasing; that its compensation was prompt and liberal; that they looked forward to a speedy completion of a system of internal improvement, in which the people of that county were deeply and vitally interested. They state, further, that all branches of business were carried on with activity and profit; that they deemed their prospects of future comfort and independence no longer visionary, but certain and substantial.

They state, further, that their circumstances have been lately changed; that their prospects are now clouded, and their hopes blighted, by an experiment now making upon the currency of the country; that this experiment is scattering bankruptcy and ruin over the whole face of the country; that no business is beyond its reach; that their well-farmed fields have in vain yielded a rich and abundant crop; that their products remain on their hands without a market; that, if sold, it is at prices ruinously low; that their labor and toil receive no competent reward; that the manufacturer cannot now find a market for his manufactured articles; that he is compelled to limit his business; and that many laborers are thus necessarily thrown out of employment, and deprived of the means of subsistence for themselves and their families.

They ask Congress, without delay, to adopt some measures calculated to afford relief to the community. They give it as their decided opinion, that a national bank is necessary to create and sustain a sound and uniform currency throughout all parts of the country. They attribute that alarm, loss of confidence, and embarrassment, under which all classes of the people now labor, to the removal of the deposites, by the Executive, from the Bank of the United States. They also express the opinion that the only effectual remedy for those evils is a restoration of the deposites to that bank, and a renewal of its charter. This they ask may be done, with such modifications as may be thought right and proper. They state that this alone, in their opinion, can or will restore confidence and prosperity to the country. I have thus given a brief statement of the contents of this memorial. This is all I am permitted to do by the rules of this House. I will only add, that I have examined the names subscribed to this memorial. I find those of many with whom I have been long and intimately acquainted. It is with great pleasure that I say they are men of business, intelligence, and integrity; men whose opinions are entitled to great weight on subjects of this nature; men who are held in the highest estimation by me, and deservedly so by all who know them. While presenting their memorial, I may be permitted to say, that I concur fully with them in the views taken, and opinions expressed by them in it.

Mr. **ANTHONY** presented a number of memorials from inhabitants of Lycoming county, Pennsylvania, on which he craved leave of the House to make some remarks.

The question being put, the ayes were 57, the noes 29.

No quorum having voted, the House was counted, and only 94 members found to be present.

Mr. **WHITTLESEY** thereupon moved a call of the House; when

Mr. **ADAMS**, of Massachusetts, moved to adjourn; which motion being carried, ayes 57, noes 46,

The House adjourned.

Tuesday, May 13.

The **SPEAKER** having announced the special order of the day to be

THE KENTUCKY ELECTION.

Mr. **JONES** rose, and said that, as it was desirable to have the report of the minority of the Committee on Elections on this case printed, he would move that its further consideration should be postponed until Tuesday next.

The motion to postpone was agreed to.

MONUMENT AT YORKTOWN.

Mr. **WISE**, by leave, presented a memorial of inhabitants of the town and county of York, in the State of Virginia, and counties adjacent thereto, praying Congress to carry into effect the resolution adopted by the Congress of the revolutionary war, on the 29th day of October, 1781, for the erection of a marble column, adorned with emblems of the alliance between the United States and France, and to be inscribed with a narrative of the surrender of Earl Cornwallis, and the British army, to the combined forces of America and France; which memorial was read, and referred to a select committee.

Mr. **W.**, by leave, also presented a memorial of inhabitants of the county of Gloucester, in the State of Virginia, protesting against the removal of the deposites of the public money from the Bank of the United States, and praying the restoration thereof; which memorial was read; when

Mr. **W.** moved that the said memorial be referred to a select committee of seven members, to be chosen by ballot, with instructions to report the following resolutions:

Resolved, That the custody and control of the moneys of the United States, not appropriated by law, and not disbursed under appropriations by law, are, by the constitution, placed under the order and direction of the Congress of the United States, which order and direction must be made by law in the form of bills or joint orders, votes or resolutions, upon which the President of the United States has simply the power of a negative, subject to a vote of two-thirds of each House of Congress.

Resolved, That no change of the constitution of the United States is necessary to authorize the Congress of the United States to intrust the custody of the public money, not appropriated by law, and not disbursed under appropriations by law, whenever or howsoever obtained, to other agency than that of the Executive department, and that the custody of the public money must not be necessarily, under the constitution, intrusted to the Executive department.

Resolved, That Congress can take out of the hands of the Executive department the custody of the public property or money, without an assumption of Executive power, or a subversion of the first principles of the constitution.

And that said committee be further instructed to report such measures as it may deem necessary and proper to provide for the future safe-keeping, control, and disposition of the public property and moneys, and to assert, maintain, and protect the constitutional powers of Congress over the public property and public purse.

ADJOURNMENT OF CONGRESS.

Mr. BOON asked the unanimous consent of the House to take up the joint resolution, heretofore submitted by him, fixing a day (the 31st instant) for the adjournment of Congress.

Objections having been made—

Mr. B. moved a suspension of the rule, to enable him to have it taken up, intimating, at the same time, that, if his motion should prevail, it was his intention to modify the resolution, by inserting Monday, the 16th of next month, in lieu of the day named for adjournment.

The motion to suspend was decided in the affirmative: Yeas 152, nays 12.

Mr. B. then said he was desirous to repel an unfounded attack which was made upon him, for having previously submitted the resolution to adjourn. The attack was made in a communication, dated on the 17th April last, from the House of Representatives, and was inserted in the Telegraph. The writer of it had impugned his motives, had asserted that he had submitted the resolution in a thin House, and that he was actuated, from that statement, by an insidious motive to have it passed in a thin House.

After quoting the article, Mr. B. said that the writer of it was unknown to him; but be he whomsoever he might, he pronounced that it was a false and base calumny, and was done with knowledge aforethought. For it would be in the recollection of members in the House that when he first proposed the resolution fixing the time for Congress to adjourn, so far from desiring to press it in a thin House, upon the suggestion of a friend near him, [Mr. R. M. Johnson,] that the House was thin, he had acceded to the propriety of his suggestion to postpone, and did then postpone it, for that very reason. The writer would convey the idea that, in submitting the resolution, he was under "the dictation of imperial majesty, or had done so in compliance with the wishes of the kitchen cabinet." This idea, however, he must altogether repel; it was too contemptible, it was undeserving and unbecoming the notice of any man; and he should not have noticed the matter at all, were it not to repel the insinuation that he was actuated by an insidious motive in proposing the resolution. He would not hold himself accountable to any tribunal on earth save to his constituents. He now proposed to modify the resolution to read as follows:

Resolved, That the President of the Senate, and the Speaker of the House of Representatives, close the present session of Congress by an adjournment of their respective Houses on Monday, the 16th day of June next.

Mr. MANN, of Pennsylvania, called for the yeas and nays; which were ordered.

Mr. FOSTER said that although he was no great stickler for the observance of the Sabbath, yet he did not desire to see it profaned, when it could possibly be avoided. He presumed that, if the resolution was to adjourn on a Monday, there was scarcely a doubt but that the previous Sunday would be devoted to the transaction of business. He, therefore, suggested that Saturday, the 14th, should be fixed, and he submitted an amendment to that effect.

Mr. CHILTON said that, in order to bring up the printing of the journal, Tuesday, the 17th, would be the better day, and proposed an amendment in accordance.

The amendment fixing Saturday was then rejected.

Mr. CHILTON withdrew his proposing Tuesday.

Mr. WARDWELL having renewed it, it was rejected.

The question then being on the adoption of the resolution—

Mr. EWING moved to amend it by adding "provided the essential business of the people, which demands the action of Congress, be then determined."

Mr. ANTHONY desired to know how the proviso was to be determined upon?

Mr. EWING replied, that it was in the power of every member to determine what was essential to the interests of his constituents: for his part, he knew that his constituents expected that the business, interesting to them, should be despatched before they would think of adjourning. He called for the yeas and nays on his amendment.

The House refused to order them; and the question having been taken on his amendment, it was rejected.

Mr. VINTON desired to be informed by the chairman of the Committee of Ways and Means if it was his intention to call up the bill reported by that committee to regulate the terms, &c. upon which the public deposites were to be made in the State banks, previous to any adjournment?

Mr. POLK replied, that, so far as he was concerned, and knew the opinion of those with whom he acted, it was his and their intention to bring up that subject, and press it upon the consideration of the House. This he would take the earliest opportunity of doing, which would be as soon as the remaining appropriation bills were acted upon.

Mr. ARCHER desired to know how many of them were undisposed of?

Mr. POLK said there were five reported from the Committee of Ways and Means, which he was desirous to have speedily acted upon, viz: one making appropriations for the Indian Department; one for certain fortifications for the year 1834; one for Indian annuities, and other similar objects; one for continuing the Cumberland road in Ohio, Indiana, and Illinois, and repairing said road east of the Ohio, and continuing certain territorial roads; and one making additional appropriations for the improvement of certain harbors, and removing obstructions in the mouths of certain rivers.

There was a bill in relation to West Point Academy, and others of importance, from other committees (said Mr. P.) yet to be acted upon; he, therefore, hoped that the House would be disposed to immediately consider and act promptly upon the appropriation bills.

Mr. VINTON said, as the chairman of the Committee of Ways and Means had thus announced his determination not to call up the bill which was, in his judgment, of more importance than any of those which he had named, and which, when called up, he believed would occupy all the time, from this period until the day named for adjournment, he could not consent to fix a day for adjourning, until the bill he alluded to was disposed of.

Mr. HARDIN remarked that he had had for some time a memorial to present to the House from his constituents, but which, from present appearances, he was not to have it in his power to present. He took this occasion to state, it was from the farmers of his district, and they set forth the great pressure under which they were now laboring, agricultural produce being reduced from 40 to 60 per cent.

They attribute all this to the derangement of the currency. And, among other resolutions, they had expressly instructed him not to vote for an adjournment until something was done towards chartering a national bank. They believed that this was the only means to remedy the evils they complain of, and the amendment proposed on this subject by the member from Illinois, [Mr. Duncan,] was, he thought, worthy of their consideration. According to the instructions sent him, he could not vote for the resolution.

Mr. CHILTON, believing that little good would result from a protracted session, was willing to vote for the adjournment.

The debate was here arrested by a motion, submitted by **Mr. PLUMMER**, to proceed to the orders of the day; which motion prevailed: Ayes 84, noes 78.

The **SPEAKER** then laid before the House sundry communications, among which was the following:

"New Haven, 9th May, 1834.

"Sir: I have this day resigned my seat as a member of the 23d Congress.

"Yours, very respectfully,
"SAMUEL A. FOOT.

"The Hon. the Speaker of the H. R."

The special order of the day being the

COMMUTATION PENSION BILL,

Mr. CRANE, having the floor, rose, and addressed the Chair as follows:

Mr. Speaker: As I was a member of the committee which reported this bill, I wish to reply to some of the objections which have been urged against it, more especially as the bill has been, for some time past, withdrawn from the attention of the House. The very able, and, as I should hope, successful vindication of this bill, by the gentleman from Kentucky, [Mr. Marshall,] and its other friends, has left little for me to do. I can only glean the field already reaped. There seems to be a mistake respecting the object and effect of this bill. It is supposed that it extends the grants to the officers of the revolutionary army beyond the intention of the Continental Congress, and that it adopts new principles of decision respecting the claims of those officers. The committee had no design, and claimed no authority, to go beyond the Congress of that day: their object was to carry into effect the stipulations of Congress with the officers, and to do this by the application of such principles of decision as had heretofore received the sanction of Congress. They aimed at no novelties, but kept themselves scrupulously within the line of precedent.

A brief review of the legislation of the Continental Congress will be useful in judging of the provisions of this bill. On the 15th May, 1778, Congress promised half pay for seven years to the officers commissioned by Congress, on condition of service to the end of the war. The benefit of this provision was subsequently, by the resolution of 24th August, 1780, extended to the widows and orphans of those officers who had died, or should thereafter die, in service. This is one class of the claims provided for by this bill. By the resolution of October 21st, 1780, half pay for life was promised to the officers of the continental army. A suitable provision for those officers had been an object of long and anxious solicitude with General Washington, and this resolution was the result of his repeated and pressing solicitations to Congress. By it, two classes of officers were entitled to half pay for life. 1st. Those who retired from service under the new arrangement of the army. 2d. Those who continued in service to the end of the war. To the first class, the promise was absolute and unconditional; it was made in consideration of past services and privations, and in compensation for being left out of service in the new arrangement. To the second class, it was conditional; dependent on their continuance in service to the end of the war. A further reduction of the army took place, in pursuance of the resolve of 31st December, 1781. Officers retiring from service, under this last resolution, are, according to the resolve of March 9, 1785, entitled to half pay, or commutation, equally with those who retired under the resolves of October, 1780. This resolve of March 9, 1785, seems to have proceeded from abundant caution; for there could be no question of the right of an officer to half pay, or commutation in lieu thereof, who had been retained in service under the new arrangement of the army, made in pursuance of the resolves of 3d and 21st of October, 1780, and had been subsequently, and before the end of the war, deranged out of service by the act of the Government, in the further reduction and new modelling of the army. Half pay for life was solemnly promised by Congress to all those officers who retired from service under the resolves of October, 1780, or under any subsequent remodelling or reduction of the army; and to all those who continued in service until the end of the war. This half pay was, by resolve of March 22d, 1783, commuted for five years' full pay; this commutation to be accepted, not by individuals, but by lines of the army. It was accepted by the several lines, and is one of the many proofs of the patriotism of the officers of the continental army. This commutation, in lieu of half pay for life, was certainly not an advantageous bargain, especially for the younger officers; but it was proposed by the officers themselves, to remove the jealousies infused into the public mind, and to avoid the invidious distinction of pensioners. This bill provides a mode for investigating and settling these claims for commutation. That such claims exist, we have sufficient evidence in the numerous petitions before us. If they are just and well founded, the public faith is pledged for their allowance and payment. The period limited for bringing forward these claims expired in 1794, forty years ago; but this bill, in permitting them to be exhibited at the Treasury Department until 1838, does not rouse up a host of dormant claims; its only effect is to provide a new tribunal; for we all know claims of this description have, for several years past, been brought before Congress, and examined and decided on their merits respectively, without reference to any statute of limitation.

But the objection chiefly urged against this bill, and apparently most relied on, is to the second section, and to the presumptions there sanctioned. These presumptions are branded as anomalous, novel, and unreasonable. Sir, in the reports of the Committees on Revolutionary Claims, you will find these much-decried presumptions constantly recognised, and you will also find that they have repeatedly received the sanction of Congress. The statute book is full of instances of acts passed for the relief of revolutionary officers, or their representatives, whose claims were sustained by just such presumptions. But erroneous precedents furnish no guide of action. The maxim is true: the propriety of its application to this case is disputed. Let us examine these presumptions, so much objected to. Take the case of an officer alleged to have retired under the resolves of October, 1780. The opponents of the bill contend that the burden of proof should be thrown on the claimant. Granted. But the true meaning of such a rule is, that he shall support his claim by probable evidence. What proof of the fact of retiring from service will those who object to the presumptions of this bill require? Must it be established by the army lists? They are defective, mutilated, lost. What secondary evidence will be sufficient? The only rational objection to the presumptions of the bill must be insufficiency—that they are not fair and rational deductions from the premises. The fact on which the presumption depends, and from which all its force is derived, is, that the officer claiming commutation was in service on the 21st October, 1780, and until the new arrangement of the army was completed. That fact must be fully and clearly established; then, according to the bill, "he shall be presumed, unless it shall appear that he was then retained in service, to have been reduced by that arrangement, and therefore entitled to half pay, or the commutation in lieu of it." The officer thus in service must have either retired or continued. The bill presumes that he retired, unless it appears he was then retained. The Government is to rebut the presumption, by showing that he was retained in service. And is not this reasonable and just? Will you not only require him to establish the fact that he was then in service, but impose on him the further task of proving that he did not continue in it after the new arrangement of the army? Is it his fault that the army rolls are mutilated or lost? It was the business of the Government to prepare and preserve them. Shall claims, sustained by direct proof and fair presumptions, be thrust aside with the sneering objection, that they are founded on lost records, and sustained by violent presumptions? The loss of records is the misfortune of the revolutionary officers, not of the Government. Sir, the committee, in imbodying these presumptions in the bill, have only required the Secretary of the Treasury to decide these claims upon the same principles which the committees have observed, and which Congress has sanctioned.

Again: the bill requires an officer claiming commutation as having served to the end of the war, to prove that he remained in service after the arrangement of the army under the resolves of October, 1780. From that fact the presumption is drawn, that he continued in service to the end of the war, or retired entitled to half pay for life, "unless it appear that he died in the service, or resigned, or was dismissed, or voluntarily abandoned an actual command in the service of the United States." The war virtually ended with the capture of Cornwallis, in October, 1781. On the 31st December, 1781, a further reduction of the army took place, and the officers then retiring were entitled to half pay for life. The campaign of 1782 was inactive, and almost bloodless, marked only by a few skirmishes, chiefly in the South: the very last one is made memorable by the fall of that gallant officer and accomplished man, Colonel Laurens. In the interval between the capture of Cornwallis and the final disbandment of the army, on the 3d of November, 1783, officers were permitted to return home on furlough, where, in many instances, they remained until the peace, not being required to resume their command. To require direct and positive proof that an officer continued in service until the disbandment of the army, must exclude many just and well-founded claims. And where is the hazard of presuming that an officer, proved to have remained in service after January, 1781, continued until the end of the war, or retired entitled to half pay for life? Will you presume, against all probability, that he resigned, and thereby abandoned all claim to that provision which his country had made for his services and his privations? Will you adopt the harsh and injurious presumption, that he was cashiered, or voluntarily abandoned an actual command? Yet, when no evidence can be drawn from the public records, which it was the business of the Government to make out and preserve, will you adopt the just and obvious presumption, that the officer in your service in 1781 continued in it until discharged by the act of the Government? or will you, to defeat his claim, adopt the improbable presumption, that he resigned? or the harsh and injurious one, that he was cashiered, or voluntarily abandoned an actual command? One or the other of these presumptions you must adopt. The deficiency of the public records, and the peculiar state and condition of the continental army, after January, 1782, render it always difficult, and in many cases almost impossible, to prove, by direct and positive testimony, that an officer actually served until the end of the war. By admitting the presumptions of the bill, it is possible you may, in some few and rare instances, sustain unfounded claims; reject those presumptions, and you necessarily exclude many just, meritorious ones. It is for an American Congress, deciding on the claims of the revolutionary officers, to determine which rule they will adopt. This bill will not throw open the doors of the treasury to unfounded claims; it will guard the treasury against that constant tendency of legislation, on individual claims, to enlarge the basis of relief; it will, in a brief period, settle the remaining claims of this description upon just and equitable principles. The true question is, which is the best mode of determining these claims? Shall Congress go on to legislate on each individual case, or establish by law a tribunal for the investigation of all such cases? Many and decided advantages will be obtained by constituting the Treasury Department such a tribunal. The investigation will be made at vastly less expense than in Congress; the facilities of consulting such public records as are yet extant will be much greater; and, in the comparative permanency of the officers of that Department, with the fluctuating and shifting character of committees, we have a greater security for the despatch of business. When a member of the committee has become acquainted with this subject, he may be transferred to another committee, or he may grow weary of the labor, or he may leave Congress altogether. This bill holds out to the claimants the prospect of a speedy decision; an advantage which a petitioner to Congress, who has endured, year after year, the misery of hope deferred, will know how to estimate. It is proper that Congress should prescribe general rules to guide the action of the Treasury Department; to prevent delay; to render appeals to Congress unnecessary; to maintain uniformity of decision; and to avoid the error of intrusting a latitude of discretion to a special and temporary tribunal.

One objection, of a singular character, has been urged against this bill. We are gravely warned that it will increase Executive power. If there be one political doctrine which I hold indubitably clear beyond others, it is that, in the language of a resolution now on your table, the Executive power in this country has increased, is increasing, and ought to be diminished. It is my solemn conviction that, unless this power be restrained within narrower limits by the wisdom and foresight of the people, it will eventually, and at no distant period, overturn the fair fabric of our liberty. If I can in any degree, however humble, aid in the reduction of a power which threatens to absorb all other powers in its vortex, I shall deem my public life not wholly useless. But gentlemen may dismiss their fears respecting this bill, as the illusions of imagination. It is not in this way Executive power is increased. The bill creates no new officers; it imposes laborious duties on officers now existing; it is temporary, and leaves nothing to arbitrary discretion. The gentleman from New York [Mr. Vanderpoel] alleges that the passage of this bill will bring into action the whole corps of *pie poudre* court lawyers, wherever dispersed; that cases will be prepared and brought within the rules prescribed; that proofs of service will be manufactured by imposing on the dotage of revolutionary officers. The gentleman underrates the testimony of revolutionary officers: he forgets that law of our nature by which the decay of memory, consequent on old age, is shown in the forgetfulness of comparatively recent transactions, while the events of early years are fresh and vivid. The scenes of the Revolution would be the sunny spots on which the memory of the aged veteran would love to linger. The gentleman forgets, too, that his objection applies with equal, if not greater, force to claims before a committee of Congress. Can evidence be manufactured for the Treasury Department only? and have committees peculiar advantages in detecting imposition?

Another and a most extraordinary objection of the gentleman from New York is, that the act of 1828 is a new commutation act, intended to meet cases of commutation not previously allowed and settled. That act gives to each surviving officer of the revolutionary army, in the continental line, who was entitled to half pay, according to the resolve of October 21, 1780, full pay for life according to his rank in the line; provided, however, that no officer should receive more than the full pay of a captain in the line. The fact of having received commutation is taken as conclusive evidence that the officer was entitled to the benefit of the act of 1828. The allowance of full pay according to his rank was not for five years, but for life. The provision is for the surviving officers; nothing is allowed to the representatives of deceased officers who had not received the commutation to which they were entitled.

[Mr. Vanderpoel explained. He had not said the act was in a literal sense a commutation act, but that, in its operation, it might be so considered.]

Mr. Crane. How the act of 1828 can have any connexion with, much less operate to exclude, claims for commutation growing out of the resolves of Congress of 1780 and 1783, is beyond my comprehension. Again, it is objected that this bill makes no provision for the private soldier, and thus creates an invidious distinction in favor of the officer. The objection is thrown out for effect, or arises out of misconception of the objects of the committee. By the resolve of 16th of September, 1776, one hundred acres of land were given to every non-commissioned officer and soldier who should serve to the end of the war. A further gratuity of $80 is given, by resolve of May 15, 1778, to each soldier enlisting for and during the war, and continuing to the end thereof. It was not the business of the committee to inquire whether these grants to the soldier were liberal, and proportional to those made to the officers; nor was it thought necessary to provide a mode for settlement of the claims of the non-commissioned officer and soldier; for such claims are rare and infrequent. The soldier, on his discharge, received his certificate for his land and the $80, and was too often compelled, by his wants, to part with them for the merest trifle to the greedy speculator.

The gentleman from Georgia [Mr. Gilmer] alleges that it is impossible to ascertain who has received commutation. I believe no such difficulty exists, and that the Government has taken care that no one shall receive it twice, and that full lists of all who have received it may be found in the public offices. He accounts for officers not bringing forward their claims to commutation because they were indebted to the Government; and he alleges that, under this bill, the representatives of such debtors may obtain commutation. A clause, that such commutation should not be paid to any debtor, or his representatives, until the debt has been settled, might have been inserted in this bill from abundant caution; but surely such clause is not necessary to authorize the Government to offset the debt due it against that due the officer or his representatives.

Again: the gentleman from Georgia objects that, under this bill, invalid pensioners may obtain commutation, contrary to the resolve of June 7th, 1785. The bill gives commutation to those only to whom it was promised by Congress. So far from promising commutation to invalid pensioners, Congress has in express terms denied it to them. That gentleman also contends that commutation was given to those only who rendered the service, and was never intended by Congress to go to the heirs or legal representatives. When the lines of the continental army accepted five years' full pay in lieu of half pay for life, the amount of each officer's commutation became a debt due to him, and, if unpaid during his life, like any other debt, was payable to his representative. If there had been originally any doubt on this question, Congress has too often recognised the right of the representative of the deceased officer to receive the commutation, for such a doubt now to exist. The allowance of interest is strenuously objected to, and the gentleman from Georgia proposes that it should be allowed only where delay of payment has been owing to the Government. Interest is expressly promised by the resolution of March 22d, 1783, and Congress, by fixing so short a period for the exhibition of these claims, has delayed their payment. The committee could not refuse to allow interest, without assuming the power of revising the deliberate judgment of Congress. Interest has been granted on commutation claims in numerous instances, and cases have occurred where the principal sum has been allowed in one act of Congress, and interest thereon in a subsequent one. A reference of these claims to the Third Auditor has been proposed. The committee entertained a just sense of the merit of that valuable officer, and the propriety of such a reference was taken into consideration, but it was thought most advisable to submit the claims to the head of the Treasury Department, who could bring all the knowledge and ability of his Department to their investigation. The House is reminded of the resolution of January 26th, 1784, "that half pay cannot be allowed to any officer, or class of officers, to whom it has not heretofore been expressly promised;" and the committee are charged with violating this rule by extending the seven years' half pay, given to the widow and orphans of officers dying in service, to the heirs general of such officers. This is a mistake. Reports, rejecting such construction, and confining the grant to the widow and children, are now on your table.

One remark I was sorry to hear from the gentleman from Georgia, [Mr. Gilmer,] that the Government, in 1780 and 1783, were forced to comply with the demands of the officers. I am sure that gentleman has too much liberality, too much sympathy with the patriotism of those gallant men, to impute to them the design of taking an ungenerous advantage of the condition of their Government. Sir, they earned fairly and hardly every dollar that was promised to them by Congress. The annals of history do not exhibit more devoted patriotism, more patience under long-continued privations and sufferings, than was shown by the continental army. What sense Congress entertained of their services and their claims, may be seen in a report made by Hamilton, Madison, and Ellsworth, and adopted on the 24th April, 1783:

"Another class of creditors is that illustrious and patriotic band of fellow-citizens, whose blood and whose bravery have defended the liberties of their country; who have patiently borne, among other distresses, the privation of their stipends, whilst the distresses of their country disabled it from bestowing them; and who, even now, ask for no more than such a portion of their dues as will enable them to retire from the field of victory and glory into the bosom of peace and private citizenship, and for such effectual security for the residue of their claims as their country is now unquestionably able to provide." The report goes on to refer to the proceedings at the camp of Newburg as "a fresh and lively instance of their superiority to every species of seduction from the paths of honor and virtue." On that memorable occasion, the officers of the continental army did "give the world another subject of wonder and applause—an army victorious over its enemies—victorious over itself;" victorious over those feelings which the eloquent incendiary strove to excite to an "appeal from the justice to the fears of Government." Nor was this love of country confined to the officer; the lowest sentinel in the army felt its influence. Let me refer you to one striking instance. When the Pennsylvania line, goaded to madness by grievances unredressed, and especially by the attempt to prolong the period of enlistment beyond the terms of the original contract, broke out into open revolt, though they killed and wounded their officers who attempted to quell the mutiny, though they pointed their bayonets at the bosom of their favorite commander, Wayne, and compelled even that lion-heart to recoil from their desperation, yet they still clung to their country, ungrateful and faithless as they deemed her: they rejected all the splendid lures of the British general, Sir Henry Clinton, and delivered up his emissaries to the justice of Washington. While liberty and independence are cherished in this favored land, the claims of the continental army will not be forgotten or slighted: an American Congress will never avoid the performance of its solemn engagements with any one officer or soldier of that army, by statutes of limitation, or by strict and rigid construction.

Mr. CRANE having concluded his remarks—

Mr. POLK said he was in favor of the bill, but, referring to the importance and urgency of the appropriation bills, expressed his hope that the present bill would either be postponed or passed upon without delay.

After some conversation as to the order of business,

Mr. ALLEN, of Vermont, obtained the floor.

Mr. A. said he was opposed to the bill; and, lest the motives which had brought him to that conclusion should be misunderstood, he begged leave to trespass upon the patience of the House, whilst he assigned some of the reasons which had influenced him to oppose its passage.

He was in favor of a liberal provision for the support of the surviving officers and private soldiers of the Revolution. In their behalf he would go as far as any other member upon this floor. The successive laws that have been passed for their benefit he had been gratified with, and desired to see them still further extended, embracing the widow of the revolutionary patriot, and would most cheerfully support such a provision. He had regretted the provisions of the statute of 1820, restricting the privileges of the law of 1818.

The bill upon your table, said Mr. A., embracing provisions, in their character, of a very different description, I feel myself called upon to oppose it. It contains principles which I consider it dangerous to adopt, and cases which we are not called upon by any resolution or subsisting contract to provide for.

The bill prescribes a mode of proof, which, as varying from settled and salutary principles of evidence, ought not to be introduced into a public statute law. If there are cases of the sort intended to be provided for in this bill, demanding relief, which could not be maintained by the established rules of evidence, they had better be decided here. Each particular application would depend upon its own merits. Mr. A. said he wholly disapproved the enactment of any new principles of evidence fitted up for particular cases.

The bill professes to make provision for the payment of those persons who were entitled to the commutation of five years' full pay in lieu of half pay for life, and of seven years' half pay to the widows and orphans of those officers who died in the service during the revolutionary war, and who have not already received their certificates. In aid of this object, it prescribes and gives effect to the establishment of certain given facts, falling short of proof of the requirements by the resolutions of Congress, under which the claim is made, by which the applicants shall be presumed to have rendered all the services required under such resolves—in other words, that he shall have judgment in his favor. Mr. A. said it was to this provision, altering and varying the principles and effect of presumptive evidence, that he objected. Presumptions, or presumptive evidence, ought to be subjected to consideration; and when they were so strong as to produce conviction, they might be considered as tantamount to full proof. It was a matter to be submitted to the sound discretion of the tribunal appointed to weigh the testimony, and to direct according to the influence it would have upon the mind.

One rule prescribed is, that, "it being established that an officer of the continental line was in service as such on the 21st day of October, 1780, and until the new arrangements of the army, provided for by the resolutions of that date, were effected, he shall be presumed, unless it appears he was then retained in service, to have been reduced by that arrangement, and therefore entitled to the half pay for life, or the commutation in lieu of it." The second is, "that a continental officer, proved to have remained in service after the arrangements of the army under the same resolution, shall be presumed to have served to the end of the war, or to have retired entitled to half pay for life, unless it appear that he died in the service, or resigned, or was dismissed, or voluntarily abandoned an actual command in the service of the United States." The facts of such service are circumstances which may well be flung into the case as presumptive evidence, but ought not to be established as testimony, which, unless explained away, must be considered as conclusive. If none were to apply but the survivors themselves, who might be put upon their corporeal oaths, no great danger would be apprehended; but when this bill is understood to embrace the heirs of the deceased officer, his administrator and their assigns, who will constitute nine-tenths of the applicants, it is easy to foresee that great impositions and frauds might be practised upon the treasury. The representative of the officer would establish the fact of service from the 21st day of October, 1780, to the 1st of January following, or prove a service for any period, it matters not how short, subsequent to the 1st of January, 1781, and he would make out his case. The rule is positive. He shall be presumed to have served to the end of the war. It cannot be expected that the Government can hunt up testimony to rebut the presumption of service, after a lapse of fifty years; and it is an admitted fact that the archives of the Government, from conflagrations and other accidents, do not furnish security against frauds and impositions that might be practised under this lax rule of testimony. Under the prescribed effect to be given to such testimony, the tribunal appointed to try the question might be wholly dissatisfied as to the fact of service to the end of the war, and yet be compelled to render judgment in favor of the claimant. Applications might be made by some heir, or his assign, of an officer who had never interposed a claim, or suggested a right to half pay or commutation; yet, on the simple fact of service for the least period of time, unaccompanied by any corroborating circumstances, the Secretary, against his own opinion, would be compelled to allow the claim.

Mr. A. said the third rule of presumptions he could as little subscribe to as those already considered. It was, that a continental officer, who died during the war, and within three months after he is proved to have been with his command, shall be presumed to have died in the service, unless the contrary appears. This includes the whole period of the war, and embraces not merely the claim of the surviving widow for seven years' half pay, but her heir, representative, and assigns. He considered this also too dangerous a rule of evidence to be embraced in a public statute. If once admitted, how can you withhold your assent to the extending a similar law to other particular cases? Such are at hand. Under the statute of '32, an applicant to obtain a pension must prove a service of two years: he establishes the fact that he was in the service, but the length of time he does not make out. Why, if you mean to dispense equal justice by your laws to all, will you not prescribe for him a rule of evidence that he shall be presumed to have served the two years? In his case it is as fair and as equitable as in those to be provided for in this bill. Facts like these may be received and duly examined, but should not, of themselves, be imperatively binding. This bill, he contended, made them so.

Mr. A. further remarked, that the bill provided for payment of interest from the termination of the war down to the present time, to be computed agreeably to a rule prescribed for the funding of revolutionary claims under the statute of 1790, commonly called the funding act. He was opposed to that feature of the bill. Interest had not usually been allowed on claims against the Government, nor were these entitled to any special advantage. Admitting the fact that those who would be embraced in this bill accepted the offer of commutation in lieu of half pay, which was a matter not quite certain, as he should attempt to show, they would not be entitled to an arrear of interest. They should have made their application for their commutation pay: they would then have been entitled to receive their money or certificates. In neither case would there have been any allowance of interest previous to a demand and proof furnished establishing the right. The applicant would be entitled to payment from the time he had established his claim; and, accordingly, the resolution offering commutation provided that, if not paid in money, certificates should be issued, bearing an interest making them equal to money. This was all that he found in any of the resolves of the old Congress relating to interest. It was evidently intended by the terms of the resolution of '83, offering the five years' full pay in lieu of half pay for life, that it should be called for within a reasonable period of time; for the same act provided that their election should be signified to Congress through the commander-in-chief, from the lines under his immediate command, within two months, and through the commanding officer of the Southern army, from those under his command, within six months from the date of the resolution. Why should these short periods be given, unless it be for the purpose of affording to Congress the earliest opportunity for closing those demands in the way pointed out by the resolution? The Government was not bound by this resolution, unless certain requisites were complied with on the other side. Their election, if made, was to be notified to Congress, in order to bind them, through the commander-in-chief and commander of the Southern army, within two and six months. Was it so done? In a report to Congress upon the subject of the claims of the officers of the Revolution, made in 1828 by a select committee of the House, it is stated that, "in examining this part of the subject, your committee do not find any signification to Congress of any acceptance, other than a notice on the journals" of a report made by the Secretary of War, on the 31st of October, 1783, and long after the officers had dispersed, that certain lines, from New Hampshire to Virginia, inclusive, had agreed to accept.

This report itself is not to be found; but certain it is that no signification was made to Congress, either by the commander-in-chief, or the commanding officer of the Southern army, or within the times prescribed in the offer; neither was there any resolve of Congress specifying such assent, declaring their option, whether to pay in money the amount offered, or to give security for the same on interest. And in another part of the report, the committee say that, "on a careful examination of this matter, your committee have been forced to the conclusion that the offer was not so complied with." From the best information he could obtain, Mr. A. said he could not come to the conclusion that an officer might now come forward and signify his acceptance of the commutation, and demand it, together with an arrear of fifty years' interest. If, in equity, he was entitled to any thing, it would be for the sum simply, with interest only from the time he should establish his claim. Further, he did not desire to apply a strict rule of evidence to applications made by the surviving officers. He was willing to extend a liberal course towards them; but in regard to the heirs and representatives, when so large a sum would be drawn from the treasury, if this bill should pass, with its present provisions, as he believed there would be, he could not support the measure, unless he found himself bound to do it under the contract of the Government.

Have you, sir, examined into the amount of money that would probably be needed? He had looked into a few of the special acts that had been passed in favor of individual applicants for commutation and seven years' half pay, upon the principles of this bill. He had examined a few special acts of 1832, all of the same tenor, giving to the proper accounting officer of the Treasury authority to settle, adjust, and pay for five years' full pay, in commutation of the half pay for life, together with such interest thereon as would now be due if a certificate for such commutation had been issued and subscribed under the principles of the funding debt; and by an examination of the accounts of expenditures in the Treasury Department, he had found charged, for the payment of twelve of these claims, the sum of ninety-five thousand dollars. It would be impossible to make any correct estimate of the number of applicants who would come in under the liberal presumptive provisions of this bill. It had been stated by some gentlemen that these would not probably exceed two hundred or two hundred and fifty in number. He remembered, in 1818, when the pension law of that year was made, to have read the remarks of some gentleman of that Congress, who was supposed to know as much as any other upon the subject, that there were not then living more than about five thousand who had served in the revolutionary army. That law passed, many took the benefit of it, and time passed on with its ravages upon human life until the law of '32; and yet, under this last law, some thirty thousand have established their claims, and are enjoying its benefits. Considering the provisions of this bill, that it may include all officers who were in service on the 21st of October, 1780, and continued until January, 1781; all who, for any portion of time, were found in the army subsequent to that period, and all who, at any time during the war, died while with their command, or within three months after it, with liberty to supply by parol testimony and deficiency in the rolls or returns of the army, will it be an extravagant conjecture to say, that, if this bill become a law, it may draw from the treasury some ten or fifteen millions of dollars?

Sir, I have cast my eyes over a statement furnished to Congress in 1826, by the Register of the Treasury, in which he has made a calculation upon the operation of these commutation claims, and find, by following his rule, and bringing the interest down to this time, the commutation of a major general would be $40,000, a brigadier general $30,000, a colonel $18,000, lieutenant colonel more than $14,000, a major nearly $13,000, a captain $9,662, lieutenant $6,441, an ensign $4,831.

One further fact in relation to those special acts I will state: that four were granted to the survivors and eight to the representatives of the deceased. Now, Mr. Speaker, I apprehend you will agree with me, that before the treasury should be unlocked for this extensive drain upon it, the contract of the Government should be made out strictly, to be a good, legal, subsisting contract.

Permit me to turn your attention to the several resolutions of Congress; examine them and determine what was intended to be granted—what the extent of them. I am aware that it is considered by the learned committee who reported this bill, for whose opinions I will pay the greatest respect, that the right of the heir is indisputable; yet as I entertain some doubts upon this point, with great diffidence I hazard the question whether, if the half pay or commutation is not claimed by the officer during his life, it shall make a part of his estate and descend to the heir? If the half pay was intended to be for the personal support and comfort of the individual, and to be considered as abandoned if not claimed by him, should the commutation be considered as standing upon a different basis? Further: Was there such a compliance with the terms of the resolve of '83, on the part of the officers, as to entitle them to the benefit of it? Was any election signified to Congress, agreeably to the tenor of the resolution? The report of the committee in 1828, which I have alluded to, shows that none of those requisites were complied with. That committee say that, on a careful examination of this matter, they have been forced to the conclusion that the offer was not so complied with. It would seem that no vested right was created against the Government by that resolve; and although the Government, by acts of 1785, '87, and '92, opened the door for them to come in, and receive, individually, their certificates, yet this created no obligation beyond the condition of those acts.

But it is alleged that the resolves of the 15th of August, 1778, and 24th of August and 21st of October, 1780, create such an estate as would pass to the heir, although never claimed by the ancestor. Let me turn your attention to those resolutions, for the purpose of getting at their definition and extent. The first is, that "all military officers, commissioned by Congress, who now are, or hereafter may be, in the service of the United States, and shall continue therein during the war, shall, after the conclusion of the war, be entitled to receive annually, for the term of seven years, if they so long live, one-half the present pay of such officers."

The second extends the provisions of the first to the widows of those officers who have died, or shall hereafter die, in the service, to commence from the time of such officers' death, and continue for the term of seven years; or, if there be no widow, or in case of her death or intermarriage, the said half pay to be given to the orphan children of the officer dying as aforesaid, if he shall have left any.

The third resolution extends the half pay for seven years, in the first resolution, to half pay for life.

I ask the question, do these resolutions create a debt against the Government in behalf of the heir, provided the ancestor interpose no demand? They fix the commencement and termination of the claim, and the several periods of time when it should be paid. It is not, in the character of wages, stipulated to be paid for services previous to entering into the employment of the Government; nor does it stipulate for the payment of a given sum for a corresponding amount of service. Although the service of two might be alike, one might receive one year's wages, and the other forty, and, if not claimed by the ancestors, the heirs would be paid in the same proportion. Would it not with greater propriety be said that it was a gratuity, a pension, allowed in addition to their stipulated compensation, to continue during life on condition they shall demand it? In order further to test the probable intention of the Legislature in passing these resolutions, let us compare their phraseology with that of '76, in relation to the half pay granted to invalids, upon the construction of which I apprehend there is no difference of opinion. This enacts that every officer or soldier who should lose a limb in any engagement, or be so disabled in the service as to render him incapable afterwards of getting a livelihood, shall receive during his life, or the continuance of such disability, the one-half of his monthly pay. The language of this resolution is as strong, the reasons greater, and the promise as direct, in this case, as in those under the resolutions of '78, and '80; and yet it has, I believe, never been contended that the invalid transmitted any legal claim to his heir, if he made none himself. Both I consider as personal favors, optional with the individual, to be claimed by him, or not, according to his pleasure. The Government have so treated it in subsequent statutes. In that of '28, each surviving officer, entitled to half pay, is authorized to receive his full pay during life, beginning in 1826. Does this statute create a debt which may be claimed by the heir, provided the ancestor make no application for it? This is not contended for.

The highly benevolent purpose of giving to the widow, under the resolution of 1780, seven years' annual half pay of her husband, commencing at his death, and to be continued only during her widowhood, strikes me so forcibly to be a donation for her personal support, that I am not prepared to admit that, whilst she was satisfied to abandon it, the heir might, after the lapse of half a century, claim it as a debt against the Government, with fifty years' interest. The spirit of the resolution is against it. Its object is, to my mind, clearly indicated, and I am compelled to oppose this feature of the bill.

Mr. A. said he had now passed through with such suggestions as he felt called upon to make before the vote should be taken. He would repeat, that it was not to the claims of the survivors that he made objections, but to the application of those who, on account of their own services, were no more entitled to draw from the treasury their splendid fortunes than were the descendants of any other portion of the worthy patriots of those days. All exerted themselves during that eventful struggle, as well he who remained at home as the officer and private soldier who underwent the hardships of a campaign. None obtained fortunes, in a pecuniary point of view; but, by their united exertions, aided by a kind Providence, procured for themselves and their posterity that which was of infinitely more importance, the blessings of the most free and liberal form of government upon earth.

Mr. TURRILL then rose and said: Mr. Speaker, if I had succeeded, as I had hoped to do, in obtaining the floor at an earlier day, it was my purpose to have examined somewhat minutely the several resolutions and statutes which have been passed by Congress, in relation to the commutation of pay by the officers of our revolutionary army, together with the reasons which led to their passage, and from such examination to have demonstrated that these meritorious men possess both legal and equitable claims against the United States, and that rigid justice requires that these claims should be referred to some competent office for settlement. But, Mr. Speaker, this whole subject has been so fully and so ably discussed by the honorable gentleman from Ohio, [Mr. Crane,] who has to-day addressed the House in favor of the bill, that I know I should be trespassing too far upon the patience of the House, were I to occupy the time by entering upon an examination of this subject; I do not, therefore, rise now for the purpose of entering into a full discussion of the merits of this bill, or with a view of answering the various objections which have been, or which may yet be, urged against it, but merely to state, in as brief a manner as possible, some of the most prominent reasons which induced me to agree to the bill in the committee, and which will now govern my vote on the question before the House; in doing which I will detain the House for but a very short time. It is matter of history, sir, that, during the war of the Revolution, this country was suffering under great pecuniary embarrassment. The Government could not procure the necessary means to clothe and feed the army, much less to pay the officers and soldiers. As the war proceeded, the difficulties increased, the country became more and more embarrassed, and so great and so threatening were our dangers that the stoutest hearts began to tremble for the result; the friends of liberty were engaged in a glorious, but a most unequal struggle. The pecuniary means which were indispensable to a successful prosecution of their great undertaking could not be obtained. At this crisis, Congress resorted to the only expedient in its power to maintain the cause of the country, and keep its army in the field. Full compensation was promised to those who should stand by their country to the end of that eventful contest, and provision was also made for the widows of those who should die in the service. The resolution passed in May, 1778, secures to "all military officers commissioned by Congress," who continued in the service of the United States "during the war," seven years' half pay. In August, 1780, Congress declared "that the resolution of May 15th, 1778, granting half pay for seven years to the officers of the army who should continue in the service to the end of the war, be extended to the widows of those officers who have died, or shall hereafter die, in the service. In October, 1780, Congress declared, by resolution, "that the officers who shall continue in the service to the end of the war shall also be entitled to half pay during life, to commence from the time of the reduction." Here, then, Mr. Speaker, was an express agreement, on the part of the United States, to give to those officers who should serve to the end of the war, half pay for life. And this solemn national pledge was given at the urgent request of General Washington, whose powerful and patriotic mind was deeply impressed with the necessity as well as justice of the measure. It was soon discovered, however, that this arrangement, though manifestly just and expedient, awoke associations and prejudices among the people, which rendered it very unpopular in many of the States, insomuch that the officers of the Revolution, although they had faithfully performed their part of the contract, and were justly entitled to half pay for life, (for the war was then virtually at an end,) with characteristic disinterestedness drew up a memorial, and sent it to Congress, requesting them to remove all objections, by granting a compensation for a limited period, or a compensation in gross. In consequence of this memorial, Congress passed the resolution of 1783, "granting to the officers of the army five years' full pay, instead of the half pay promised for life." The preamble to the resolution, Mr. Speaker, contains, in a succinct form, the views of the officers, as well as of Congress, upon that application; and as it is short, I beg the indulgence of the House while I read it.

"Whereas the officers of the several lines under the immediate command of his excellency General Washington did, by their late memorial, transmitted by their committee, represent to Congress that the half pay granted by sundry resolutions was regarded in an unfavorable light by the citizens of some of these States, who would prefer a compensation for a limited term of years, or by a sum in gross, to an establishment for life, and did on that account solicit a commutation of their half pay for an equivalent in one of the two modes above mentioned, in order to remove all subjects of dissatisfaction from the minds of their fellow-citizens:

"And whereas Congress is desirous as well of gratifying the reasonable expectations of the officers of the army as of removing all objections which may exist in any part of the United States to the principle of the half-pay establishment for which the faith of the United States hath been pledged; persuaded that those objections can only arise from the nature of the compensation, not from any indisposition to compensate those whose services, sacrifices, and sufferings have so just a title to the approbation and rewards of their country:

"Therefore, *Resolved,*" &c.

Thus, Mr. Speaker, these brave, these generous men, who were entitled, richly entitled, to half pay for life, voluntarily submitted the whole subject to the wisdom of Congress. They had entered the service of their country to conduct her to freedom, to independence; and they could not consent to receive any thing for their "services, sacrifices, and sufferings," which was not freely granted by their fellow-citizens. Mr. Speaker, shall we perform this contract? Shall we pay what we have thus solemnly promised to pay? Shall we discharge a debt the creation of which secured to us our free institutions? Or, will this rich, this powerful nation shield itself behind the statute of limitations? Why were not these demands paid when they became due, and when many of the meritorious officers were suffering for want of the money? The reason is obvious. At the close of the war this nation was not in a situation to pay a single dollar; and I am not aware that it has at any time since that period offered to pay these demands.

And will it be seriously urged by gentlemen on this floor, that we ought not to perform this contract, made in the hour of our necessity, because those entitled to commutation have been kept out of the use of their money until the amount has become large? I trust not, sir. I am aware, sir, that certificates were tendered to the officers. But did those certificates, in the slightest degree, increase the liability of Government? No, sir. They were only additional evidences of prior indebtedness. Many of the officers did not think it an object to be at the trouble and expense of obtaining them. It was natural they should entertain such feelings, for at that time the credit of the Government was at such a low ebb as to preclude all rational hope of obtaining money for them. In the language of my honorable colleague, [Mr. Vanderpoel,] who addressed the House in opposition to the bill, "these certificates were scarcely worth the rags from which the paper was made." Those "who obtained them were compelled to sell them for a mere song."

To the claims of a portion of the Virginia troops, lapse of time cannot be an objection with any one. That State resisted the claims of those officers—suits were instituted, and a decision was had against the claimants. That decision operated as an effectual bar to all the class of cases until 1830, when, upon full argument, that decision was overruled, and the halls of justice were again thrown open. Sir, for the last twenty years, Congress has been giving commutation under these resolutions; and it is too late now, I apprehend, to interpose the statute of limitations against righteous claims unrighteously denied. The act of 1828 does not, as has already been clearly shown by the honorable gentleman from Pennsylvania, [Mr. Muhlenberg,] in any way affect the claims for commutation; it leaves those claims precisely as they were. They still exist in all their justice, and in all their sacred obligation.

If, then, sir, these claims are to be paid, to what tribunal, I ask, shall they be referred for settlement? Shall we send them to a responsible officer, every way competent, from long experience in investigations of a similar character—an officer who will have in his possession all the documentary evidence extant, to show who were in the service, how long each officer continued in the service, and what officers have been paid, either by the State of Virginia or by the United States? Or shall we continue to legislate in detail upon each individual case? This is the main question presented to the House by the bill on your table. Let it be remembered that the proceedings in these cases are, in their nature, strictly judicial. There is no legislative discretion whatever to be exercised. Every thing depends upon the proof. If that be sufficient to bring a claim within the resolutions, it must be allowed, as a matter of course. It cannot be resisted or denied without partiality and oppression; nor is there any place for the exercise of discretion as to the amount. It is not a gratuity, it is a claim, and the amount is fixed and certain. For myself, Mr. Speaker, I am convinced, from the little experience I have had upon this floor, that this is not the proper place for the settlement of such demands. Your committees, to which these applications are referred, are not in possession of the documentary evidence necessary to their decision. They have not the records and vouchers to show what officers have been paid; and unless your committees are extremely vigilant and industrious, nay, more, sir, unless they take it upon themselves to send off and hunt up testimony in each case submitted to them, bills will often be reported in favor of those who have already received their commutation; and, when once reported, being accompanied by the necessary proof of service, there will be nothing to impede their passage through the House. Sir, the argument of the honorable gentleman from Vermont, [Mr. ALLEN,] in which he endeavored to show the facility with which bills granting commutation pass through the House, is, to my mind, one of the strongest reasons that can be urged in favor of referring these claims for settlement to a different tribunal. If a claim is rejected by one committee, those interested renew the application year after year, until, in some way or other, they succeed in obtaining a favorable report. I believe it to be much easier, Mr. Speaker, to get an unfounded claim allowed here than it would be to obtain for it the sanction of a judicial decision by a competent officer. Congress is more liable to be imposed upon. Here all the testimony is *ex parte;* it is furnished by the applicants themselves, and the rules of evidence are not as rigidly applied here as in a judicial tribunal. The proof is not as thoroughly examined, or as accurately weighed.

Mr. Speaker, as a matter of economy, I would refer these claims as proposed by the bill. Instead of increasing, I have no doubt but that it would diminish the draught upon your treasury. If we undertake to legislate upon each individual case, all that have merits will be allowed, as a matter of course; and we shall, in that case, be compelled to pay many which have no merits, and which, were they submitted to the ordeal of a judicial investigation, would never be allowed. Sir, it appears to me that there can be no well-founded objection either to the payment of these claims or to the proposition to refer them for settlement to a competent officer. Gentlemen may differ as to the rules of evidence by which that officer shall be governed in making his investigations; that is a matter for the consideration and decision of the House. It is not my purpose, sir, now to enter into a defence of the rules contained in the bill. The reasons for introducing them have already been submitted to the House by other members of the committee. I will simply remark, however, that they are the same rules which have regulated the proceedings of your committee and this House for years; and, if we continue to legislate upon this subject, the same rules of evidence will, I have no doubt, continue to regulate our proceedings, except, perhaps, they may gradually become more and more relaxed. Mr. Speaker, I will not detain the House longer. If these demands are referred for settlement in the manner proposed by the bill upon your table, Congress will be relieved from a large portion of business; justice will not much longer be delayed; the old soldier who is entitled to commutation, will then obtain a speedy hearing, and your treasury, sir, will be more effectually barred against all unfounded claims.

Mr. YOUNG followed. He referred to the former uniform practice of the House in these cases, and expressed his surprise at the argument advanced by the gentleman from Vermont. He quoted the resolutions under the laws of 1781, 1782, 1783, and 1784, on the commutation to be allowed; and contended that pay was thereby to be granted to all those then in the service, with an allowance of 6 per cent. until the same shall be paid. The principle had then been recognised, and the obligations acknowledged. And Mr. Y. maintained, and quoted many instances in support of this position, that the same rule extended to the compensation of the widows and orphans of those who had fallen in the glorious contest which had established our independence. He afterwards adverted to the particular provisions of the bill, which, in respect to the notice of the proof required, he contended bore with peculiar hardness and injustice on the claimants; as also, in his opinion, did the statute of limitation.

Mr. Y., in continuation, argued that the time allowed for the settlement of these claims had not been sufficient to justify the application of the principles of limitation. Further, that it was to be presumed that many of these officers had been prevented, by sickness or infirmity, from presenting their claims within the prescribed time. He referred to the case of Colonel Logan, whose widow and orphans had never received a cent, although General Washington had complimented that individual as one who, for bravery and talents, would do honor to any nation; also to various other individual cases which bore upon the question, and his argument upon it. After adverting to various points in which the present system was defective, Mr. Y. then illustrated the case by that of an insolvent individual, who, having paid certain claims, at last shuts down his gate, and says he will pay no man unless he comply with certain conditions. Such was the case with this Government. The statute of limitation ought to be opened once more. The present act only opened it for four years, and he was unwilling to accede to this limitation. He further contended against the principle that those who had not served to the end of the war should be cut off from the benefit of the act for that term of service, even though the loss of a limb or other disability in the war might have been the cause of their not serving the full term. He (Mr. Y.) was of opinion that the present bill did not extend the benefits originally intended by Congress. Another class to which objection had been made—the officers of a higher grade, could be but few; to restrict the action of Congress on this class would be unworthy of a prosperous and high-minded nation. It was further to be taken into consideration, that a considerable sum had accrued to the country of unclaimed dividends of persons whose claims had been made out, but who had not been able to take the benefit of those claims. Mr. Y. concluded by a further statement of the injustice of the statutes of limitations, and by expressing a hope that Congress would not take advantage of that principle.

Mr. GILMER said he was convinced that if the House passed this bill it would be because they had declined to give it that examination which it merited. It was true, as had been said, as long as these cases came before the committee as individual cases, it would be utterly impossible, constituted as that House was, for the members to examine and weigh the facts and documents brought forward as evidence of claims. Many of them would take up twelve months; and how then could that House examine the facts of particular cases? It became, therefore, necessary for the House to examine the principles on which these claims might be determined. He was willing to make ample and liberal compensation where it was merited, and if the widow or children of any one of these officers were alive, he would be in favor of granting the commutation to them; but he was unwilling to approve of the passage of a bill which would give rise to a mass of claims to an extent of which they could form no calculation, and from persons who had no sort of title to any pay whatever. Mr. G. referred to the former commutation bill, passed by men, some of whose names were to be found appended to the declaration of independence, and who best understood what those claimants were fairly entitled to. Ample time and ample opportunity had been afforded to all those officers to come forward and claim their commutation pay; the Government, at various times, had invited it, and it was to be inferred that every officer not indebted to the Government had done so.

The presumptions were all against the validity of these claims, and he trusted the House would pause before it passed such a measure as this. Mr. G. said he should move to refer this bill back to the Committee of the Whole on the state of the Union, where the amendments offered by him might be fully discussed.

Mr. YOUNG explained.

Mr. VANDERPOEL was in favor of the proposed refference, because the bill contained provisions to which he had great objections. Mr. V. briefly reiterated the substance of some of his former remarks against the bill.

Mr. BATES was against the recommittal of the bill, from the great delay and consequent hardship that would arise from doing so.

Mr. WISE said that, as his constituents were deeply interested in the passage of this bill, he rose chiefly to offer to them his excuse for not voting on its recommitment. He had intended to have said no more than that he himself was personally interested, and, therefore, could not vote. But the gentleman from New York [Mr. Vanderpoel] having pertinaciously attempted to prejudice the bill, by stigmatizing the claimants as well as their claims, he could not forbear to make a short reply. He said he was not surprised at the opposition made by the gentlemen from Georgia and Vermont [Mr. Gilmer and Mr. Allen,] for age, experience, and long practice in public life, had, of course, cooled their heads and their blood, and frequent contact with public claims had taught them to be cautious, hesitating, and doubting, in allowing applications to Government. But he was surprised that so youthful a member as the gentleman from New York [Mr. Vanderpoel] should outstrip these veteran legislators, in a cold, calculating opposition to a measure of public justice, providing the payment of just debts, due the heirs of those, and the survivors of those, who had won by their valor the very treasures out of which payment is now sought. He had lately heard it remarked, in conversation with a gentleman who seemed to know men well, "that patriotism was a very different virtue after the age of thirty, from what it was before that period, in a politician's life;" and he would hardly have supposed that the gentleman from New York had reached that age, if he had not discovered he had lost, if he ever had felt, the ardor and devotion at least of youthful patriotism. The gentleman has said he would go for this bill "if the claimants would but make out a tolerably decent case." Is it possible that he can have any revolutionary blood running in his veins? If he has not, I have, sir; and being a petitioner under this bill, and excluded by interest from a vote, I hope I may be permitted, as an advocate of my own claim, and those of my constituents, to say, that we can make out "a decent case," if permitted to do so before an accounting officer; and, independent of all presumptions, in many cases, can prove that our ancestors served to the end of the war, were promised this pay by Congress for so doing, and that they or their heirs have never received the "*quid pro quo*" for their services; that these claims seek not to avoid investigation and scrutiny, but court both, before a competent accounting officer. We come not before you as pensioners on your bounty, asking a boon; I would scorn to ask either for pension or for place. We demand a debt, incurred by the most solemn obligations of Government, for the most inestimable of services ever rendered to this country or the cause of man.

Sir, I speak not too strongly when I say that the United States have never paid, even to those officers who have nominally received all they were entitled to, a tithe of any kind of pay they were originally promised. The army of the Revolution fought from 1776 to the fall of 1778, for two years, almost literally without compensation or the hope of reward. They were paid with trash; whilst, half-starved, half-clothed, their march in the country's service was tracked by the blood of their feet upon the frozen ground and snow of the North. I can now show a bill of small articles, such as shoes, lustring, &c. purchased for his family by an officer during the year '77 or '78, whilst stationed in Philadelphia, which then, or now, would not come to ten dollars in good money, amounting to many, I believe sixty pounds sterling. Never having been paid but nominally for the past, with private fortunes and constitutions broken down, and no prospect of substantial reward for the future, about the year '78 the stoutest of them, the most valiant and devoted, were compelled—they were but men, though such as the world never saw before or since—to offer their resignations to the commander-in-chief. They could stand such fruitless service no longer. General Washington made frequent recommendations to Congress on the subject, which are matter of public history. The country was without a treasury, and could not retain the officers in service but by promises for the future, when their warfare should end.

Congress first promised, in 1778, the half pay for seven years to all who would continue in service during the war. In 1780 the half pay for seven years was extended to half pay for life to all who would continue in service to the end of the war, to commence from the time of their reduction. In 1783 the half pay for life, and certain allowances for life, were changed to five years' full pay, called commutation. Such were the promises and contracts between the Government and the officers, which we have been told by the gentleman from Georgia [Mr. Gilmer] were thus "extorted" by the latter from the former. Yes! extorted by such services, privations, and such sufferings, during the war, to the end of the war, as men never endured for any cause but that of liberty and independence! Many of the officers did serve to the end of the war, or became supernumerary; many received their commutation pay, and many did not. Those who did receive it were paid, as usual, in trash; in certificates which, it is admitted, were "comparatively worthless," and in fact never were paid, as I have said, a tithe of what was promised them. The survivors and the heirs of those who are departed, who never received, and would not receive, the "worthless certificates," now make application for substantial and *bona fide* payment; and how are they met? By excuses and arguments the most preposterous and absurd. They are spurned by the gentleman from Georgia [Mr. Gilmer] as pensioners. What is a pension? A gratuitous allowance made by Government, in addition to the regular compensation or pay of civil or military officers, after service is ended, without promise, or an equivalent, and independent of the terms of a contract. The pay which we seek is claimed under a promise, an executory contract between the Government and the officers, before the service was rendered, and which induced the performance of the service. There were mutual covenants on the part of each. The debt was "*debitum in præsenti solvendum in futuro,*" upon a certain condition, to serve to the end of the war; which has been complied with. The very expression of the gentleman from Georgia, [Mr. Gilmer,] that "the half pay for life was a pension," is contradictory in itself, and an illustration of the argument. But he says further, that though due to the officers, it died with their persons, and cannot now be claimed by the heirs. He says it was not promised to the heirs or representatives. I would ask him to show me the law providing for the pay of the officers and soldiers of the army, which does, or ever did, enact that the arrears of their pay, at the time of their death, should be paid to their heirs or legal representatives. And yet, if a soldier or officer now in the army were to die, and the Government were in arrears to him, would not his representative or heirs have a legal claim upon the Government?

It is true, this pay of the officers of the Revolution, who served to the end of the war, has been barred by acts of limitation, and is not therefore a legal claim; and the Government now, in removing the bar of limitation, may, in its discretion, direct it to be paid either to legal representatives to pay debts, to heirs, or to devisees or legatees. I claim it for the heirs; and it is against every principle of law for debts to die with the person to whom they were due.

But, again, the gentleman contends that if we allow the principal to the heirs, yet we should refuse to allow interest. There is every reason, in the case of these claims, to urge the allowance of interest. Was not the commutation pay at the end of the war a part of the national debt; and was it not in part funded? Has not the Government been paying interest on the funded debt from that time to this? Did not the certificates of debt draw interest? Had the Government the "wherewithal" to pay its immense debt, or any item of it, then, without borrowing? Would interest have not been payable on loans? And has payment been delayed by the "laches" of the claimants? The Government itself barred the claims from '89 to '92, and from '94 up to this time. But on another principle, if Government does not now allow the interest on the commutation pay, it ought, in the name of justice, to give the claimants the benefit of the original contract with the officers, which will ensure an equivalent, or nearly so, in many cases, to the interest. If we be not allowed the principal and interest of the commutation pay, give us what was promised—the half pay for life, in lieu of which the commutation pay was given.

But the arguments of the gentleman from New York [Mr. Vanderpoel] are more preposterous and contradictory, and unjust, than those of the gentleman from Georgia, [Mr. Gilmer.] He says these claims are barred by lapse of time. Such is not the fact; for they were barred first in '87, and then in '94, so soon after the war, and almost within the number of years for which commutation pay was promised, by acts of limitation passed by Congress the debtor, against the officers the creditors. But the gentleman says, and I call the attention of the House to the expression, that "the Government was continually calling on the officers, by invitations in the form of limitations, to present their claims." Pretty invitations, indeed! The truth is, that Congress was engaged from '83 to '85 in considering and discussing the manner in which these debts should be paid. During these two years, no claims could be settled, because the mode of settlement, and the kind of payment, were not determined upon. In the two years following, from '85 to '87, the opportunity was afforded to such to be paid as chose to be paid in certificates which were worthless. I blame not the Congress. I mean to cast no reproach upon the great and good men of Congress in '87, when I say they were anxious to compel the "old soldiers" to come in and take the certificates which were then offered, in order to settle up the public debt, and then they passed the limitation of '87, which continued until '92.

In '92 they removed the bar until '94, but still the pay was not what was promised; it was worthless; and many officers from design, and many, no doubt, from ignorance, and the short time allowed, did not present their claims. From '94 until the present moment, it is true, the claimants have been "invited," by a continual bar of their claims, to present them for payment. From '83 to 1834 there have been but four years in fifty that these claims have not been barred. Can it be supposed that the object of these acts of limitation, by the Congress which passed them, was to prevent the payment of these claims? Never! they would never have been passed if the Congress of those days had not contemplated the repeal of the acts of limitation, and the admission of the claims as soon as the Government should be relieved from its burden of public debt, and be enabled honorably to redeem the faith of the nation, pledged to its own soldiers in its own cause. Many of the officers, I repeat, did not present their claims when they would have been paid in that which amounted to nothing, and they have never been paid their half pay or commutation pay up to this time. Many of them, by the act of '85, which authorized the respective corps to elect the commutation pay in lieu of half pay for life, had been forced against their will and consent to abide this election, and they never consented to it to the days of their deaths. And now the gentleman from New York [Mr. Vanderpoel] still more absurdly contends that, because some were paid, and paid in "comparatively worthless certificates," those who were not then paid at all should not, therefore, now be paid in good money! This, I should think, sir, would be a strong, very strong ground for allowing these claims; and not only so, but for allowing those who were then paid in nothing, to be now put upon a footing of equality, by paying them, or their heirs, something; by making up to them the difference between "comparatively worthless certificates" and the actual amount promised for their services. But this rule of equality should certainly operate both ways. From 1828 up to this time, you have been constantly passing special acts allowing these commutation claims; about twenty have passed this House this session. Several have been allowed and paid heretofore. Now, if the remaining claims are not paid, and precisely on the same principles, where is the justice of Government and the equality of citizenship?

Mr. W. regretted that the bill, and the claims for which it provides, were not better understood in the House. He begged of gentlemen who had not given it their attention and study, and would have to vote on the faith they reposed in others, to look to the committee who had reported this bill, composed of some of the ablest, most experienced, and vigilant members in that House. For an unanswerable defence of the bill, he referred to the very able argument delivered by the gentleman from Kentucky, [Mr. Marshall,] who reported it, and to the remarks of the other members of the committee. He reminded the House that his deceased colleague [Judge Bouldin] was a member of the committee; and though ever zealous and watchful of expenditures, and though he was bitterly hostile to the whole pension system, yet, ever ready to do justice, he was a friend to this bill. The committee was unanimous. Mr. W. said he hoped the authorities for would outweigh those against the bill; and concluded by saying it would be death to the bill to recommit it, whilst all admitted that it provided for many claims which, in some form or other, ought to be satisfied.

Mr. VANDERPOEL said that, so long as he had the honor of representing a portion of the freemen of the State of New York on this floor, he should discharge what he believed to be his duty, fearlessly and independently, and that it was not in the power of animadversion, sarcasm, or menace, from whatever quarter they might come, either to deter him from his duty, or enervate him in the discharge of it. The gentleman from Virginia [Mr. Wise] had told us that he was interested in the bill before us, and would not, therefore, vote upon the pending question. This, said Mr. V., is all well enough. It accords with that delicacy and sense of propriety that should always characterize every gentleman here and elsewhere. But, sir, it strikes me that the recollection of that interest which restrains the gentleman from voting should have inculcated a little more respect for the views and opinions, and a little more charity for the motives of other gentlemen, who have seen fit to differ with the gentleman from Virginia in relation to the merits of the bill. It would have been well enough for the gentleman to have recollected that self-interest is the Jupiter of the human heart; a very potent, if not an all-absorbing feeling; that it warps the judgment of the wisest, and blurs the vision of the most sagacious of men; that it ofttimes imparts a false and repulsive coloring to truth, and gives error and heresy a sound and seductive aspect; and that, as a general rule, the judge who is wholly disinterested in the subject-matter upon which he is called to adjudicate, is deemed more competent to attain correct conclusions than he who views a subject through the deceptive medium of an interested imagination. Mr. V. thought, for his part, that a timely recurrence to these homely and familiar truths would on all occasions tend to repress the over-confidence, and correct the vehemence of those who spoke or acted under the impulse of interest. Whether the consideration of interest had in this instance rendered the gentleman from Virginia more deferential to the opinion of others, and less confident of the correctness of his own, he (Mr. V.) would not undertake to determine. Let the effort which the honorable gentleman has just made speak for itself on this point.

Mr. V. said he was in favor of recommitting the bill to the Committee of the Whole on the state of the Union, to the end that those objectionable features, on the ground of which he had mainly opposed its passage on a former occasion, might be expunged. Here, in the House, the bill was incapable of amendment. Those who disapproved of some of its features could not obviate the objections which might possibly induce them to vote against it if those features were not removed. The presumptions which the bill recognised in favor of the claims of those who might apply for the benefit of its provisions were wholly intolerable. They could not fail to lead to immense frauds and peculations, were altogether unheard of in the annals of legislation, and were wholly unknown among the fair and sound conclusions which, in contemplation of law, flowed from the lapse of time. The wisdom and experience of ages has sanctioned, if not sanctified, the rule that a presumption of the non-existence of a claim results from the long omission to present or assert it. But, sir, according to the provisions of this bill, claims upon the Government acquire new vigor and favor from the efflux of time. What a temptation, nay, what a bounty, does this principle hold out to those who have counterfeit or doubtful claims, to postpone the presentation of them until every vestige of evidence to contradict or falsify them is consumed by all-corroding time. Look, sir, at the effect of the principle in this very case. Those who applied for their commutation for their seven years' pay, when the evidence in favor of their claims was fresh and green, were paid in certificates that were comparatively worthless; whereas, those who have lain upon their oars for more than half a century, until the ancestors themselves who rendered the alleged services are gathered to their fathers, and until all remembrance of the services in support of the claims must have become obscure and unsatisfactory, and until the Government has become divested of all means to defend against them—they, sir, are to have lavished upon themselves, or their heirs, not only the full amount of their commutation, in good hard Jackson money, but also more than fifty years' interest! I say again, what a munificent bounty is this to the tardy, who would not present their claims to commutation, when, peradventure, there was a host of living witnesses to contradict them! and yet, sir, because I have dared to intimate a doubt whether a sufficient number of these claims actually exist, to justify the very liberal, dangerous, and unprecedented presumptions proposed to be established by the bill, the gentleman from Virginia has seen fit to denounce my positions as "preposterous!"

Sir, said Mr. V., this is not the first time that I have seen gentlemen, when hard pressed, resort to epithet to demolish the argument of their antagonists; and my experience has long since taught me that it is generally resorted to for the want of more substantial materials. It is the standing resource of those who feel the embarrassment inseparable from a scarcity of argument; and I will hazard the belief that the gentleman from Virginia would have done full as much towards advancing the bill he has here espoused, if he had attempted to refute the positions of the gentleman from New York by a more dexterous use of the weapons of logic, and without the aid of the argument of epithet.

Another provision of this bill which irresistibly calls for its recommitment, is the provision allowing interest to those who are to be admitted to its benefits. This becomes a pretty important feature in the bill, when we recollect that, at this late day, the interest of seven years' pay will be nearly, if not quite, quadruple the principal. On what principle can the claim to interest be supported? Does not the allowance of interest imply a continual unwillingness, or non-readiness, on the part of Government, to pay these claims? But, sir, is not such unreadiness or unwillingness contradicted by the history of the Government? So far from ever evincing an unwillingness to satisfy the obligations incurred by the resolves of the Revolutionary Congress, Congress, after the adoption of the federal constitution, from time to time invited these applicants to come forward and present their claims. Acts of limitation have been passed, and were repeatedly extended before their expiration. These extensions were, in effect, not only offers to pay these claims, but in the nature of invitations to come forward and present them. Do you propose, by the passage of the bill upon your table, to provide for the payment of debts? Then, sir, I contend that a tender or offer to pay them has been made by the Government; and this, as between individuals, always arrests the progress of interest. Do gentlemen wish to secure, in favor of those who prefer these stale, uncertain, and outlawed claims, a more liberal rule than would be applied to demands between individuals that are recent and indisputable? In relation to one of my constituents, whose petition for what was his just due I presented at an early part of this session, I was told by the committee of this House to whom it was referred, that the Government never pays interest where there has been no fault, refusal, or omission on its part, or when it has not contributed to the causes that have prevented an earlier payment or presentation of the demand. I was so forcibly struck, sir, with the justice and propriety of the rule, that I most readily submitted to it.

When on a former occasion I had the honor of addressing the House, said Mr. V., I stated that, if the bill upon your table passed, some of the officers of the Virginia State line would be thrice paid for their revolutionary services; that they would first participate in the formidable amount you appropriated in 1832 for the payment of the Virginia claims, then avail themselves of the act of 1828 granting the full pay of a captain for life, and then partake of the benefits of the bill upon your table, which secures to the objects of it nothing short of princely fortunes. I then succeeded in showing, sir, that the officers of these Virginia regiments had been recognised as continental officers, both by your Secretary of State and your Secretary of the Treasury, in their construction of the act of 1828; and that these officers, thus already doubly paid, would come within the provisions of this bill, because the only question with the Secretary of the Treasury would be, whether they belonged to the continental line or not;

and that, after the view which not only the Secretary, but which Congress had taken of the nature of their service, by passing private acts for their relief, as was done in favor of the heirs of Vauters and others, the Secretary of the Treasury would now be estopped from controverting this point; and these officers would emphatically be the favored sons of fortune, if this bill should pass with all its singular provisions. Mr. V. said he dwelt upon this point with no intention to disparage that great and patriotic State which the gentleman [Mr. Wise] in part so honorably represented; but he felt it an imperative duty to repeat a fact which should have so important a bearing upon the question of rejecting or passing this bill; a fact which had not yet been, to the knowledge of him, (Mr. V.) contradicted by any gentleman who had yet spoken.

Mr. V. said it should be borne in mind that the bill made provision for the heirs and representatives of the deceased, as well as for surviving officers. This consideration should admonish us not to establish any rules by which the facility of these heirs to prove and establish their claims shall be unreasonably extended. Confine the provisions of the bill to the surviving officers, who may pretend to be entitled to commutation, and the drain which it would occasion upon your treasury would be comparatively light; but, sir, pass the bill in its present shape, and these heirs, pretending to be the descendants of sires who never received what their country promised them, will be found scattered through the country as thickly as locusts. They, sir, can apply without incurring the imputation of fraudulent motive, immaterial how unfounded their claim may be; for they cannot be presumed to possess any personal knowledge as to the revolutionary services of their ancestor. They have, to be sure, heard that he was an officer of the Revolution; they may have heard him talk or dream about the commutation resolves of Congress; but whether he received his half pay or not, they know not; they apply to the Executive departments, and find no evidence there to contradict the claim they wish to prefer, because the devouring flames have come to their aid, by consuming the public records; they are encouraged by the success of others, prove merely that their ancestor served after 1780, and draw at once thousands from your treasury; whereas, had the ancestor survived, the application, probably, would never have been made, because his own oath would have been required; and this requisition would have been a sufficient bar to his success. I do not intend, by these remarks, to reflect upon any heirs of deceased officers, but merely to warn the House of consequences that may flow from the passage of the bill in its present form, and prevail upon it, if possible, to send it back to a committee, where it may be purged of the dangerous features and principles which it now imbodies.

The gentleman from Virginia [Mr. Wise] tells us that he is individually interested in the passage of this bill, and he gives us plainly to understand that he is a descendant of one of the veterans of the Revolution, and asks whether the gentleman from New York can boast of any revolutionary blood coursing through his veins. Sir, said Mr. V., I will answer him in the language of a modest and unobtrusive Christian, not a vain and egotistical one, sir, who, when impertinently asked whether he had any religion, calmly responded, "None, sir, to talk about."

Mr. WISE said the remark of the gentleman that he (Mr. W.) had "menaced" him, called for explanation. He denied that he had menaced the gentleman, but merely replied to an attack by him on the claimants of this bill, one of whom he (Mr. W.) was. He said he hoped the gentleman (Mr. V.) was a man; if he was a man, he never would be deterred from the performance of his duty by the menace or the influence of any one; and he (Mr. W.) could assure him that he would be the last to attempt to influence him or any gentleman, by menace, on any subject. Such would surely be a very impolitic mode of electioneering for this or any bill. He hoped the gentleman did not mean to impute to him such a course.

[Mr. Vanderpoel signified that he did not.]

Sir, if my interest in this subject does not enable me to judge of it as clearly as some gentlemen, it justifies me, at all events, in repelling reproach cast upon the claimants, when I myself am a petitioner. The gentleman complains that I did not reply to his argument, and indulged in sarcasm for the want of better materials. The House, perhaps, can judge of that better than either of us. I did not rise, sir, to argue the bill, but merely to dispel prejudice, and to reply to some of the gentleman's "decent" expressions. I have said there are very few in this House, or out of it, who do understand this bill; I wish members did understand its merits, for its own sake, and in order the better to comprehend the arguments and reply of the gentleman and myself. Some who have attempted to argue it even seem to understand very little, either about the history of the claims or the principles of the laws providing for them.

I thought as much, sir, that the gentleman had "no revolutionary blood in his veins to talk about," or not to talk about. I have, sir; and, I repeat, I am proud of it. But I meant not to reproach him with this, or any thing, save that he is using his best endeavors to withhold compensation for revolutionary services. And I will say, sir, that if the gentleman has, as I have, any of the patriotic band surviving in his district, he may hereafter meet with a reproach at the polls, which I would not meet—no!—not for ten thousand times ten thousand the amount of the sum which will be appropriated by this bill! He may see the old survivors of the battles of liberty, in the last trembling hours of their existence, tottering on their crutches, or brought on their beds to the polls, and the heirs and descendants of revolutionary sires elbowing through the crowd, earnest and anxious to record their votes against a candidate ungrateful for their services, and the rich fruits of them which he now enjoys! Such a sight would wither me. I meant only to warm the gentleman a little—he is so cold.

Mr. MARSHALL (chairman of the committee who had reported the bill) responded to the objections which had been urged against it, and read a letter from the Register of the Treasury, going to show that interest had been allowed, as of course, in certain cases where claims for commutation had been established.

Mr. Vanderpoel and Mr. Wise had one more encounter of a rather brisk character.

Mr. WARD explained, on the subject of certain Virginia regiments who, as Mr. Vanderpoel apprehended, would be allowed double pay under the bill.

Mr. MARSHALL spoke to the same point, showing that they would not be included.

Mr. BATES stated the opinion of the Department to the same effect.

Mr. McKINLEY moved an adjournment; but it was negatived.

Mr. STEWART asked for the yeas and nays on the question of recommitment; but the House refused to order them.

The question was then put and carried: Ayes 88, noes 76. So the commutation pension bill was recommitted to a Committee of the Whole House on the state of the Union.

The House then adjourned.

Wednesday, May 14.

PUBLIC DEPOSITES.

The House proceeded to the consideration of the resolution submitted by Mr. Mardis, with the amendment proposed as a substitute by Mr. Corwin.

Mr. **GALBRAITH** resumed, and addressed the House until the expiration of the hour allotted for morning business, in support of the measures of the Executive, and in reply to the arguments adduced in opposition thereto by the member from Rhode Island, [Mr. Burges,] when he suspended his remarks.

ADJOURNMENT OF CONGRESS.

Mr. **BOON** rose and said that his unwillingness to prevent the member from Pennsylvania [Mr. Galbraith] from proceeding with his remarks induced him to refrain calling up, this morning, his resolution to fix the time of adjournment. He, however, would now give notice that he should ask for its consideration to-morrow.

APPROPRIATION BILLS.

The House, by unanimous consent, resolved itself into a Committee of the Whole on the state of the Union, (Mr. Speight in the chair,) for the purpose of considering the bill making appropriations for the Indian department for 1834.

After passing, without objection, through a number of items of the bill—

Mr. **LEWIS** said he was instructed by the Committee on Indian Affairs to move an amendment, granting eight thousand dollars to defray the expenses of negotiating the treaty with the Western Pawnees; also, an amendment granting eleven thousand one hundred and sixty dollars, to be distributed among the Creek Indians who emigrated under Chilly McIntosh.

Mr. **GRENNELL** desired to have some explanation as to the necessity that existed for these amendments.

Mr. **LEWIS** replied, that the first amendment would explain itself. The other was introduced in order to fulfil the stipulations entered into by this Government with the Indians; a portion of the tribe who had emigrated in conformity to the treaty not having received the articles stipulated to be given to them.

Mr. **FILLMORE** inquired if this latter amendment would not with more propriety be inserted in the other Indian bill?

Mr. **LEWIS** said he had no objection to withdrawing it for that purpose.

It was withdrawn accordingly, and the other was agreed to.

Mr. **LEWIS** then proposed an item granting ten thousand dollars, to be distributed to purchase provisions for the Creek tribe of Indians in Alabama, who are destitute of the means of subsistence.

Mr. L. said the destitute condition of the Indians made this necessary to be given, to enable them to procure the means of subsistence. It was the more incumbent on the Government to grant this, as it appeared the relations that had formerly subsisted between them and the Government were not sufficiently dissevered; at least, they were not known to be so by that class, the most improvident among them, who relied upon receiving their customary supplies.

Mr. **GILMER** opposed the appropriation, considering that such grants to the Indians would only tend to make them still more improvident, and encourage them in habits of idleness. He opposed it for another reason: the State of Alabama, he understood, had extended her jurisdiction over them; and if they were in the starving condition they were represented to be, then it was incumbent on that State, not "for the General Government," to provide for them.

Mr. **LEWIS** remarked that he made the proposition at the instance of the Secretary of War, from facts of distress which had been made known to him to exist. He would admit the obligation of the State of Alabama to provide for these men, but it should be only when the Government would give up all interference with them, and not, by making treaties, and doing other acts, treat them differently from the other citizens of that State.

After some further remarks from Mr. **BATES**, Mr. **VINTON**, and Mr. **BURGES**, condemnatory of the general treatment of the Indians—

Mr. **VANCE** said that he was in favor of the amendment, having himself to propose, under somewhat similar circumstances, an amendment to it, granting five thousand dollars for the relief of the Shawnees.

Mr. **LEWIS** replied to Mr. Burges, who now advanced, he said, quite a new doctrine, that the Indians were under the jurisdiction of Alabama; he wished the Government would treat them either as citizens of that State or not, and would not make them independent when a treaty was in question, and citizens as soon as they became paupers and were to be relieved. The Indians could not be both.

Mr. **EVERETT** dreaded the effect of the amendment. He thought these Indians might safely be left to the care and humanity of the State of Alabama, which claimed the jurisdiction over them.

Some further explanations took place between Messrs. **GILMER** and **LEWIS**, when Mr. **MARDIS** replied to Mr. Burges, and strenuously denied that any injury had resulted to the Indians from the recent policy of the Government towards them. The discussion was terminated by Mr. **POLK**, who proposed to include the case in the Indian annuity bill. Whereupon,

Mr. **LEWIS** withdrew his amendment.

On motion of Mr. **H. EVERETT**, an item of one thousand dollars was added for a treaty with the Wyandotts.

Mr. **LEWIS** moved, *pro forma*, an item of five hundred thousand dollars, to enable the Government to extinguish Indian claims to land in Alabama. He named this sum at random, intending to bring up the subject in the House. Negatived.

Mr. **ASHLEY** moved an amendment for a clerk in the office of the Superintendent of Indian Affairs at St. Louis, five hundred dollars. Agreed to.

Mr. **POLK** reduced one of the items of the bill two thousand dollars, being an amount formerly paid to a clerk and two interpreters.

The bill was then laid aside to be reported; and the committee proceeded to consider the

INDIAN ANNUITY BILL.

Several of the items of this bill were slightly increased, so as to provide for an additional blacksmith in some of the tribes.

These several amendments were zealously, but unsuccessfully, resisted by Mr. **McKAY**. In one or two instances, however, he cut off a blacksmith.

Some reductions were made, on motion of Mr. **POLK**, viz: from the Kaskaskias one thousand dollars; and the same amount from the joint annuity of the Kaskaskias and Peorias.

An item was added, on motion of Mr. **HUBBARD**, to carry into effect the fourth article of the treaty with the Appalachicolas, three thousand five hundred and ten dollars.

The item for the expenses of transportation of annuities, salt, tobacco, tools, &c. was increased from twenty thousand to twenty-nine thousand five hundred dollars.

Mr. **BATES** made some inquiries respecting this item, which were answered by Mr. **POLK** and Mr. **SEVIER**.

The item for expenses of locating reservations and certifying contracts under the Creek treaty of 24th March, 1832, was augmented from eight thousand to fifteen thousand two hundred and twenty-three dollars.

Mr. **WILLIAMS** wanted to know the number and extent of the surveys made, and have the expense of them compared with that of the ordinary surveys of the public lands.

Mr. POLK explained, and said that the vouchers for the details were in the department.

The item of five thousand dollars, for a commissioner to value the improvements of the Brothertown Indians, was stricken out.

Two thousand dollars were appropriated for running the boundary line between the Sacs and Foxes.

The clauses for fees of counsel in certain suits, and for horses lost by the Choctaws, were stricken out.

Two thousand two hundred and one dollars were allowed for a surveyor.

Five thousand one hundred and thirty-six dollars for payment of claims for provisions and bounty money to the emigrating Creeks.

A long debate arose on the amendment moved by Mr. Polk, for removing five thousand Creek Indians west of the Mississippi, furnishing them with rifles, blankets, &c. and supporting them for one year, two hundred and sixty-nine thousand five hundred dollars; and another for removing certain Cherokees, and their subsistence, sixty-eight thousand three hundred and twenty-five dollars, (their removal costing twenty dollars a head, and their subsistence seven cents per ration.)

Mr. VINTON inquired whether these were Cherokees from Georgia or from Tennessee?

Mr. POLK replied, that they were almost all from Georgia.

Mr VINTON had no objection, so far as they were from Georgia, because, with respect to that State, the Government was under stipulations to remove the Indians as soon as practicable; but no such obligation existed in respect to Tennessee. All the Indian lands in Tennessee had been made a donation to that State, and the State ought to remove her own Indians.

Mr. POLK quoted a treaty to show that the same obligation bound the Government in respect to all the other States, where the Cherokees might be located.

Mr. VINTON'S objections were aggravated by this provision, and he moved an amendment so as to confine the appropriation only to Indians in Georgia and Alabama.

Mr. WAYNE said this would prevent the emigration of the Cherokees altogether; as those in Georgia and Alabama would not go unless the residue of the tribe in Tennessee and North Carolina went with them.

Mr. WILLIAMS thought the objection too late, after the treaty had been ratified. But he wanted to know why these expenses were not to be paid out of the five hundred thousand dollars granted by the famous "Indian bill" of 1830?

Mr. POLK replied, that the appropriation to which the gentleman [Mr. Williams] referred had all been expended. He believed the gentleman would find on the files of the House a report stating the manner in which it had been applied. He was aware that there were a few Cherokees, both in North Carolina and Tennessee; but their land, in either State, was not larger than to constitute a respectable county, and what there was of it lay chiefly in a mountainous region. The treaty, however, which the Government had made with the Cherokee nation, and in consequence of which they had ceded their land, bound the Government to remove all who were willing to emigrate, let them reside where they might.

Some explanation here took place between Messrs. Vinton and Polk as to a proviso in the bill.

Mr. BATES was much opposed to removing Indians from Tennessee at the expense of the General Government, when the lands they left would go, not to the United States, but to the State of Tennessee. No treaty with the Cherokees would settle that question, as between Tennessee and the General Government.

Mr. WILLIAMS still insisted that a portion of the five hundred thousand dollars must remain unexpended.

Mr. POLK assured him that it was not so; and, even if it were so, the money must have long since gone back to the surplus fund. As to any questions between Tennessee and the Government, they had nothing to do with the matter in hand.

Mr. Vinton's amendment was thereupon negatived, and that proposed by Mr. Polk agreed to.

Mr. POLK now moved the appropriation of one hundred and twelve thousand eight hundred and fifty-three dollars, which had been paid into the treasury under the act of 1831, being the proceeds of the sale of certain lands belonging to the Seneca tribe of Indians, in the State of New York, and from which he proposed that the annuity of six thousand dollars promised to those Indians should be paid, in support of which motion he read a communication from the Department of War, and called for the reading of the law of 1831.

Mr. ADAMS strenuously opposed the amendment, contending that this was money which the Government had no right to touch, inasmuch as it had been vested in the President, in trust for the Seneca tribe. It was their property, and ought to be kept sacred as such. Mr. A. gave a history of the investment of the money, by his own order, when he was President, and denied the power of Congress to pay the Seneca annuity from this fund.

Mr. POLK explained, and stated that the money was in the treasury to the credit of the Seneca tribe. It now lay dead, and the purpose of his amendment was not to deprive those Indians of their funds, because it would always remain safe to them, but only to give this money the same activity with other moneys in the treasury.

Mr. ADAMS responded, and warmly insisted on his former objection; but the question being put, the amendment was agreed to.

Mr. HAWES now moved an amendment, proposing that the annuities, paid under treaties with the Indians, should be paid to the tribes, or their representatives, and not to individual Indians. His object was to prevent the money from passing into the hands of the whites, and to secure to the Indians the benefits intended for them.

Mr. H. EVERETT suggested that the Committee on Indian Affairs had prepared a bill, which would shortly be reported, providing that these moneys should be paid to the Indian chiefs, and that Mr. Hawes had better so modify his amendment.

[Mr. Hawes consenting, the amendment was modified accordingly; and a debate of considerable length ensued, wherein it was contended on one side, that, under the present mode of paying the annuities to individual Indians, the tribes were all assembled under a notice on a given day to receive their quota; and no sooner was that day known than the sellers of rum, for a hundred miles round, congregated on the spot, and the result generally was, that the Indians were stripped of every penny they received; and not only so, but were sometimes obliged to sell their rifle and blanket, and go home naked. The agents, too, who paid the money, were held to no responsibility. The Indians could give no receipts, and the account was usually kept on a notched stick.

On the other hand, it was urged that, if the money should be paid to the chiefs, mingoes, or headmen, they would divide it among themselves, and leave the common Indians without a single penny. In confirmation of this statement, Mr. Ashley referred to a case in which money paid for annuities had, by order of the chiefs receiving it, been deposited in the Bank of St. Louis, in the very boxes, still unopened, in which it had been received from the agents of the United States. It was in consequence of this difficulty that the present mode had been adopted.]

Mr. ASHLEY proposed to amend Mr. Hawes's amendment, by directing the money to be paid over, in the presence of the chiefs, to all the heads of families in the tribe.

This was agreed to: Ayes 68, noes 57.

The question being put on the amendment, as thus amended, it was rejected without a count.

Mr. LEWIS now moved the amendment he had formerly proposed, when the Indian appropriation bill was under consideration, providing $11,160 to be distributed among certain Creek Indians, friends of Chilly McIntosh, in pursuance of a treaty which he quoted.

The item was agreed to; and thereupon the committee, on motion of Mr. POLK, rose, and reported both bills, as amended, to the House.

Two messages in writing were received from the President of the United States, by Mr. Donelson, his private Secretary, as follows, viz:

FIRST MESSAGE.

To the Senate and House of Representatives of the U. S.:

I communicate to Congress copies of a convention between the United States and his Majesty the King of the Kingdom of the Two Sicilies, to terminate the reclamations of the former for the depredations inflicted upon American commerce by Murat, during the years 1809, 1810, 1811, and 1812, concluded at Naples on the 14th of October, 1832, and the ratifications of which were exchanged at the same place on the 8th of June, 1833.

ANDREW JACKSON.

Washington, May 13, 1834.

SECOND MESSAGE.

To the Senate and House of Representatives of the U. S.:

I communicate to Congress copies of a treaty of navigation and commerce between the United States and his Majesty the Emperor of all the Russias, concluded at St. Petersburg, on the 18th of December, 1832, and the ratifications of which were exchanged in this city on the 11th of May, 1833.

ANDREW JACKSON.

Washington, May 12, 1834.

Sundry other communications were laid before the House by the Speaker; when

The House adjourned.

Thursday, May 15.

ADJOURNMENT OF CONGRESS.

Mr. BOON asked the unanimous consent of the House to take up the resolution heretofore submitted by him, proposing to fix a day for the termination of the present session of Congress. Objections having been made, Mr. B. moved a suspension of the rule for the purpose, and called for the yeas and nays thereon.

The House agreed to suspend the rule: Yeas 136, nays 23.

The resolution was then taken up, as follows:

Resolved, That the President of the Senate and the Speaker of the House of Representatives close the present session of Congress, by an adjournment of their respective Houses, on Monday, the 16th of June next.

Mr. HARDIN moved to strike out "the 16th June," and insert "the 2d July." He presumed the honorable member from Indiana [Mr. Boon] was not more solicitous than he was to return to the bosom of his family; his business, both professional and private, calling upon him (Mr. H.) as urgently and as imperiously as did that of any other honorable member so to do. But he was unwilling to fix so early a day as was named in the resolution, considering the state of business, public and private, of high importance, before the House, which yet remained to be acted upon, and which, if the resolution were adopted, there would not be time enough to despatch. He need not remind the House of the days that were set apart for private business; that Mondays only were set apart for the reception of memorials; and that, judging from the slow progress that was made with those already presented, there was little probability that there would be sufficient time left to go through the several States for that purpose.

Under such circumstances, then, with the knowledge they must have of the state of the business generally, he would put it to every gentleman to say, was it possible for the House to accomplish what was necessary to be accomplished before they could think of adjourning? Mr. H. enumerated, as coming within this description, the various appropriation bills; and, above all others, he said, was the commutation bill, recently recommitted, and one that he had much at heart—the bill to place on the pension roll those persons who had been engaged in the Indian wars prior to 1794. There were other bills of as great importance to various sections and interests. One for the construction of the Potomac bridge; one in relation to the Chesapeake and Ohio canal; and that in relation to the extension of the Cumberland road—this latter being one of paramount interest to the whole West. How many days, he asked the House to consider, would be consumed in the case of the Kentucky contested election? Three or four at least.

He would remark further, that scarcely more than one or two of the subjects before the Committee on the Judiciary, and which were of high importance, were yet acted upon. One of these alone was of such importance that the House should pause before they would fix a day to adjourn, and thus leave it unsettled. He alluded to the case as to property claimed by the city of New Orleans from the United States, and which, having been referred to Congress, was sent to that committee, who had prepared a bill in conformity to their views, and which went to settle a question that had left the city hitherto in a most unsettled state. The member representing that section had yielded to the decision made on the subject by the committee. Was this, however, to be left undisposed of, as he contended it must inevitably be, if so early a day was named? There were the Indian bills, not the least in importance, to be considered. He believed, in fact, there never were, previously, so many and important subjects presented as at this session, and now remaining to be disposed of, owing to the unfortunate state the country had been thrown into by the rash measures of the Executive, and which it was necessary that the House should act upon.

However gentlemen might say that many or all these bills might be acted on next session, it should be recollected that the next session of Congress would consist of not more than eighty-eight days. He hoped, therefore, that so trifling an extension of the time as he proposed would not be objected to. Even with this extension, he did not well see how they could expect the Senate to get through. There, the appropriation bills already passed in the House, owing to the subjects of exciting character which they had so recently under discussion, were not yet taken up. If the time was not granted, he considered that there could be no hope of passing through the commutation bill, which so many gentlemen desired, in order to give to the old veterans, who had spent their days in the service of their country, a pittance to close them in independence. There was, also, he must remind members, the affairs of the Post Office to be inquired into; and, with all these, how, he asked, was it possible for them to think of adjourning? He hoped he would get credit for the assertion that his anxiety to return to his home was as great as that of any man, feeling with Cowper, in the beautiful lines he attributes to Selkirk—

> When I think of my own native land,
> In a moment I seem to be there;
> But, alas! recollection at hand
> Soon hurries me back to despair.

Mr. CAMBRELENG rose to suggest to the member from Indiana that, under the state of the business before the House, it was evident that they were not, as yet, prepared to fix a day to adjourn, desirable as it was, undoubtedly, to many. They had already had enumerated to them many important bills, and he might, he said, be permitted to express the hope that, in addition to the necessity that there was for passing the appropriation bills, the same necessity would be felt as to the bill to regulate the making foreign coins a legal tender, before they should adjourn. Other measures of high importance might be expected even yet to arise, which would claim, nay, demand, some share of their attention. The new and extraordinary and unexpected attitude assumed by the Bank of the United States, but upon which he would not then enter, was of this character; and was enough to induce them not to act prematurely, as he thought it would be now acting, by adopting the resolution to adjourn. He moved to postpone the further consideration of the resolution until this day fortnight, and to make it the special order of the day for that purpose.

Mr. H. EVERETT did not wish to prolong the session of Congress, but he was not now ready to fix the day of adjournment. Some bills relative to the Indian department, which were well deserving of the attention of the House, would be reported on Monday next. He hoped, therefore, the resolution would be postponed.

Mr. WILDE said, the extraordinary unanimity with which the motion to suspend the rules of the House, in order to take up this subject, had been carried, clearly indicated that the House were disposed to act on the subject at once. Whatever individual feeling he might entertain in favor of an early adjournment, there were considerations, of a public character, which rendered a precipitate adjournment highly inexpedient. But still he was disposed to be governed by the majority of the House. If we were not to act upon the highly important subject of the currency, we might despatch all the other business of importance by the time proposed in the resolution. Whether we should or should not act definitively on that subject, rested with the majority of this House. In the present temper of the two bodies, it was obvious that, whatever time might be spent on the subject, its fate was certain. If there was no intention to do any thing in reference to the subject of the currency, there was no necessity for postponing the resolution. After we had passed it, the Senate could amend or postpone it as they pleased. It was a law of politics, as well as of nature, that no two great epidemics could prevail at the same time. No matter what subject we may take up, the currency question must run into it. If we did not intend to act upon it, we might as well adjourn.

Mr. MERCER rose to support the motion of the gentleman from New York. The calendar which he held in his hand contained 450 bills, of which we had not touched more than fifty. The Committee of the Whole on the state of the Union had before it the unprecedented number of thirty-nine bills, every one of which was important.

Mr. BEARDSLEY recollected, he said, only one session which was prolonged beyond the middle of June, and that was the last long session. Two subjects of great moment, the bank and the tariff, were then before Congress. The time of adjournment was at first fixed four or five weeks before the day on which the adjournment finally took place. He felt satisfied that it was the wish of his constituents, and of the country at large, that we should pass a few of the bills of general interest, and go home. It was not desired by the people that we should stay here during the summer, and every one knew that, after the 1st of June, we could not continue in session without hazarding our health. He would grant that little business had been done by this Congress; and he would undertake to say that if we sat three months longer, we should not pass more than half a dozen general bills. He fully believed that our constituents wished us to close the session after passing the appropriation bills and a few others of a general nature.

Mr. BURGES was in favor of the motion to postpone; but would prefer to postpone the resolution to the time when this House should consent to do something for the relief of the country.

Mr. FILLMORE hoped that a time would be fixed for the adjournment, in order that we might begin to select and act upon the most important business before the House. He did not care what time was fixed; but he hoped it would be fixed at once.

Mr. DICKSON moved the previous question, but withdrew it at the request of

Mr. BOON, who wished, he said, to reply to some of the remarks which had been made. When he introduced this resolution, he was of the opinion that, in a time of profound peace, six months was long enough for the despatch of the business of Congress, and he thought so now. If gentleman would act, instead of debating, the business of the House would soon be despatched. But nothing could be said or done here which had not some immediate reference to the United States Bank; and unless the House would fix the day of adjournment, this kind of debate might last five or six months longer. This resolution was introduced in the ordinary way. It was not usual for the House to appoint a committee to report what business it was necessary to act upon until the day of adjournment was fixed.

We had been here five months speech-making, President-making, and Vice President-making; it had been entirely a political session, and not a session for business. To continue here was only to continue the excitement which had been got up in the country. He was sorry that he could not accept the modification proposed by the gentleman from Kentucky. There was a difference of opinion among his friends as to the time proper to be fixed, some wishing as early a day as the 31st of May, and others a day as late as the 1st of July; but he had fixed upon the middle of June, and now left it to the majority of the House to dispose of it as they pleased.

Mr. LOVE thought, he said, that the minority in the House acted injudiciously in opposing the proposition to adjourn. If the country suffers in consequence of a premature adjournment, the majority were responsible for it. Upon them, and not upon us, would fall the responsibility of leaving the country in its present condition, in regard to the currency. He was willing to remain here, if any thing could be done. He denied, so far as he was concerned, the charge of President or Vice President making. At a former time, the charge might have been true as to the business of this House; but at present, the House, as well as the country, was agitated by questions of vastly greater importance.

Mr. R. M. JOHNSON said there was time enough before the day fixed in the resolution to transact the whole of the public business of importance, and go away with less confusion than they have done at any former period except that when we received our salary of $1,500. That was the only session in which Congress ever did all its business, and adjourned without confusion. If, by prolonging the session for two months, all the business could be done, he would consent to it, but we could not expect to clear the whole legislative docket, even if we sit to the 4th of March next; but, fixing a day now for the adjournment, we should be able to do ten times as much business as we should otherwise do. He considered that the tendency of this contest now was to decide the question whether the session of Congress should be made perpetual or not. The argument that all the business before Congress must be transacted at every session, supposes the necessity of perpetual sessions. He would not be one to hold up the idea to the people, that Congress ought to sit all the year. The constitution did not contemplate such sessions. Further, he would remark, that a session longer than the middle of June was inconsistent with the comfort and health of the members of this body, and that the pallid countenances of many of them already indicated the prejudicial effect of their labors upon their health. He hoped that the House would fix the day of adjournment now, as it was evidently its temper to do. The Senate, as was usual, would probably take a little more time, if it was necessary.

Mr. CHILTON ALLAN had made up his mind to vote for an adjournment as soon as he should become convinced that nothing would be done for the relief of the people. He was almost convinced, by the recent rejection of the broad and liberal proposition of the member from New York, [Mr. Selden,] that it was determined by the majority not to do any thing. It had been suggested that the bill reported from the Committee of Ways and Means would occupy some time; but he could not believe that a proposition to divide the public money among local banks, to legalize usurpation, and to repeal the constitution, would occupy a moment's time.

The CHAIR called the member to order, for not confining his remarks to the question.

Mr. ALLAN said he would vote for the postponement, in order to give the majority time to reflect upon the responsibility they were about to assume.

Mr. EWING intended, he said, before he consented to adjourn, to attempt to bring before the House some of the business which it was its duty to transact. He was willing to leave here on the 16th of June, or at any time when Congress shall have done the necessary business of the West and the country at large. Not a bill affecting the interests of the West had yet been acted upon. We had done nothing but to make appropriations for office-holders.

Mr. CHILTON was not only in favor of an adjournment, but of an adjournment at the earliest day which had been named. His zeal to do something to quiet the agitation of the country was unabated; but he would ask gentlemen what desirable end was to be obtained by continuing the session during the summer? If there was a single gleam of hope that we should be able to effect any thing for the public benefit, he would consent to prolong the session. But it was evident that we should be able to do nothing, except to promote and keep up the excitement which prevails in the country. The question before the country could never be settled but by referring it back to the people. His experience had convinced him that business was much facilitated by fixing the day of adjournment. He was well satisfied that the country would see that the minority had done every thing which was required of them to do, and that the responsibility rested upon the majority, who were willing to meet it.

Mr. MILLER should vote, he said, against the proposition to postpone the resolution, for the reason that, by fixing the day, we should facilitate the despatch of business. He had come to the conclusion that it was impracticable for Congress, at this session, to act on the subject of the currency; for which opinion he was about to offer some reasons.

The CHAIR stated that the member could not go into that question.

Mr. MILLER hoped the day of adjournment would be fixed, in reference to other subjects than that of the currency, for he believed that the prospect of obtaining the definite action of Congress on that subject was very remote.

Mr. STEWART moved that the House proceed to the orders of the day.

Mr. BRIGGS demanded the yeas and nays on the question, which were ordered.

Mr. STEWART then withdrew his motion, and demanded the previous question, which was not sustained.

Mr. BELL had no desire to protract this discussion. He would, however, suggest that it might be expedient, in view of various circumstances which might arise, to prolong the session beyond the time which might now be fixed. He was not for putting it out of the power of the House to do this. Within two or three weeks, a disposition to despatch business had been manifested. Several important measures had been acted on. There were many other important measures which required the action of the House. He would never consent to put an end to a session of Congress, on the ground that the House was not competent or willing to decide upon every measure required by the public interest. For some years past, it had been the fortune of the country, that some great and absorbing question had seized upon almost exclusive attention, at each session of Congress. He was not willing to overlook any matter of public importance. At this time he was not prepared to decide when the House would be able to get through with such business as was necessary to be done. Two weeks hence an opinion may be formed. It might be that the 16th of June would then receive his support, as the day of adjournment; but at this time he could not fix upon that or any other precise day.

Mr. MANN said he was in favor of an early day of adjournment. He had little doubt but the House would be able to act upon all subjects of public interest by the 16th June. But he was unable to see the force of the argument which had been urged in favor of fixing upon that day at this time. A strong disposition had been manifested by the House recently to go forward with the business. He hoped such measures as were most important, particularly those in which his own State was interested, would be disposed of before the 16th June; but he could perceive no necessity on the part of the House committing itself as to the precise day at this time.

Mr. BURD addressed the House at considerable length, and was understood to support the motion for postponement.

Mr. CAMBRELENG was quite as anxious as the gentleman from Kentucky [Mr. Johnson] could be, to terminate the session. But when gentlemen recur to the situation of a portion of the important subjects which demand the attention of Congress, they will be satisfied that the period has not yet arrived for fixing the time of adjournment. It should be recollected that the message of the President, sent to the House at the commencement of the session, was still in Committee of the Whole on the state of the Union. It had been stated that the majority of the House was responsible for the transaction of public business. If so, the majority should beware of fixing the day of adjournment before the necessary business could be completed.

After some further remarks from Messrs. Boon, Ewing, and Burges—

Mr. WAYNE said the question was one upon which no difference of opinion ought to exist. What were the facts as to the situation of the business of the House? He had taken pains to make an abstract from the records, and it appeared that four hundred and seventy-eight bills had been originated and were now ready for the disposal of the House; one hundred and eighty-two had been definitely acted on by the House; and thirty-four bills from the Senate had been acted on. There was, therefore, no ground for any imputation of negligence upon the

House. As to the discussions upon the great principles of our Government, he neither expected nor desired that they should cease. It was obvious, from the history of our Government, that the practical operation of every provision in the constitution was not entirely foreseen. Discussion upon these subjects was, in his opinion, exceedingly profitable, and though he differed from many gentlemen in the views they had expressed, he hoped their arguments would convince the country that the public time devoted to them had not been improperly spent. He believed the people had regarded them with interest, and would fully sustain the decision of the House upon them. Our free institutions require that the fullest discussion should be given to such topics. There were several measures before both Houses of Congress which required its action before a final decision on the question of adjournment could with propriety be taken.

Mr. LANE said he regretted to differ in opinion with gentlemen with whom he usually acted, and none more so than his honorable colleague, who had introduced the resolution.

Mr. L. said, if he consulted his own wishes or interest, he should vote for the earliest possible day of adjournment. But there were considerations of a higher character than private interest or desires—the public good.

He said he would not determine the question of adjournment by what had been done in the business of legislation, but from what remained to be done for the public and private interest. A postponement of the resolution does not, as some gentlemen had considered, necessarily extend the period contemplated by the resolution for the close of the session; on the contrary, the House will then be able to act more advisedly upon the question.

Mr. L. said no Western gentleman could, in his opinion, consistently with the interest of his constituents, vote for the resolution, when not a bill, in which the West was interested, had yet been acted upon. Sir, there is the bill to reduce and graduate the price of the public lands, a bill in which the Western people had more at stake, and felt a more lively interest in than any other. There is another bill, until acted upon, said Mr. L., he would never agree should leave the House—the one reported by the Committee of Ways and Means in relation to the public deposites. Every consideration of public duty required action upon the subject. There was, said Mr. L., another objection: by the passage of the resolution, the House placed itself in the power of the Senate to do what he would not consent, however great his confidence in that body might be, while so many bills of vast importance remained to be disposed of.

Mr. VANDERPOEL said he was sorry that he could not vote for the motion of his friend and colleague, [Mr. Cambreleng,] for whose opinions and views upon this floor he cherished that respect which was due to much greater experience, in matters of legislation, than he (Mr. V.) could boast; but he (Mr. V.) was decidedly in favor of fixing upon some day certain for the adjournment of Congress. Mr. V. would not say that he would prefer the day proposed by the resolution to any other day, earlier or more remote; but he believed that it would conduce to the acceleration of the public business, to the dispensation with, or, at all events, to the abbreviation of many speeches, with which gentlemen were still laden, if we now prescribed to ourselves a certain period within which our duties here must be executed. We would then be more apt to stop speaking when we had finished thinking; and would, practically, pay more respect than we had been accustomed to pay to the maxim, that "brevity is the soul of wit." After all, said Mr. V. with all our vaunted wisdom, we are nothing, Mr. Speaker, but full-grown boys; and all experience teaches us that both boys and men will invariably execute more within a given period, when they are stinted, than when they are at liberty to dispose of matters at their leisure; and if we fix upon a day when our labors here are to terminate, we will inevitably redouble our diligence, and accomplish all that the interest of our constituents requires us to execute.

The gentleman from Georgia [Mr. Wayne] has, to be sure, presented us with a pretty formidable calendar of unfinished business, and protests, at the same time, against the inference that we have not hitherto been diligent. Mr. V. said he should not regret it, if we were to go home without acting upon a majority of those bills; that he had long believed that excessive legislation in this country was an evil; and that, as an ordinary rule, if a balance were struck at the end of each session, the sins of commission of legislative bodies would much overbalance their sins of omission. Mr. V. said he was happy to perceive, from recent indications here, that there was a growing disposition to go about and execute the business that our constituents sent us here to transact, instead of spending the time with interminable panic speeches. Yes, said Mr. V., it has become rather an up-hill business to make a panic speech here now; and he congratulated the House that this standing dish, this common-place and stale chowder of panic and distress, and the removal of the deposites, had ceased to be palatable to any portion of the House. It was a most auspicious omen, and proved that we were disposed to do what was most loudly required of us. As to finishing the general orders, and executing all the business, said Mr. V., we could not do it if we should sit here till next March. If we entertained such a hope, we would find that the end of our race would be like the horizon, constantly receding from us. Would the numerous little mills we have here, called committees, cease to grind out their grists? Would the number of petitions for further legislation cease, if we sat here till doomsday?

Mr. BROWN said, if he saw any prospect that the discussion would be brought to a close before the usual hour of adjournment, he certainly should not detain the House from more important business. His opinion had been made up from the commencement, and he had the same desire which influenced other gentlemen, that his reasons for that opinion should accompany his vote. He was most anxious to bring the business of the session to a close, and return to his family, and no one could personally have less to gain, by postponing the period of adjournment, than he had. The close of a session of Congress, supposed by many to be one of the most important since the organization of the Government, was a question in which public duty must prevail over private gratification. It was almost five weeks to the 16th of June, the day of adjournment named in the resolution; and if we refused to postpone, and adopted the resolution, it was an act which we could not recall, and we thereby put ourselves entirely in the power of the other branch of the Legislature, who might or might not concur with us, as its members saw fit. His objection was not to the proposed time of adjournment, (he hoped and believed the House would be in a situation to adjourn by the 16th of June;) his objection was to fixing the day five weeks in advance, when the time could be determined two weeks hence, with far greater safety to the public interest than at this moment. Public events of great magnitude and moment might occur in the course of two weeks, which might lead us to regret our hasty and premature action. Gentlemen had intimated their determination not to adjourn until something shall be done to relieve the country. This idea of relieving the country, so often repeated and reiterated, both here and elsewhere, was quite a vexed question, upon which a wide difference of opinion prevailed, and probably would prevail, until it was finally and effectually decided (as he trusted it would be) by the people. If gentlemen meant, by "relieving the country," a restoration of the public deposites, or a recharter of the Bank of the United States, he would ask, what hope was there of accomplishing either of those purposes short of a new expression of the popular will? What hope was there of reversing the opinions and votes of those who, in resisting both those measures, believed, and honestly believed, they were fulfilling an obligation which they owed to their constituents and the country, and which would ultimately be sanctioned and sustained by the voice of public approbation. He would not transgress the order of the House by departing from the question of postponement under consideration. He would, therefore, vote for the motion of his honorable colleague, [Mr. Cambreleng,] in the hope that, at the expiration of two weeks, the day of adjournment might be settled for the 16th of June, the earliest day proposed.

Mr. **HARDIN** did not assent to the statement of his colleague, [Mr. Chilton,] that the responsibility of not acting upon the measures before the House rested on the majority. Upon a great portion of the most important questions, nothing of party was involved, and the responsibility of neglecting such measures rested upon both sides.

A further explanation was made by Messrs. Ewing, Boon, and Burges.

Mr. **WARD** was in favor of adjourning at the earliest possible day, but it was impossible to say whether the essential business could be completed by the 16th of next month. The most important business was generally postponed until near the end of the session. Investigation and arrangement were necessary before business could go forward. Twelve days before the close of the last session, only ten bills had been passed. On the last day, one hundred bills were passed.

After a remark from Mr. Beardsley, against the motion to postpone, the question was taken, and carried by the following vote:

YEAS.—Messrs. Heman Allen, Chilton Allan, Anthony, Barnitz, Barringer, Beaty, Beaumont, John Bell, James M. Bell, Blair, Bouldin, Brown, Bull, Bunch, Burges, Cambreleng, Chambers, Chinn, William Clark, Clay, Clowney, Coffee, Connor, Corwin, Cramer, Crane, Crockett, Davenport, Day, Deberry, Denny, Dickerson, Duncan, Dunlap, Evans, Horace Everett, Ewing, Forester, Philo C. Fuller, Fulton, Galbraith, Gillet, Gilmer, Gordon, Graham, Joseph Hall, Hamer, Hardin, Joseph M. Harper, Hathaway, Hawes, Howell, Abel Huntington, Jarvis, William C. Johnson, Noadiah Johnson, Seaborn Jones, King, Kinnard, Lane, Laporte, Thomas Lee, Leavitt, Lewis, Lucas, Abijah Mann, Joel K. Mann, Martindale, Marshall, John Y. Mason, Moses Mason, McCarty, McKay, McKennan, McLene, McVean, Mercer, Robert Mitchell, Moore, Murphy, Osgood, Page, Parks, Patton, Patterson, Pearce, Peyton, Pierce, Pinckney, Plummer, Polk, Potts, Rencher, Schley, Shinn, William Slade, Charles Slade, Sloane, Spangler, Standefer, Stewart, Sutherland, Francis Thomas, Philemon Thomas, Thomson, Tompkins, Turner, Vance, Van Houten, Watmough, Wayne, Whallon, Edward D. White, Wilde, Williams, Wise.—116.

NAYS.—Messrs. John Quincy Adams, John J. Allen, William Allen, Archer, Ashley, Banks, Barber, Bates, Baylies, Bean, Beardsley, Binney, Bodle, Boon, Briggs, Burns, Bynum, Cage, Campbell, Carr, Casey, Chaney, Chilton, Choate, Samuel Clark, Clayton, Coulter, Darlington, Amos Davis, Deming, Dickson, Dickinson, Edward Everett, Felder, Fillmore, Foster, Fowler, William K. Fuller, Gamble, Garland, Gholson, Gorham, Grayson, Grennell, Griffin, Hiland Hall, Halsey, Hannegan, Hard, James Harper, Harrison, Hawkins, Hazeltine, Henderson, Hiester, Hubbard, Jabez W. Huntington, Richard M. Johnson, Cave Johnson, Benjamin Jones, Kavanagh, Lansing, George W. Lay, Luke Lea, Lincoln, Love, Loyall, Lyon, Mardis, McComas, McIntire, McKim, McKinley, Miller, Milligan, Muhlenberg, Parker, Pierson, Pope, Ramsay, Reed, Schenck, William B. Shepard, Smith, Speight, William Taylor, William P. Taylor, Turrill, Tweedy, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Webster, Campbell P. White, Elisha Whittlesey, Wilson.—98.

INDIAN APPROPRIATION BILL.

The bill reported from the Committee of the Whole on the State of the Union, making appropriations for the Indian department for 1834, came up, on concurring with the amendments made in committee.

The amendments, excepting that appropriating $8,000 for the expense of forming a treaty with the Western Pawnees, were concurred in.

That amendment having been stated—

Mr. **ASHLEY** said he was totally opposed to the appropriation of money for the purpose of buying peace with the Indians. There was no necessity for it. If they were disposed for hostilities, Congress, at its last session, had provided ample means for putting them down. The corps of dragoons had been raised to meet exigencies of this kind. If we should give them $8,000 for peace this year, it would require $16,000 next year, and the demands upon us would go on in that ratio.

Mr. **LEWIS** said the object of the appropriation was to enable the commissioners to redeem the prisoners they had taken. This tribe resided at the extreme west of our territory, and he had been informed by Governor Stokes that they possessed the fleetest horses perhaps in the world. The only way in which our fellow-citizens could be liberated was to redeem them.

Mr. **VANCE** entirely concurred in the views expressed by the gentleman from Missouri, [Mr. Ashley.] If prisoners taken by Indians are redeemed, it will prove the most effectual inducement for them to capture our citizens. In his view, it would be one of the worst acts that could be done.

Mr. **ASHLEY** said he regretted to hear, from the authority of one of the commissioners, of the fleetness of these Indian horses. He professed to have some knowledge of these matters, and had generally found these Indian horses very inferior animals. But, whatever their horses might be, he was opposed to the principle of the appropriation. The officer who commanded the regiment of dragoons was an exceedingly competent man to arrange all difficulties with these Indians, without this appropriation.

The question was then taken upon the amendment, and it was non-concurred in, and consequently struck from the bill.

The bill was then ordered to be engrossed for a third reading.

CUMBERLAND ROAD BILL.

The House then, on motion of Mr. **STEWART**, went into Committee of the Whole on the state of the Union, (Mr. J. Q. Adams in the chair.)

Mr. **McKIM** moved that the committee take up the bill "making appropriations for continuing the Cumberland road in Ohio, Indiana, and Illinois, and repairing the same road east of the Ohio, and continuing and repairing certain territorial and military roads, for the year one thousand eight hundred and thirty-four."

Mr. **STEWART** suggested that it would save time, and be every way better, to take up the Senate's bill on the same subject.

Mr. **McKIM**, approving the suggestion, waived his motion; when, on motion of Mr. **STEWART**, the committee took up for consideration the bill from the Senate for the continuation and repair of the Cumberland road: Ayes 91, noes 31.

No amendment being proposed to the bill, it was laid aside to be reported to the House.

The committee then proceeded to the consideration of the

HARBOR BILL.

In which various amendments were moved by Mr. **HUBBARD**, and agreed to.

An item of $50,000 for the removal of obstructions in the Savannah river, gave rise to an extended debate, in which Messrs. HUBBARD, PEARCE, H. EVERETT, SPEIGHT, MERCER, WILLIAMS, PARKER, WAYNE, CAMBRELENG, McKAY, WHITTLESEY, and HALL, of North Carolina, took part; when the amendment was agreed to: Ayes 83, noes 46.

Mr. **HUBBARD** then moved a series of twelve different appropriations, amounting, in all, to $101,000 for harbors on the lakes.

Mr. **McKAY** made inquiries touching these items, which were answered very much at large by

Mr. **E. WHITTLESEY**, who explained the nature and necessity of the improvements proposed, (which only went to secure and render stable works already commenced, and in a measure completed,) and dwelt upon the vast advantages which had accrued to our internal commerce from the construction of the piers for removing the obstructions to the harbors on the south shore of Lake Erie.

Mr. **McKINLEY** then moved that the committee rise, and report the Cumberland road bill to the House; but this was objected to by Mr. McKAY, who had not had an opportunity to examine the bill.

He then moved simply that the committee do now rise.

It rose accordingly; and, thereupon,

The House adjourned.

FRIDAY, MAY 16.

THE PUBLIC DEPOSITES.

The resolution heretofore submitted by Mr. MARDIS, relative to the public deposites, with the proposition of Mr. CORWIN to amend, was taken up.

Mr. **GALBRAITH** then resumed his speech, in reply to Mr. McKENNAN, which he continued until the expiration of the hour appropriated to morning business.

Mr. **PLUMMER** moved to suspend the rules in order to enable Mr. G. to conclude his remarks.

The motion was carried: Yeas 101, nays 44.

Mr. G. then proceeded, and finished his remarks about one o'clock; the whole of which are given entire as follows:

Mr. **GALBRAITH** rose and said:

Mr. SPEAKER: At a former period of the discussion here of the grave and important questions which have been raised upon the action of the Executive branch of this Government, in relation to the Bank of the United States, and which have been made to excite, to agitate, and convulse the public mind, from one end to the other of this wide-spread nation, I confess I felt some inclination, prompted by what I conceived to be my duty to those whom I represent, to give in detail to the House, and, through it, to my constituents, at least some of the reasons which influenced my votes on the resolutions attached to the report of the Committee of Ways and Means, although conscious of my own inability, and preferring to listen to the wisdom and experience of others. However, as the debate was long protracted, and there seemed to be a wish generally manifested that the propositions then pending should be speedily disposed of, I declined at that time, I believe, with many others, occupying the time or troubling the patience of the House with any remarks of mine. The vote on those resolutions was taken, the questions involved in them decided, and it was to have been expected that they would not again be raised during the present session. But the same course of discussion has been taken upon the resolution just read, and other propositions which have been occasionally presented, as before—the same often-refuted allegations have been reiterated over and over again—the same sweeping and unsupported denunciations of tyranny, Executive usurpation, vindictive and wanton cruelty and despotism, have been proclaimed in unmeasured terms of zealous and intemperate declamation; and, in addition to all this, the honorable gentleman from Pennsylvania, [Mr McKENNAN,] my colleague, who has just preceded me on the resolution now under consideration, has taken occasion also to animadvert, with some degree of severity, and, I must think, in a manner uncalled for and unwarranted, upon the conduct of the governor and one branch of the Legislature of my native State, and to present, without basis, a gloomy and deplorable account of her present pecuniary embarrassments, distress, and calamities, and a mortifying and humiliating confession of a lack of spirit and intelligence in her citizens. It was this animadversion of my colleague, thus made, which induced me, on the present occasion, to rise in my place, and throw myself upon the indulgence of my fellow-members. Feeling myself thus called upon to vindicate, as far as my feeble abilities will enable me, the Chief Magistrate, the Legislature, and the people of that community, which I in part represent, from the imputations which those remarks are calculated to cast upon them, I could not feel justified in permitting them to pass unnoticed—the more particularly, inasmuch as the resolutions passed by the Legislature of Pennsylvania, while I had the honor of being a member of that body, in 1831 and 1832, with regard to the bank, have been introduced, as they have often been referred to here, as evidence of the inconsistency of that body, or its faithless expression of the sentiments of the people of the State. While I am up, however, I shall still ask further to trespass on the patience of the House, while I avail myself of the opportunity thus afforded of presenting, as briefly as I can, the reasons which brought my mind to the conclusions to which it came on the several questions involved in the consideration of the resolution before us; being the same in fact as those already decided on the resolutions reported by the Committee of Ways and Means; and of putting in a reply to some of the assertions presented by the advocates of the bank in the form of arguments.

Sir, my colleague [Mr. McKENNAN] has charged the governor of Pennsylvania with "indulging in a course of insinuations against the bank, totally unbecoming the high station he occupies, unjust towards the bank, and unfounded in fact;" "instead of assigning the removal of the public deposites and the vindictive warfare carried on against the bank" "as the cause of the financial embarrassment of the State"—"subserviency to the will," and "cringing before the power and popularity of an individual"—"idolatry of a man, and sacrificing the best interests of the country"—inconsistency in undergoing a sudden, "humiliating change;" and adds what carries the imputation of impure and corrupt motive, and assails Governor Wolf, I am sure, contrary to the intention of my honorable colleague, with a severe, uncharitable, and unfounded charge, that "rumor says the change was effected in one night!"

My colleague finds the justification for all these high and grave charges upon the governor in his message to the Legislature of the 26th of February last, the extract from which, that has been so unfortunate in giving so much offence to those fast wedded to the interests of that bank, I shall trouble the House with presenting. It will be remarked that the balance of the loan of last year of that State, about $729,000, had been thrown into market by the failure of the Messrs. Allen, who had bid for and stipulated to take the whole, payable in monthly instalments. Proposals had been issued by the governor to receive bids for that sum up until sundown of the 22d of February; and, notwithstanding the wealth and resources of the Commonwealth, and her high credit for promptness and punctuality, not a single bid had been received on that day. On the 26th, the governor, in the discharge of his official duties, communicated this unaccountable and startling fact to the Legislature, and, after stating the want of confidence in the currency said to exist, he proceeds: "Various causes have been assigned for this alarming state of things, all more or less plausible. Among others, it is said that the removal of the public deposites from the Bank of the United States by the General Government has been the means of producing all the mischief and pressure under which the country is now laboring; and yet many of the friends of that institution admit that a restoration of the deposites is not necessary to the relief of the money market.

"Whatever other reasons may exist, it cannot be disguised that we have amongst us a powerful moneyed institution, which is at this time making use of all the means of which it is capable, to accomplish certain objects indispensable to its existence; and having an energetic, a firm and unbending antagonist to contend against, all its energies and all its powers (and they are of no ordinary character) have been put in motion to defeat his measures and to frustrate his designs in relation to it. It can scarcely be doubted that to the course of operations that institution has been pursuing for some time past, (whether justifiable or not, I will not undertake to determine,) the State is indebted in a great measure for its disappointments heretofore, and for the failure to obtain its loan of Saturday last. Whether bringing indiscriminate ruin and distress upon an unoffending community by the bank is the most certain mode of obtaining a return of the public deposites, a renewal of its charter, or an extension of time to wind up its business, is a question for those who have the direction and management of its affairs to determine. A milder and more liberal course might have been attended with more favorable results. The State of Pennsylvania may be crippled and embarrassed in her pecuniary arrangements, and paralyzed for a time in her efforts to complete her great chain of improvement by the depressing policy of the bank, but that is no reason why we should despair of the Commonwealth; our public works may languish for a season, but will not be suffered to languish long; the resources of the State are ample, her credit is unimpaired; her public stocks, although under momentary depression at home, are highly acceptable abroad, and will before long be as eagerly sought after by the capitalist as ever."

Sir, I have said that the animadversion of my colleague was uncalled for. Was it not peculiarly so as regards the governor? It will be at once perceived, by the nature and tenor of the document, an extract from which I have just read, that it was a communication made by the governor to the Legislature of the same State, over whose destinies he presided, and whose welfare and prosperity he had deeply at heart, in the fair and legitimate performance of an official duty devolved upon him by the State constitution, as the Chief Magistrate; intended only for the deliberation of that Legislature; simply disclosing a fact of vital and alarming importance to the interests of the Commonwealth, and required by the critical and embarrassing juncture in her affairs. It was not designed to be officially communicated to the Congress of the nation, or to operate upon our deliberations here, or to be thrown into the troubled elements of discussion within these walls. If "all eyes were directed at that time to Harrisburg," as the battle-ground of the bank and its friends; and if "Governor Wolf held in his hand (as has been said) the fate of the constitution and laws," (by which, I presume, is meant the recharter of the bank, and its keeping and disposing of the public money,) it was not his fault; and he was, no doubt, unconscious of the high position which he occupied in the nation. He did not meddle with the deliberations of the national councils. Was it fair, then, to arraign him here, for a communication thus limited to its legitimate sphere, in a manner which necessarily precluded him making a reply or defence? Waiving, however, for the present, this inquiry, where is the unjust and unfounded insinuation against the bank? Is that institution so pure, so sacred, so holy, that it has become an impiety, a political sin, to breathe suspicion upon it, or even to inquire as to the propriety of its conduct in any particular? Or has it become so corrupt, so profligate, that it will not bear the touch of scrutiny, or the light of truth? If Governor Wolf had just foundation for the conclusion to which he came, that the failure of the loan was owing, at least in part, to the conduct and interference of the bank, was it not his right, nay, more, his duty—his solemn official duty, demanded by the express terms of the constitution which he was sworn to support, to communicate it to that Legislature? There can be no doubt as to the answer. What, then, were the facts? The important transaction intimately connected with the financial concerns of that State, and alluded to in the message, was the failure of the Messrs. Allen to comply with their contract in taking the loan. The particular juncture at which they failed, the time when they gave notice of the failure, the manner in which it was done, and other circumstances connected with it, formed a chain of evidence showing the connexion of the bank with the failure of the loan, and inducing very forcibly the conclusion to which the governor's mind arrived in regard to the bank. These were fully detailed in debate there, where the facts were all known by several gentlemen in both Houses of the Legislature whom I know as high-minded, honorable men, and not denied by the speakers on the other side, as far as I have had an opportunity of reading their speeches. They were distinctly stated by Messrs. Penrose and Dickey, and perhaps others of the Senate, and by some also in the House of Representatives.

The only speech on that subject which I have at hand at present, and which I believe was the first, is that of Mr. Thompson, a respectable member of the House, my fellow-townsman and representative. It contains a brief, full, and satisfactory statement of that transaction; and I shall content myself at present with little more than reading an extract. Some of the circumstances mentioned are familiarly known to myself. He says: "We have heard much about the embarrassment and the difficulties into which our State has been thrown, on account of the failure of the Messrs. Allen, and on account of the fact that the deficit of the last loan, amounting to $720,000, has not been retaken. It is true, the Allens did not comply with their engagements; I believe they were unable to comply with them, and were compelled to relinquish them. But in this matter, too, I am much mistaken if the operations of the bank are not to be traced. If she were now trying for a misdemeanor, I think the circumstances would be powerful evidence to establish her interference in producing this result. Let us take a survey of the circumstances connected with the transaction. By the act of the Legislature of 1829 -'30, are charter was granted to the Bank of Pennsylvania, on condition that it should loan to the Commonwealth, if required, a million of dollars per annum for three years, to wit: on the 1st January, 1832, '33, and '34; on which last day this obligation to the State expired, if not called upon. Now, sir, let us see how it comes that she was not called upon. We find that the Messrs. Allen paid the instalment of November; and not until after the temporary adjournment was there any intimation that they would not be able to comply with their contract throughout. On the 3d of January, however, the Messrs. Allen addressed to the governor a communication, in which they inform him of their inability to meet their engagements. In this communication is the following declaration: 'By the kind assistance of the Bank of the United States, which, under the strong and peculiar circumstances of the public connexion, has been induced to purchase from us our exchange, at a moment when we could make sales in no other quarter, we have provided for the payment falling due on the 16th ultimo.' By this kind aid, then, the requisition on the Messrs. Allen for the month of December is complied with. On the 3d of January, three days after the time had gone by when the Bank of Pennsylvania was liable to be called on for $1,000,000, which she had stipulated to loan to this State, in consideration of her charter, the Messrs. Allen are obliged to inform the governor that they cannot comply any further with their engagements! What was there then, sir, to alter those peculiar circumstances under which the bank purchased the exchanges to the amount of the instalment of December? Why not purchase exchanges still? Sir, the deposites had been removed; the bank was in no peculiar strait, as we can learn, and was further removed from the effects of the removal of the deposites than in December, because the system of curtailment had commenced, and the bank had in its vaults $10,000,000.

"But, sir, if the Messrs. Allen had not been able to pay the December instalment, what would have been the result? Why, the State would have been enabled to call on the Bank of Pennsylvania for $1,000,000, which she had stipulated to loan on that day. That instalment, however, having been paid, and the 1st of January having passed by, the Bank of Pennsylvania was released from her engagement with the State." In the short extract from the communication of the Messrs. Allen to Governor Wolf quoted, two things are held out in bold relief, to wit: the mighty power of the United States Bank, and its great kindness under the strong and peculiar circumstances of the public connexion. Who is so stupid as not to perceive in this transaction the giant efforts of the bank, winding its boa constrictor folds around the dearest interest of Pennsylvania, in order to urge and drive her public functionaries into an expression in its favor, which should have its weight upon our deliberations here at that particular juncture? We were not aware, until lately, that we have heard it said here that the fate of the question depended upon the expression at Harrisburg, why it was that so great efforts were made in that quarter. The circumstances mentioned were not the only ones, however, that existed to prove the interference of the bank in producing the embarrassments at that time in Pennsylvania. Large committees from Philadelphia were constantly hovering around Harrisburg, pressing their suit for the bank, who, in their great anxiety to effect their object, leaked out too much to escape the observation of much more obtuse intellects than that of Governor Wolf; circumstances were detailed that disclosed more than perhaps they were aware of, all centring to the same point and forcing the same conclusion. I was told by an intelligent member of one of those committees here, (for the bank had committees both here and at Harrisburg pressing the same ultimate object,) on the very 22d of February, that the loan was not taken—that I might depend upon it as certain. How, I would like to know, could he speak with such certainty at that time, but from a confidence in a plan concerted and carried into effect with combined effort between the bank and the capitalists, to cripple and embarrass the State operations at that particular time, to effect the designs of the bank? I was told also, by one of those patriotic committee men, and no doubt the governor was told the same thing, that the removal of the deposites, of itself, could have little or no effect upon the currency, excepting as connected with the question of recharter, and that the restoration of them to the bank could have no effect, further than to give confidence that the bank would be rechartered! The object and motive of the bank managers is plain and clear—left without doubt now, by the avowal that "all eyes were fixed upon Harrisburg." The success of the great system of internal improvement in Pennsylvania, was supposed to hang suspended upon the obtaining of that loan. If she could be but crippled and defeated at that particular juncture, her people and her public functionaries would be obliged to yield and bow with submission to the power of the bank, and crawl at its feet, and send up a prayer, however forced and unwilling, imploring mercy and the restoration of the deposites to the vaults and to the disposal of the giant hand with which she was oppressed. This motive and this object were too clear, from all the circumstances transpiring under the governor's immediate observation at the time, leaving no room to doubt; forming, truly, a "crisis in the affairs of Pennsylvania" demanding "all the firmness of the patriot" and "independence of her Executive." Sir, he did "meet the conflict" with that same unshaken firmness and patriotic fidelity which has always characterized his administration. He fearlessly and honestly communicated the fact as he believed it to exist; and has not the result since furnished the most conclusive and triumphant testimony that he was not mistaken? No sooner had the troops of committee men vanished from Harrisburg, than it was found that they had no longer an object in surrounding the concerns of Pennsylvania with embarrassment and difficulty—that, instead of "bowing the neck to the yoke of power," and "kissing the rod that smote" them, the State functionaries, truly and faithfully representing a body of intelligent freemen, spiritedly and indignantly declared independence. Then the dark clouds of calamity that seemed to hang over the destinies of Pennsylvania for a time, were dissipated, like the breaking of a magic spell—her loan was taken—her stocks rose—her affairs went on with their wonted energy, and the sunbeams of prosperity played upon her brightening prospects as brilliantly as ever. Is not, then, Governor Wolf perfectly acquitted of any unjust and unfounded insinuation against the bank, if clear and satisfactory circumstantial evidence can be relied upon?

As evidence of inconsistency, "sudden and unexpected change" in the mind of Governor Wolf, my colleague has referred to the statement of a gentleman of the committee from Pittsburg, (I believe Mr. Leckey,) that he had a conversation with the governor some time previous to his message of the 26th of February, (it has been said elsewhere, three days previous;) and that, in that communication, he referred to his former messages, and stated "that his opinion on the subject of the bank had undergone no change." Sir, I know Mr. Leckey very well, and believe him to be an honorable and respectable man, and cannot, for one moment, allow myself to suppose that he would intentionally misrepresent the governor; but every one at all conversant with oral testimony knows its great uncertainty when its object is to detail verbal communications, particularly on subjects of excitement, when feeling or interest is deeply enlisted. The expressions of the speaker are almost uniformly colored, according to the feelings or wishes of the hearer, and often mingled with those of others made about the same time; and thus generally misconceived, and often as much misrepresented, from the same cause, without imputing any intention of wilful misstatement. It seldom happens that two persons will detail a conversation in the same way, or so as to give the same idea. I could give an instance which occurred with myself, not long since, on the subject of the removal of the deposites. I happened in conversation on my way home in January, with several gentlemen of my acquaintance, highly respectable. That subject was introduced. Most of them were opposed to that measure of the administration, as I believe they had been to all its former measures. A good deal was said, and some pretty severe remarks made, and occasional replies. I thought little more about it until I saw, not long afterwards, with a good deal of surprise, a publication in a newspaper printed in that place, in which I was alluded to as having said on that occasion that "the removal of the deposites was a high-handed measure, unwarranted by the constitution, and condemned by a majority of the democratic party;" whereas, no such expression was ever uttered by me, but the very reverse; and the only expression I used, bearing the most remote similarity, was in reply to a general charge of high-handed conduct on the part of General Jackson, "that any acts of his, with which I was acquainted, that wore the appearance of boldness, were exercised against some high-handed, unwarrantable conduct, and for the protection of the liberties of the people." I mention this circumstance, not with a view of casting censure upon any of those gentlemen, but merely with a view of showing the uncertainty and fallacy of that description of evidence. Besides, the expression thus given, second-handed as it is, would seem to be the natural reply to an expostulation on the part of Mr. Leckey, implying that he did think for some reason that there was a change, or reason for a change, in the relations between the governor and the bank. If Mr. Leckey were to say to me, "you voted for the resolutions of the Pennsylvania Legislature in 1831 and 1832," as I did, "what has changed your opinion?" I should very probably reply not very differently from the language and manner in which Governor Wolf is made to do in the quoted conversation—"that *my* opinion had undergone no change on that subject." Were I to explain more fully, (which would be very likely to be omitted by one enlisted in favor of the bank, in detailing,) I should probably say "it was not *I* who changed, but *the bank* had changed its conduct; or, at least, matters were developed in its conduct that were unknown to me before." I do not, however, perceive—I cannot discover—the great inconsistency between the message of the 26th of February and the declaration to the Pittsburg delegate, taking it as given here to be the very words falling from the lips of the governor; no more, and no less—a very great improbability. The message expresses no opinion in relation to the removal of the deposites: it "leaves that as a question between the general administration and the bank; just as the Pittsburg delegate is made to quote him. Sir, I know, I feel myself authorized to state that no declaration was made by the governor at the time mentioned, in the slightest degree variant or inconsistent with the message. His most intimate friends, as I am well informed, knew not what his communication would be until the message appeared. But the annual message of Governor Wolf, of December, 1832, has also been referred to as evidence of inconsistency. I shall trouble the House with a short extract from that message, further than quoted by my colleague. I read from the 10th volume of Hazard's Register of Pennsylvania, page 372. After stating that the Bank of the United States "had done the country some service," established a circulating medium in which the people have confidence, "facilitated the operations of the General Government," and aided individuals in their pecuniary arrangements, "and especially in the transmission of money to distant parts of the Union," he proceeds:

"It would be a subject of regret, therefore, if a too strict adherence to a literal construction of the constitution, in regard to the powers conferred upon Congress by that instrument to establish such an institution, or a too critical analysis of its expediency in a moral or political point of view, or the imprudent, intemperate, and impetuous zeal of its friends, and those intrusted with its government, and the management and direction of its affairs, should have the effect to prevent a renewal of its charter, sufficiently restricted, checked, and guarded," &c.

In the message of December, 1832, he admits the bank had "done the country some service." Is this denied or controverted in that of the 26th February last? It is not. In the former he considers it "a subject of regret" that "a too strict adherence to a literal construction of the constitution" on the one hand, "or the imprudent, intemperate, and impetuous zeal of its friends," &c., on the other, "should have the effect to prevent a renewal of its charter, sufficiently restricted, checked, and guarded," &c. Does he, in the latter, say any thing against the renewal of its charter, sufficiently restricted, &c. Not one word. Where, then, I ask, lies the inconsistency? In the message of 1832, he presents a general view of the whole subject of the bank, and expresses an opinion in favor of a renewal of its charter, with wholesome and proper restrictions. Is he to be necessarily visited with the charge of inconsistency and humiliating change, because, fifteen months afterwards, he communicates to that body, and to that body only, where official duty required him to communicate it, an honest conviction, irresistibly forced upon him by a concentration of circumstances, of an improper and reprehensible act on the part of the bank, affecting deeply the interests of the State? Knowing the fact, he would have been faithless to the high trust reposed in him, had he not stated it, let its effect upon the fate of the bank here be what it might; for that he was not responsible. If I entertain a favorable opinion of an agent to-day, and express an opinion that he "has done some service" in his agency, nay, many valuable services, am I to be considered so completely his partisan advocate, that I cannot, without incurring the imputation of inconsistency, communicate to one to whom I am bound to disclose a glaring act of infidelity on his part, that shall clearly come to my knowledge afterwards? Most certainly not. The cases are precisely parallel, and the conclusion in both must be the same. The charge of vacillation and inconsistency, then, vanishes before the light of examination.

To the charge of "subserviency to Executive will," abandonment of well-settled opinions, "cringing idolatry of a man," demonstrating "that we are fit only to be slaves," &c., I think I may successfully refer to the message quoted, of December, 1832, as alone furnishing a complete refutation. The governor had then nothing to gain on the score of popularity—his election was over; the views of the President on that subject were then fully known, and his election was settled; the friends of the bank had arrayed themselves in solid phalanx against Governor Wolf's election, although they admitted he was much better qualified than his opponents; yet, after all this, he came out fearlessly and independently, stating his honest views upon the subject, differing with those of many of his friends, and differing particularly with those of the veteran patriot to whose will and power he is charged with cringing and subserviency.

What change the late conduct of the bank may have produced upon Governor Wolf's mind, as to the propriety of the renewal or extension of its charter, I am not authorized to state; but, whatever change may have been produced as to the fate of the present institution, it has not been made but upon the soundest, most substantial, and disinterested reasons, it may confidently be relied upon. He has witnessed the warning voice, modestly, it is true, but at the same time forcibly expressed in his message of 1832, unheeded and disregarded by the managers of that institution; and, believing it might be of essential service to the country, if managed with that view, I have no doubt that he has witnessed it with deep regret and sorrow, as he suggests in that same message. His opinion with regard to the conduct of the present bank, developed since 1832, may have materially changed in reference to that particular institution and its management, without any change in the abstract principle, and without subjecting him to the charge of either vacillation or subserviency and cringing to the will or power of any one, however dignified, popular, or respectable. That the opinions of many of the wisest and best men in the nation, as to the expediency of the continuance of the present bank as the fiscal agent of this Government, have undergone considerable change, from the manner in which its affairs have been conducted for the last two or three years, I think no one will pretend to doubt. Before I close my remarks, when I shall come to speak of the reasons given by the Secretary of the Treasury for removing the deposites, and why they should not be restored to the bank, I shall refer to some matters which have been developed in the conduct of the bank, which, it would appear singular to me, would not have the effect of producing considerable change upon any honest, unbiased mind upon that subject, and which exclude all idea of either inconsistency or subserviency to the will of any body. I believe there is no one, of any political party, personally acquainted with Governor Wolf, who will not agree with me in saying that the charge of subserviency and abandoning his own opinions for those of others might be made more successfully against almost any other man. His firmness and independence in the free expression of his honest opinions, let them differ with whom they may, is proverbial with those who know him.

In the remark that "rumor says the change was effected in one night," I can feel that there is more than meets the eye or falls upon the ear—an imputation of deeper import than I can persuade myself to believe my colleague could have intended—a charge of impurity of motive—which I feel bound and called upon, by a regard for honest worth, substantial virtue, and patriotic merit, to repel with some degree of indignancy. Sir, I feel and know that, in this imputation, the most gross and flagrant injustice is done to an honest, upright man. I have had the honor and pleasure of an opportunity of knowing Governor Wolf, from an intercourse of some intimacy for the last few years, and an acquaintance with his character, and can assure my colleague that he is as far above the imputation which the remark is calculated to cast upon him, as "heaven is above the meanest spot of earth." Where he is personally known (and I am aware that he is so to several gentlemen here) he needs not any feeble effort of mine to vindicate his character from such an imputation. As far as I have ever heard, it would be conceded by his personal acquaintance, by whom he has been even politically opposed, that he has ever ranked as one of our most upright citizens, as an accomplished scholar, and as a profound and independent statesman; and, without disparagement of any of his predecessors, it may be safely asserted that Pennsylvania has never enjoyed, as an Executive head, a more intelligent, faithful, or efficient Chief Magistrate. I know not whence the "rumor" mentioned by my colleague originated. I feel assured, however, he is utterly incapable of starting so silly and baseless a report. It may be that he has seen a paragraph which I noticed some time since in the Pennsylvania Telegraph, a paper published in Harrisburg, Pennsylvania, only notorious for its witless political falsehoods, in which it was stated, in substance, that Governor Wolf's message of the 26th of February was produced by a proffer that his name should be placed on the democratic ticket as a candidate for Vice President. My colleague, perhaps, not knowing the character of that paper, may have based his remark upon the paragraph referred to; but he might have observed, as I did, that not a single respectable public journal, of any political party, would disgrace its columns with the republication. Let the "rumor," however, have arisen from what source it may, I have no hesitation in pronouncing it a gross, unfounded calumny, and defy my honorable colleague to produce the shadow of a shade of testimony in its support.

Although, Mr. Speaker, I have already occupied much more time than I had intended upon this part of my colleague's remarks, and must here tender my acknowledgments to my fellow-members for their indulgent attention to me thus long, in replying to what I did not consider as having been fairly introduced here, being calculated unnecessarily to widen the range of discussion on the subject before us, I feel constrained to ask a brief indulgence further, in order to recur to a small portion of the history of the public concerns of that Commonwealth, with a view of showing how much Pennsylvania is indebted to the wisdom and efficiency of her present Chief Magistrate for the prosperity which has prevailed throughout her borders during his enlightened administration. When he has been assailed here as he has been, it is no more, I think, than what is due to honest, unassuming merit. When Governor Wolf was chosen by his fellow-citizens, and entered upon his administration, in 1829, he found the affairs of the State in a critical and embarrassed situation. She had then been engaged in an extensive, magnificent, and widely-diffused system of internal improvement, during three years preceding. She had contracted a debt for her public works of about ten millions of dollars. Those works were scattered over various parts of her surface, scarcely any of them finished, and none of them producing any profit. During the summer of 1829 her credit had so far sunk that the necessary funds could not be procured upon loan, on any terms, to prosecute her public works; and his predecessor, Governor Shulze, who, although one of the most amiable, honest, and upright of men, was deficient in those energies necessary to qualify him for the exertions of a Chief Magistrate under such emergencies, convened the Legislature in November of that year, one month earlier than the constitutional period, to devise some plan by which the threatening evil might be averted, but without any beneficial result. In December, Governor Wolf was inaugurated, in the midst of this dark calamity which then surrounded the Commonwealth: her credit was sunk, her energies prostrated, and nothing but clouds and darkness hung around her affairs, thickening in the gloomy perspective; all was disorder and confusion; the whole system in which she had expended vast sums of money had become unpopular, and many of its former friends were ready to adandon it altogether, in hopeless despair. The Bank of Pennsylvania, too, then seeking to coerce a renewal of its charter, sought this favorable opportunity to increase the embarrassments of the State, in order to effect its purposes. What was to be done, was a question of deep anxiety and perplexing concern to the governor. To stop the public works, and abandon the whole system, in which ten millions of dollars had already been expended, and suffer the whole to go to ruin, could not but be a deep disgrace to the State, whatever might have been the policy of the undertaking at its commencement—whether wise or improvident. To proceed was surrounded with so many difficulties, doubts, and uncertainties, as to be apparently sufficient to discourage and deter the most resolute and determined. He decided, however, on the latter, under all those trying circumstances; determined on prosecuting to completion the scattered and detached parts of the unfinished works, and bringing them into profitable use as speedily as possible; and having, as determined, suggested prompt and decisive measures in relation to them, pursued them vigorously and firmly. The Legislature were reanimated; his suggestions were adopted; confidence was restored; the stocks rose to a premium on the five per cent. loans, varying from five to fourteen per cent.; order and system were planted upon a mass of chaotic confusion and disorder; the detached works have been completed and brought into operation; and I doubt not that two years more, under his administration, will connect the waters of Lake Erie with those of the Delaware, by a continued line of canal and railroad within the limits of that State. To any one at all conversant with the affairs of Pennsylvania, this short statement will be perfectly familiar. It would seem to me, then, that something like certainty of evidence ought to exist, upon which to base an imputation upon the public character of a fellow-citizen of irreproachable integrity, occupying the high, honorable, and responsible station conferred upon him by the unbought confidence of a body of enlightened freemen; whose services had been so eminently useful to his country; and the utmost caution and charitable construction extended in the investigation of that evidence, before his conduct, much less his motives, should be assailed. But I feel the most perfect confidence that Governor Wolf stands fully acquitted of any charge upon either his conduct or his motives, before that intelligent community of which he is a member; and, in that confidence, shall dismiss that part of the subject relating to him.

The Senate also of Pennsylvania has been so unfortunate as to incur the rebuke of my colleague, as not expressing, in their resolutions on the subject of the bank, the views of the people, if that people are not "lamentably deficient in a manly spirit of State pride." If a non-submission to the dictation of the bank and its friends be the criterion of his censure, he might have extended his animadversion to the House of Representatives also. If the Senate passed the resolutions against the recharter of the bank, and the restoration of the deposites to its vaults, attached to the report of their Committee of Ways and Means, the House of Representatives, with equal promptness, and "subserviency and idolatry," (I suppose he would say,) refused to take up resolutions offered in that body in favor of the bank, by a vote of 35 to 51. I think I am not mistaken, therefore, in considering the whole body in both Houses of that Legislature as included within my colleague's remarks.

How did the subject of the recharter of the United States Bank and the removal of the deposites come before that body? Was it taken up, as subjects of a national character are generally noticed, by the passage of resolutions by State Legislatures? No, sir. In the commencement of the able report of the Committee of Ways and Means in the Senate, drawn, I presume, by Mr. Petrikin, its chairman, I find the following declaration, after stating the memorials referred to them, requesting that the Legislature of the State "would use their efforts and their influence with Congress to obtain a restoration of the Government deposites to the Bank of the United States:" "That, for themselves, they should have been content to leave this question to the Government of the United States, to which it now appropriately belongs; but this has been rendered impossible by the memorials which have been referred to your committee. They are now left without an alternative, and will therefore, in obedience to the will of the Senate, proceed to present their views upon this important subject." Then follows the report, to which are attached the resolutions, "that the present Bank of the United States ought not to be rechartered," and "that the Government deposites, which had been withdrawn from the Bank of the United States, ought not to be restored." It clearly appears, then, that the State Legislature was memorialized "to use their efforts and influence with Congress to obtain a restoration of the deposites to the Bank of the United States"—a course entirely unprecedented as far as my experience of legislation extends. The Legislature then, as far as they did make an expression, were forced into it by memorials; and those memorials mostly from State banks, coerced, no doubt, by the United States Bank, to have them prepared and presented. It would seem, then, pretty manifest, that the United States Bank stands behind the scene—plies the machinery of torture upon the State banks--drives them to memorialize the Legislature of Pennsylvania, whose financial concerns are operated upon at the same juncture and by the same secret power to implore Congress to restore the deposites to its vaults, in order that it may, by the use of similar means hereafter, force a renewal of its charter. And because that body happened to be possessed of intelligence enough to discover, and spirit sufficient to spurn, all this artful jugglery attempted to be practised, they, too, must become the subject of abuse and reproach, as degrading "the manly spirit of State pride," and cringing to Executive will. Sir, I have the pleasure of a personal acquaintance with a large proportion of the members of the Legislature of Pennsylvania who had recently closed their session; and I feel a pride as well as a duty imposed on me by my colleague's remarks, to say that I know them as a body of high-minded, honorable, and intelligent men, who, in point of liberality of sentiment, business, industry, and talents, and practical knowledge of the public affairs of the State for which they have legislated, would not suffer in comparison with any legislative body in this enlightened Union. As evidence of this, did time permit, and were it a proper subject of discussion here, I might refer with triumph to their legislative enactments. It might, perhaps, not be improper to state that they passed upwards of two hundred and fifty laws, and resolutions having the force of laws, many of them of the utmost useful importance, among which was one establishing a system of common school education, referred to by my colleague, which has been long felt as a great desideratum in that State, and which was a favorite object of Governor Wolf, and always zealously and forcibly recommended in his annual messages.

Mr. Speaker, it must be a difficult and desperate position which my colleague has undertaken to establish, which requires him first to establish, and that without the shadow of proof that I have been able to discern, that the Governor and the Legislature of Pennsylvania would, without any assignable motive, sacrifice the best interests of the country for the mere pleasure of inconsistency, subserviency, and idolatry of any individual. If those enlightened and honorable public functionaries, with all the lights which their stations afford to them on the subject, have expressed an opinion against the bank in its present controversy, as my colleague would seem to assume, it is most unfortunate evidence to be produced by its advocates here in its favor. It is evidence of a strong and weighty character against its high pretensions to a continuance of its charter, or the possession and control of the public funds. It may be confidently assumed, as undeniable and incontrovertible, that they have neither formed nor expressed such opinion, without the most mature and unbiased deliberation on the most substantial and unquestionable grounds.

But the people, ay, the people, too, of Pennsylvania, are brought under the animadversion of my colleague; and a humiliating confession must be made on their behalf for their political sin and folly, in contributing to the elevation of the present national Chief Magistrate. Governed by an impulse of gratitude for military achievements, and dazzled by his military glory, as my colleague represents, they have committed the horrid crime of suicide upon Pennsylvania policy and Pennsylvania interests, in promoting the administration of one who is represented as having it "specially" in view to prostrate her interests "in the dust;" and "sacrifice and trample "under foot her distinguished sons," &c. The people of Pennsylvania are feelingly and pathetically appealed to, as having been the stupid, submissive instruments in the destruction of their own interests; as having "bowed their necks to the yoke of power, exerted to prostrate their prosperity," and "kissed the rod that smote them." This is not the first time the good people of that State have been addressed in a similar manner. Incessant appeals of this character have been made to their dearest interests professedly, for the last five years, to my certain knowledge, until they have grown stale and sickening; and yet we have it repeated even here now, almost in the same breath, that, up until at least October last, or since, "the sun never shone upon a more happy, prosperous, and improving country;" and I think I shall be able to show presently, that its prosperity and improvement have been on the rapid increase ever since that period. Sir, to this description of declamatory appeal, addressed to State jealousy and local interests, I entertain the most sovereign and instinctive aversion. There is disunion in it--nullification of the rankest character; which, if not met and beat back by the honest intelligence, enlightened liberality, elevation of sentiment, and enlarged patriotism of a magnanimous and generous people, must speedily produce, through its natural consequences, a disruption of this peaceful, happy, and prosperous confederacy, and destruction of that harmony and national pride which is essentially necessary to cement and seal the bonds of the Union. The object of this Government and its laws is the happiness and prosperity of United America; not of this or that particular State, but of all united in one. The interest and prosperity of each separate State are within the province of its own local Legislature. We are citizens of America--members of the American family; and the President, so far as is proper for him in recommending measures of policy to Congress, must extend his views to embrace the whole; and it would be a tacit charge upon his fidelity and official honor for any one State to claim or expect his partiality on the ground of having contributed to his election. As representatives from Pennsylvania, it would perhaps be the duty of my colleague and myself, at least it would be excusable in us, to use all fair and honorable means to promote the interest of our own State, if that should be the highest possible tariff; the improvement by the National Government of every creek and rivulet within our borders, and the making of a canal, railroad, or turnpike past every man's door; or the continuance of the bank; but if these do not comport with the general interests of the whole Union, it is our duty to yield to that, and encourage those whom we represent to do the same, without a murmur or complaint. Suppose my colleague to have received a large vote in a particular township in his district; he is elected, and some measure comes up in which the people of that township take a deep interest; but it conflicts materially with the interests of other parts, so that it would be improper that it should be adopted; and they address a memorial to him urging it upon his consideration, because they contributed to his election as their representative. Would he not feel himself humbled, nay, insulted, by the suggestion? If he will recur to his course of remarks, I know he can at once apply the simile. But let me ask, what great and important measure of policy in which Pennsylvania is peculiarly interested, has our much-abused President prostrated and trampled in the dust? The tariff, internal improvement, the bank, and the distribution of the proceeds of the public lands, have been mentioned. It is not my purpose here to discuss those important subjects; but, as they have been referred to, I shall give them a passing notice. I am aware that the tariff, to a certain extent, has been a favorite measure in my State; but every measure of public policy may be carried to a fatal extreme; and this appears to have been the fate, in some degree, of that measure. Had a judicious tariff been adopted, and regularly established upon a moderate rational basis, affording means of support to the Government, and, at the same time, so laid upon those articles only, in the manufacture of which there was a competition between our own artists and those of foreign countries, it would have been highly beneficial in its results to our manufacturing and other interests. But how was it? It was got up as a hobby for certain politicians to ride upon--the epithalamium of the American system. American system! was continually sounded in our ears--every one denounced as an enemy to the country who was the least moderate or rational on the subject. As the violin string, stretched to its utmost tension, must snap asunder, so this system was wrought to its highest pitch, until its boasted father found it necessary to knock it in the head with his own hands. So the system of internal improvement by the General Government, if confined to works clearly of a national character, and necessary for national defence, based upon rational, sound calculation, may be adopted with immense usefulness to the country; but, if used by distressed politicians for their purposes, to produce political excitement, and run it into interminable extravagance, it will no doubt be abandoned altogether as a part of a "triple-headed monster"--monster truly in the scale of public policy, if carried to the extent to which some political enthusiasts would urge in the heat of their political zeal; and I presume it was only the system thus extravagantly enlarged beyond all rational bounds, which was spoken of as a monster in the paragraph referred to by my colleague. I am not apprized of any special claims which the United States Bank has upon Pennsylvania, that her people should cling to it with such wedded affection as to consider it a part of her peculiar policy, excepting that it is located in Philadelphia, the metropolis of that State. Although I am willing to admit it has been of some service to the country, and, confined to its legitimate purposes, might be of essential benefit to the Government and to the people, yet it has only been when its friends are pressing its own particular interests, and when some election in which it feels itself interested is to be carried, that we can hear much of its great importance to Pennsylvania. In the calamities of 1829, which I have mentioned—when there was real, not artificial distress and embarrassment, although the bank had not then been assaulted by any branch of the Government, and was in the full tide of successful operation--there was a perfect silence on the subject of its great usefulness to that State. Of the evils which it has produced in its management, I shall have occasion to speak hereafter. The land bill, as it has been called, which passed both Houses at the last session, will probably be before us again for discussion during the present session, and this is not the time to advert particularly to its merits; but I am not aware of any one of its provisions which addresses itself particularly or exclusively to Pennsylvania, that she should adopt it as peculiarly meeting her wants and situation. It is said that it would have brought into her treasury $300,000 annually. If this be so, and at the same time it would have the effect of taxing her citizens in an indirect form, as I believe it would, to a greater amount, or if it would render her subservient to the National Government further than the constitution contemplates, or subject her to a slavish connexion with this Government, prostrating her State pride and sovereignty beyond the terms of the constitution, or would inflict gross and manifest injustice upon some other sister members of the Union, I have been mistaken in the intelligence, high liberal sentiments, and "manly spirit of State pride," for which her citizens have ever been distinguished, if they would even assent to it, much less adopt it, and cling to it as a measure of her peculiar policy. Enough, however, of this, until we come to discuss the merits of that bill when it shall come before us.

Sir, the people of Pennsylvania have not given their suffrages to the present Chief Magistrate of this Union, from a blind, enthusiastic impulse, dazzled by his military glory, as my colleague's remarks would make the impression; but from a knowledge of his honest worth and patriotic virtues, his fearless and manly independence in the faithful discharge of all the duties imposed upon him, his unshaken firmness, and substantial devotion to the interests of his country. They did not support him as the mere hero of New Orleans, however valiant his conduct, or brilliant his achievements, but as a veteran patriot, "an ancient landmark in the stream of time," a statesman practically schooled in the original principles of the constitution and laws of the land, well and thoroughly tried and known to them, not for hollow professions of patriotism, but for acts, and practical, substantial services of the most important and patriotic character; and were his second election to take place to-morrow, notwithstanding all the vehemence and bitter abuse that have appeared here upon paper against him, from that quarter, I feel satisfied they would contribute as largely to his elevation as before. They are too intelligent and discerning to be cajoled and imposed upon by political jugglery, and hypocritical pretensions of vast attachments to "Pennsylvania rights, Pennsylvania principles, and Pennsylvania interests," and too liberal to expect or wish that the interests and prosperity of the Union should be sacrificed for any supposed schemes of local policy, even should they be found sometimes, to some extent, conflicting.

My colleague [Mr. McKennan] has told us that, "at the time the wanton, fearful, and ruinous experiment upon the industry and currency was commenced, the sun never shone upon a more prosperous and improving country" than Pennsylvania. "But suddenly the scene is changed! The cries of deep distress salute our ears;" "commercial credit is destroyed; manufacturing enterprise paralyzed;" and "ruin" and "desolation" spread over the land, &c. Mr. Speaker, I know not whence he has received his information; but all the information I can receive, which is substantial and tangible, is precisely the reverse, notwithstanding what has been represented by numerous memorials here. I find, by the prices current, the markets about the same as they were at the corresponding period of last year, in various parts of the State; and that the price of labor is about the same as formerly. In 1829, as I have before stated, the treasury was exhausted, and not a dollar could be obtained on loan on any terms, and the debt was about $10,000,000 for unfinished and unprofitable works; but I see by a late report, made by the State treasurer, on a resolution of the House of Representatives, published in the Pennsylvania Reporter of 1st of April, that there was a balance in the treasury, after the payment of the interest on loans, &c. of $367,423 30. I see by the same paper, of the 25th of April, that the receipts of toll on the canal and railroad, counting until the 1st of May, were something more than $110,000; while those up to the same period last year were but $34,238; making an increase of more than $75,000, and more than tripling the receipts of last year. By the report of the canal commissioners of that State, it appears there are now finished, and in operation, six hundred and twenty-three miles of canal and railroad, and they are rapidly prosecuting to completion those parts under contract and not yet finished, when there will be seven hundred and twenty miles in full operation. I see by the Pennsylvania Reporter of the 2d of May, that five hundred canal boats have been regularly registered, and now in constant use, and twenty locomotive engines for the railroads—fifteen for the Columbia, and five for the Portage railroad; and every newspaper and letter I receive from that State furnishes facts which show that business is lively; merchandise and the products of the country are thickly wafted along her public works; emigration rushing to her fertile lands; the energies of her active, industrious, and enterprising population all alive; and health, prosperity, and happiness, gladdening every heart, and beaming upon every countenance. As far as I can gather from all sources, notwithstanding the discouraging and disheartening efforts of the new-born Whigs in that region, and the attempts of the bank and its managers to embarrass her affairs, and their partial success in inflicting some distress for a season, her situation now is as prosperous, and her prospects as fair, as at any former period.

Having thus long trespassed upon the time of the House, much longer, I must confess, than I had intended, in noticing the remarks of my colleague, [Mr. McKennan,] which relate more particularly to the State which we in part represent, I shall proceed, as briefly as possible, to the consideration of the questions now properly before us. The original resolution necessarily involves the question of the removal of the deposites from the Bank of the United States, and has so been treated by those who have preceded me. If the removal was a necessary and proper measure, then the adoption of this resolution, I think, will be admitted to be necessary. The amendment denies the sufficiency of the reasons of the Secretary of the Treasury for the removal. So that the question presented for consideration is the removal of the deposites from the Bank of the United States.

It has been alleged that that measure was in violation of the constitution, a breach of the contract with the bank, and unjustifiable and inexpedient on the score of public policy. Before I enter upon the merits of these grave and weighty positions, I wish to observe that, however much I admire eloquence and scholastic beauty, belles lettres and elegance of composition, sentimental poetry and adornments of style, plucked from heathen mythology and ancient history, when introduced on proper and suitable occasions; and however much I may have been gratified, as I confess I have, with the brilliant displays made here, as flights of cultivated taste and imagination, and mere literary productions, I must be allowed to view them as entirely inappropriate and inapplicable in the investigation of such dry and legal questions as are presented in this discussion. Were I even master of these high and captivating attainments, which I do not profess, I should prefer giving my views in the plain and unvarnished style of the constitution and laws of the country. I would beg leave, also, to remark, that when the hue and cry was first raised about the removal of the deposites, it seemed to me, and still does so, in itself, to be a matter of no very important moment—a measure that had often been adopted before, without any excitement existing on the subject; and that if the same proceedings had taken place in relation to some humble individual, however honest and upright a citizen, it would have passed off in perfect silence. But the whole subject has had an artificial and factitious importance attached to it, from the high pretensions and claims of the rich and powerful corporation whose interests are supposed to be affected by it. The zeal and noise manifested by that institution and its advocates, on the removal of the deposites, reminded me of the old lady in the fable, who was disposed to shroud the whole world in darkness, and throw all nature into confusion, simply because she had lost her favorite little dog! But questions of the utmost magnitude, involving principles of the constitution and laws of the nation, and affecting the official acts of the highest public functionaries, having been started upon this measure of the Government, and pushed with much weight of talent, and apparently earnest zeal of declamation, it becomes necessary to give the subject a careful and extensive examination in all its bearings; and although I cannot say, as has been said by some honorable gentlemen on this occasion, that I belong to no party, yet I can say, in truth and honesty, that I have given the whole subject a close, full, and candid investigation; endeavoring, and I think successfully, to divest myself of all partisan feelings and prejudices; calmly and dispassionately viewing the facts and arguments, not as an advocate, with a view of sustaining the one side or the other, but as a judge, or juror, disinterestedly laboring to extract the truth from all that could be advanced on both sides. I propose, then, Mr. Speaker, to present the result of my examination of the grave and weighty questions of constitutional law and public policy, to which this subject has given rise, under three points of view, as covering the whole ground of debate, viz:

Was the removal of the deposites from the Bank of the United States, in violation of the constitution and the laws?

Was it illegal, and a breach of the contract with the bank, as contained in the charter?

Was it without sufficient cause, either on the score of public policy, or arising out of the conduct of the bank?

The charges of violation of the constitution in this measure, have been aimed at no less a personage than the President of these United States, chosen to fill that high and responsible station by the voluntary choice of the enlightened freemen of this Union. The violation alleged to have been committed by the President, was in the dismissal from office of Mr. Duane, Secretary of the Treasury, who differed from him in opinion on this measure, conceived to be of some national importance; and who, it seems had promised to resign, but did not; and in the appointment of Mr. Taney to that office, whose opinions on that subject were known to correspond with those of the President. These charges have been dealt out in no measured terms of denunciation, abuse, and vituperation. He has been proclaimed as a tyrant, a despot, usurper, "seizing the money of the people in the one hand, and the sword in the other;" and an honorable gentleman of South Carolina [Mr. Pinckney] has added, by way of completing the sentence, I suppose, "and his foot upon the constitution." The republican President of this enlightened people, has been compared to Bonaparte, Cromwell, Cæsar, and almost every tyrant and usurper who has been supposed to disgrace the annals of history with his cruel actions, without any points of resemblance to warrant the comparison; but gentlemen would seem to have forgotten, in referring to the history of those usurpers, that, in every instance, they rose to usurped power through the prostration of Executive authority.

I confess, Mr. Speaker, that I approach the examination of this question with unfeigned diffidence, when I consider the high nature of the charges preferred, the elevated character against whom they are levelled, and the revered instrument, (the constitution,) on the construction of which they are to be tested.

I am a new member here, and this, I may say, is the first time I have attempted to express my views before the assembled wisdom of the nation.

I must beg leave to express some little surprise, however, that so sweeping and general denunciations should have been proclaimed in so harsh and censorious terms, without something more like proof first offered to sustain them. It would seem to me, that the President of the United States, whose long and arduous public services are known, whose life has been devoted to the dearest interests of the country, and often risked in defence of its constitution and laws, should have the same protection from general and undefined charges as the humblest citizen is known to enjoy in our ordinary courts of justice; that is, to be considered as innocent until the contrary appears. I shall venture, then, to take up the constitution, and square this act of the Chief Magistrate by it, and endeavor to ascertain wherein the violation consists, or whether it strictly conforms to its letter and spirit.

The constitution clearly marks out and defines the division of powers in this Government into three separate and distinct branches, designated as the Legislative, the Executive, and the Judiciary. The first section of the first article provides, that "all Legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." In order to indicate the powers given up to the National Government by the State Governments, the eighth section of the article relating to the Legislative branch, designates the subjects agreed to be yielded to the General Government; the Legislative branch being the most important, as being the basis for the action of the other two. The first section of the second article psovides, that "the Executive power shall be vested in a President of the United States of America;" and, in the third section of the same article, "he shall take care that the laws be faithfully executed." The third article, in the same manner, vests "the Judicial power of the United States in one Supreme" and other courts. The Executive power vested in the President, as the Judicial in the courts, is precisely co-extensive with the Legislative power vested in the Congress; that is, the President is to carry into execution, through the various departments and officers placed under his control, the laws enacted by Congress, and the courts to construe those laws and decide upon their legal meaning in their application to cases which may arise under them. To legislate, to prescribe rules for the government of the nation, and for the regulation of the various departments, and to direct what shall be done, and how and when to be done, the Congress, as the representatives of the people, are all-powerful; supreme within the scope of the subjects yielded by the States. But it was the policy of the framers of the constitution, clearly announced in that instrument, that Congress should have nothing to do with the carrying into execution their laws, or their application to particular cases; the one being vested in the President and the other in the courts; excepting the power of impeachment of the officers in either of the other branches for misconduct. This is the general plan of the division of powers pointed out in the constitution, and is universally true, restrained only by the express exceptions contained in the constitution itself. Thus, "all Legislative power is vested in Congress," &c. is the general proposition contained in the first section of the first article; yet the seventh section of the same article restrains that general expression, by vesting a qualified veto in the President—not an absolute prohibition, as the term implies, and as it is, in fact, in other Governments where it is used, but what practically often amounts to the same thing, it is true, a change in the mode—the majority by which a law shall be passed. So the general clause, declaring that "the Executive power shall be vested in a President," &c. unrestrained by any exception expressed in the constitution itself, would necessarily confer upon the President the absolute power of appointment and removal of all officers necessary to execute the enactments of Congress; but by the second section of the second article, the power of appointment, and that of appointment alone, is restrained, by requiring the advice and consent of the Senate; leaving the power of removal from office, unexcepted, and embraced within the general vesting clause. This appears to me to be a clear, irresistible deduction to be drawn from the plain words of the constitution itself. How could the President fulfil the requisition to "take care that the laws be faithfully executed," without the power of removing from office an officer charged with one of the Executive departments, and who refused to do his duty? With what justice could the responsibility of carrying into effect the Executive power of the nation be imposed upon him, if he be deprived of the power of removal from office those placed in the departments necessary for carrying the laws into effect, who omit or refuse to perform the duties required of them? Such absurdity and folly cannot be attributed to the framers of that instrument. But aware, no doubt, of this necessary conclusion from the constitution, as regards the admitted Executive departments of the Government, the stock directors of the bank, in their manifesto, laid upon our tables in December last, at pages 10 and 11, furnish the text which has been strictly pursued by gentlemen on this floor, that the Treasury Department is not an Executive department, and the Secretary of the Treasury is "the officer of Congress." This position, in fact, lies at the bottom of all the charges of usurpation against the President in removing the Secretary of the Treasury; because if the Treasury Department be Executive, it is too clear to admit of doubt, that the President possesses the right of dismissing, under the constitution; and the whole fabric of denunciation, raised upon this substratum, falls to the ground. The foundation being swept away, the whole superstructure crumbles along with it. It becomes necessary, therefore, to examine with some care, how well or ill-founded is a position, thus made of so much importance to this part of the subject.

I can see no grounds for the distinction between the Treasury Department, and the others which are admitted to be Executive departments, either in the nature of the duties belonging to it, or in the early legislation upon the subject. The duties belonging to it are clearly of an Executive character. Its end and object is the carrying into execution the laws passed by Congress in relation to the revenues of the country—fulfilling the ends prescribed by Congress, and paying moneys appropriated by the legislation of Congress. It is not Legislative, because all Legislative power is vested in Congress, and nowhere else, and cannot be delegated. It is not Judicial; because, although the department must decide on the meaning and construction of laws which have relation to it, for itself, for its own government, as every individual must, upon whom an act of Congress operates, yet it decides no legal controversies between individuals, in the character of a court. Much weight has been attached to the circumstance, much more I think than it deserves, if it were even true that it is not expressly denominated an Executive department. This seems to form the subject of much labor in the manifesto of the stock directors, at the pages referred to, and also in the speech of my honorable colleague, [Mr. Binney,] which has been so highly eulogized, at pages 20, 21, and 22. The titles of the acts of Congress organizing the Department of Foreign Affairs, of the War, and Navy, are given to show the distinction between them and the title! yes, the mere title of that organizing the Treasury Department. Let us turn back to the early legislation upon this subject, and see how it was then considered, and it will be found, I think, that this is a mere technicality—that the Treasury Department was always viewed as an Executive department—"a Presidential department," if you please; and that "in the constitutional sense," and resulting, too, "from official connexion, subordination, and responsibility;" treated as an Executive department, and expressly so denominated. The first that we find in the history of legislation on this subject, after the organization of the Government under the present constitution, is at the first session of Congress held under it, in the first volume of the journals of the House of Representatives, at page 39, May 21, 1789. It is as follows:

"The House proceeded to consider the resolution reported from the Committee of the Whole House on the state of the Union, yesterday, and the same being amended to read as followeth:

"*Resolved*, That it is the opinion of this committee, that there ought to be established the following Executive departments, to wit: A Department of Foreign Affairs, at the head of which shall be an officer to be called Secretary to the United States for the Department of Foreign Affairs, removable by the President; a Treasury Department, at the head of which shall be an officer to be called Secretary to the United States for the Treasury Department, removable by the President; a Department of War, at the head of which shall be an officer to be called Secretary of the United States for the Department of War, removable by the President."

"*Resolved*, That this House doth concur with the committee in the said resolution; and that a committee, to consist of eleven members, be appointed to prepare and bring in a bill, or bills, pursuant thereto." A committee was appointed, who introduced a separate bill for the organization of each department named, and each containing the clause, "to be removable from office by the President of the United States." The bill for the establishment of the Department of Foreign Affairs would seem to have been first taken up, and discussed at length, and particularly the clause, "to be removable from office by the President of the United States," and would seem to have been considered as settling the principle for the other departments, as no discussion appears to have taken place on them. As the discussion then had is calculated to shed some light upon the division of power designated in the constitution, and to sustain the views which I have taken; and taking place at the first meeting of Congress under the constitution, when many of its principles were discussed and settled by some of the same eminent men who framed the constitution; during that session, which lasted nearly seven months, and which was consumed in the discussion and passage of seventy-four laws, generally involving those important constitutional principles, cannot fail to be interesting; I shall take the liberty of quoting a small portion of it. I wish my limits would allow me to quote more. On the motion to strike out the clause "to be removable from office by the President of the United States," some were of opinion that the power was not granted to the President in the constitution, and ought not to be conferred by law, and were, therefore, in favor of the motion. Others were of opinion, that the power was clearly vested in the President by the constitution; that the clause was therefore unnecessary, and were in favor of the motion. The majority, however, (34 to 20,) thought the power was vested in the President, and that the clause ought to be retained. It was at that time retained; but in the course of the passage of the bill, it would seem, that a union took place among all who entertained the opinion that the power was vested in the President by the terms of the constitution, and the clause was stricken out then, another having been previously inserted, recognising that principle in the 2d section of the bill as it finally passed; precisely the same as contained in the 7th section of the act establishing the Treasury Department, to which I shall have occasion hereafter to recur. I read from the 4th vol. of Elliot's Debates, page 145.

"Mr. Sedgwick, of Massachusetts.—I wish the words to be struck out, because I conceive them to be unnecessary in this place." Again, at page 146-'47—"It has been said that there is danger of this power being abused, if exercised by one man: certainly the danger is as great with respect to the Senate, who are assembled from various parts of the continent, with different impressions and opinions. It appears to me that such a body is much more likely to misuse this power than the man whom the united voice of America calls to the presidential chair. As the nature of the Government requires the power of removal, I think is is to be exercised in this way by a hand capable of exerting itself with effect, and the power must be conferred on the President by the constitution as the Executive officer of the Government." Again, at page 148:

Mr. Madison, of Virginia, says: "It is evidently the in tention of the constitution, that the first Magistrate should be responsible for the Executive department; so far, therefore, as we do not make the officers who are to aid him in the duties of that department responsible to him, he is not responsible to his country. Again: is there no danger that an officer, when he is appointed by the concurrence of the Senate, and his friends in that body, may choose rather to risk his establishment on the favor of that branch, than rest it upon the discharge of his duties to the satisfaction of the Executive branch, which is constitutionally authorized to inspect and control his conduct; and if it should happen that the officers connect themselves with the Senate, they may eventually support each other, and, for want of efficacy, reduce the power of the President to a mere vapor; in which case his responsibility would be annihilated, and the expectation of it unjust. The high Executive officers, joined in cabal with the Senate, would lay the foundation of discord, and end in an assumption of Executive power, only to be removed by a revolution in the Government. I believe no principle is more clearly laid down in the constitution than that of responsibility."

Again, at page 149, he continues: "The constitution affirms that the Executive power shall be vested in the President. Are there exceptions to this proposition? Yes there are. The constitution says that, in appointing to office, the Senate shall be associated with the President, unless in the case of inferior officers, when the law shall otherwise direct. Have we a right to extend this exception? I believe not. If the constitution has vested all Executive power in the President, I venture to assert that the Legislature has no right to diminish or modify his Executive authority."

The question now resolves itself into this: "Is the power of displacing an Executive power? I conceive that if any power whatsoever is in its nature executive, it is the power of appointing, overseeing, and controlling those who execute the laws. If the constitution had not qualified the power of the President in appointing to office, by associating the Senate with him in that business, would it not be clear that he would have the right, by virtue of his Executive power, to make such appointment? Should we be authorized, in defiance of that clause in the constitution 'the Executive power shall be vested in a President,' to unite the Senate with the President in the appointment to office? I conceive not. If it is admitted we should not be authorized to do this, I think it may be disputed whether we have a right to associate them in removing persons from office, the one power being as much of an executive nature as the other; and the first only is authorized by being excepted out of the general rule established by the constitution, in these words: 'The executive power shall be vested in the President.'" At page 152, Mr. Boudinot says: "As the Senate are the dernier resort, and the only court of judicature which can determine on cases of impeachment, I am for preserving them free and independent, both on account of the officer and this House. I therefore conceive that it was never the intention of the constitution to vest the power of removal in the President and Senate; but as it must exist somewhere, it rests on the President alone; 'inasmuch as the President is the supreme Executive officer of the United States.'" At page 156, Mr. Ames says: "The constitution places all executive power in the hands of the President, and could he personally execute all the laws, there would be no occasion for establishing auxiliaries; but the circumscribed powers of human nature in one man, demands the aid of others. When the objects are widely stretched out, or greatly diversified, meandering through such an extent of territory as what the United States possess, a minister cannot see with his own eyes every transaction, or feel with his hands the minutiæ that pass through his department; he must, therefore, have assistants. But in order that he may be responsible to his country, he must have a choice in selecting his assistants, a control over them, with power to remove them when he finds the qualifications which induced their appointment cease to exist." At page 180, Mr. Madison again, in reply, says: "Vest the power in the Senate jointly with the President, and you abolish at once the great principle of unity and responsibility in the Executive department, which was intended for the security of liberty and the public good. If the President should possess alone the power of removal from office, those who are employed in the execution of the law will be in their proper situation, and the chain of dependance be preserved; the lowest officer, the middle grade, and the highest, will depend, as they ought, on the President, and the President on the community. The chain of dependance, therefore, terminates in the supreme body, namely, the people; who will possess, besides, in aid of their original power, the decisive engine of impeachment." Again, at page 181, he says: "I conceive that the President is sufficiently accountable to the community; and if this power is vested in him, it will be vested where its nature requires it should be vested; if any thing in its nature is executive, it must be that power which is employed in superintending and seeing that the laws are faithfully executed; the laws cannot be executed but by officers appointed for that purpose; therefore, those who are over such officers certainly possess the executive power." At pages 199 and 200, Mr. Ames again, in reply, says: "If the Senate are to possess the power of removal, they will be enabled to hold the person in office, let the circumstances be what they may that point out the necessity or propriety of his removal: it creates a permanent connexion; it will nurse faction; it will promote intrigue to obtain protectors, and to shelter tools. Sir, it is infusing poison into the constitution; it is an impure and unchaste connexion; there is ruin in it; it is tempting the Senate with forbidden fruit: it ought not to be possible for a branch of the Legislature even to hope for a share of the Executive power; for they may be tempted to increase it, by a hope to share the exercise of it. People are seldom jealous of their own power; and if the Senate become part of the Executive, they will be very improper persons to watch that department: so far from being champions for liberty, they will become conspirators against it.

"The Executive department should ever be independent, and sufficiently energetic to defeat the attempts of either branch of the Legislature to usurp its prerogative. But the proposed control of the Senate, is setting that body above the President; it tends to establish an aristocracy; and at the moment we are endangering the principles of our free and excellent constitution, gentlemen are undertaking to amuse the people with the sound of liberty."

Thus reasoned the sages of the first Congress under the present constitution, during a long debate in settling a principle of the constitution, almost cotemporaneously with its existence, at a time when party strife had little or no place in their deliberations, and the result was the insertion of the clause, "Whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy," (the inferior officer should have the charge of the books, &c.) in the room of the words "in case of vacancy in the said office of Secretary to the United States for the Department of Foreign Affairs," by a vote of thirty to eighteen—Journal of House of Representatives in Congress, page 51—when the clause "to be removable from office by the President of the United States" was struck out, as being unnecessary after the insertion of the first. The principle settled, as I take it to be perfectly obvious, was, that it required not an act of legislation to confer upon the

President the power of removal from office, that being a necessary incident, indeed, of the very essence of the Executive power conferred by the constitution; and the phraseology adopted fully recognised that principle, and could be applicable only to an Executive department. The second section of the act establishing the Department of War (second volume Laws United States, page 32) contains the same clause as to the removal from office by the President of the United States; and the seventh section of the act to establish the Treasury Department, page 50, is in precisely the same language: "That whenever the Secretary shall be removed from office by the President of the United States, or in any other case of vacancy in the office of Secretary, the assistant shall, during the vacancy, have the charge and custody of the records, books, and papers, appertaining to the said office." To suppose the eminent and intelligent men who compose that Congress guilty of so shameful negligence as to insert in the law establishing a department which they did not view as an Executive department, the same sentence which had been matured with so much deliberation and full debate upon the very point of the power of the President to remove the Executive officers, would be more than any one at the present day would venture in a direct form. Is it not the same thing to do it indirectly, by alleging that the word executive was intentionally dropped from the title because they did not consider it of that character? It would be a reflection upon our fathers to suppose them guilty of such folly, as intentionally to leave out the title, and impose upon posterity by retaining the substance. They were not so much governed by mere names and titles as some of our modern sages and politicians. They inserted the clause only applicable to an Executive department, as is abundantly apparent from the whole course of the debate, in a bill prepared pursuant to a resolution of the whole House, expressly calling it an Executive department, and pointing out no distinction between it and the other Executive departments.

The next act of Congress to that establishing the Treasury Department, (vol. 2, L. U. S. p. 50,) is one entitled "An act for establishing the salaries of the Executive officers of Government, with their assistants and clerks." The first officer named in that law, thus entitled, is the Secretary of the Treasury. The next succeeding act is that changing the Department of Foreign Affairs into the Department of State; the 7th section of which, (vol. 2, p. 52,) after speaking of the books, records, and papers remaining in the old office, provides that "such of the said books, records, and papers, as may appertain to the Treasury Department, or War Department, shall be delivered over to the principal officers in the said Departments, respectively, as the President of the United States shall direct." Now, why should the President have the direction of the papers of the respective departments, but because they were Executive departments, and because he was considered as having the general supervision and control of both departments, and therefore to judge of the papers which properly appertained to each? The next act I shall notice is that entitled "An act making alterations in the Treasury and War Departments." (Vol. 2, L. U. S., p. 303.) The 8th section of that act provides: "That in case of the death, absence from the seat of Government, or sickness, of the Secretary of State, Secretary of the Treasury, or of the Secretary of the War Department, or of any officer of either of the said Departments, whose appointment is not in the head thereof, whereby they cannot perform the duties of their said respective offices, it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize any person or persons, at his discretion, to perform the duties of the said respective offices, until a successor be appointed," &c. Upon what grounds could the President of the United States be asked, or expected to think or judge it necessary that a person should be authorized to perform the duties of these respective offices, if it were considered that he had not the power and right of inspection and control over them? This provision would be nonsense upon any other premises than that of the right of discretion, resulting from "official connexion, subordination, and responsibility," as well as from "tenure of office." Suppose a law proposed that, in case of the death, &c. of the Clerk or Speaker of this House, the President or Chief Justice of the Supreme Court should be authorized, if he should think necessary, to appoint some one, at his discretion, to perform the duties, &c. of the Speaker or Clerk, as the case might be, would not every one be startled at the absurdity of such a proposition? Certainly; and why? Because there is no official connexion between the President or Chief Justice and the officers of this House. Neither has any right to superintend, inspect, and control their proceedings; they are not officers of the Executive or Judiciary branch of the Government; therefore, neither could think it necessary—could not exercise any official discretion to ascertain whether the appointment was necessary or not. The law of 1792, referred to, cannot but suppose an official connexion and subordination, as regards the State, Treasury, and War Departments, with the President. So, the act of February, 1799, entitled "An act respecting balances reported against certain States by the commissioners appointed to settle the accounts between the United States and the several States," (Vol. 3, L. U. S. p. 122,) after providing that if any State against which a balance was reported should by a legislative act engage to expend in erecting fortifications, &c. according to such plan as should be approved by the President of the United States, a sum equal to the balance reported, it would be accepted as a full discharge, proceeds: "And the President of the United States shall be, and hereby is, authorized to cause credit to be given to such State on the books of the Treasury of the United States accordingly." Why authorize the President to cause credit to be given on the books of the Treasury, if there be no official connexion between him and the Secretary of the Treasury, or if he have no right to direct or control that Department? Would it not be preposterous and absurd to authorize him to cause any entry to be made upon the records of the Supreme Court, or upon the journals of the Senate or this House? He has no business with either the records of the court or the journals of either House officially; and it would be absurd to require any entry to be made on them, there being no official connexion or responsibility. Not so, however, must the Congress of 1799 have considered the relation between the President and the Treasury Department, unless we are to suppose them guilty of the grossest absurdity in the passage of that law. It is astonishing the numerous acts scattered throughout the statute-books which plainly recognise the connexion between the President and the Treasury Department, and his supervision and control over it, when we come to examine; such as the act making provision for the debt of the United States, (2d vol. L. U. S. p. 306,) which appoints the President of the Senate, Chief Justice, Secretary of State, Secretary of the Treasury, and Attorney General, and authorizes any three of them, "with the approbation of the President of the United States, to purchase the debt of the United States," &c. The act to repeal the internal taxes, (vol. 3, L. U. S. p. 469,) which empowers the President, whenever the collection of duties or taxes shall have been so far completed in any State or district as in his opinion to render that measure expedient, to discontinue the offices—collectors to be appointed and removed by the President alone, and accountable to the officers of the Treasury Department, &c. Various others might be referred to, manifesting most clearly this connexion and control over the Treasury as an Executive department. But I shall trouble the House with a reference to but one act more, in which it is expressly denominated, with the other Departments, as an Executive department; that is the act of April 24, 1800, entitled "An act to make further provision for the removal and accommodation of the Government of the United States," (3d vol. L. U. S. p. 362.) The 2d section authorizes, for the purpose of providing furniture, &c. "a sum, not exceeding fifteen thousand dollars, be expended under the direction of the heads of the several Departments of State, of the Treasury, of War, and of the Navy." The 3d section continues, "that, for the suitable accommodation of Congress, at the city of Washington, the Secretaries of the four Executive departments, or any three of them, shall be, and hereby are, authorized and directed to cause suitable furniture to be forthwith provided," &c. Now, if the Treasury Department be not executive, will my honorable colleague, [Mr. Binney,] who assumed that position, following and commenting on the text furnished by the stock directors of the bank, and who labored so hard to sustain it, be good enough to tell me what four Executive departments are denominated as such in this law? Sir, there is not room for even a technical quibble—the foundation for even that is completely swept away from the gentlemen who have assumed this new and strange doctrine that the Treasury Department is not constituted one of the Executive departments of this Government. It has never been considered, and never called any thing else than an Executive department, since its first establishment by law, until it was found necessary to put forth a different and new system, during the present controversy with the bank. An abundance of documents in the early and continued history of the Government, down to the present day, might be referred to, manifesting, most clearly and satisfactorily, that it was always treated as an Executive department, and never in any other light. I just now think of one which I consider entitled to much weight. It is the letter of General Washington, then President of the United States, (which may be found in Clarke's History of the Bank of the United States, page 94,) to Alexander Hamilton, Secretary of the Treasury, dated the 16th of February, 1791, but a brief period after the venerable Father of his Country had officiated as the presiding officer of the convention of eminent men who framed the constitution, and when its principles were certainly as well understood as at the present day. The act to incorporate the subscribers to the Bank of the United States—the old bank—had passed both Houses, and was presented to him for his approval. In his letter to the Secretary of the Treasury, he states this fact, and proceeds: "The constitutionality of it is objected to. It therefore becomes more particularly my duty to examine the grounds on which the objection is built. As a mean of investigation, I have called upon the Attorney General of the United States, (Edmund Randolph,) in whose line it seemed more particularly to be, for his official examination and opinion. His report is, that the constitution does not warrant the act. I then applied to the Secretary of State (Thomas Jefferson) for his sentiments on this subject. These coincide with the Attorney General's; and the reasons for their opinions having been submitted in writing, I now require, in like manner, yours, on the validity and propriety of the above recited act," &c. Employing the very term require, used in the 2d section of the 2d article of the constitution which says: "He (the President) may require the opinion, in writing, of the principal officer in each of the Executive departments, upon any subject relating to the duties of their respective offices," &c. Does not this show, conclusively and unanswerably, that President Washington considered the Secretary of the Treasury an Executive officer, whose opinion he had a right to require under that provision of the constitution? It certainly does; and will it be pretended that he did not understand it? I trust not. The right to require the opinion of the officer, as conferred by this clause of the constitution, conveys, of itself, *ex vi termini*, very forcibly, the idea of the right of direction and control; and the power of removal from office is most obviously established by all the authorities upon the subject; indeed, is too glaring to be denied, and is not denied, as far as I can understand, but on the single ground assumed that the Secretary of the Treasury is not an Executive officer; and those I consider as completely swept away by the authorities to which I have referred. But the Secretary of the Treasury is said to be "the officer of Congress (report of the stock directors, page 10)—"the agent of Congress," (minority report of Committee of Ways and Means, page 4.) These are new coined phrases—exotic terms, strangers to the constitution and laws—and never used under them, that I can find, until in the present controversy. It is one of the ingenious devices framed for the present occasion. Now, what is "the agent of Congress?" Sir, it is, I apprehend, neither more nor less than the Executive branch of the Government, including its auxiliaries and various departments found necessary for the execution of the multiplied laws passed by Congress. The relations of the Legislative and Executive branches of the Government, are precisely the same as those which exist between principal and agent, excepting in the creation and continuance of the agency—the power of the agency—the power of attorney. In the former, the constitution is the power of attorney, the paramount instrument above both, which prescribes the mode of creating that agency independent of the principal, rendering it equal and coordinate with the principal. In the latter, the principal creates the agent, and is, of course, his superior. In all other respects, the Executive branch, the head of which is the President, is the agent, the constitutional agent, the only agent of Congress, possessing, by the authority of the constitution, the agency which Congress cannot take away. Congress gives the instructions what must be done, and how, and when, and where, to be done; and the whole scheme of the constitution forbids the idea of the Legislative branch, by any delegation they can make, prescribing the details of carrying their laws into execution, further than is contained in the laws themselves. I defy any gentleman to furnish a single instance, since the adoption of the present constitution, of Congress undertaking to appoint an agent to carry into effect any law or resolution, independent of the Executive. It cannot constitutionally be done. The term "agent of Congress" was familiar from 1774, during the existence of the Federal Congress, until the adoption of the present constitution in 1788, for the simple reason that, in the scheme of that Government, considered rather of a temporary nature, there was no Executive branch; and, therefore, Executive duties and powers were vested by that Congress in committees of its own members, commissioners, or "agents." That the Secretary is to "report to Congress," so far from providing that the duties are legislative, to my mind tends to prove the reverse—that they are executive. By the constitution, the President is required to "give to the Congress information of the state of the Union," or, in other words, to report to Congress. That the Secretary is to report to Congress, certainly rather implies that he belongs to a distinct and separate branch, than that he is a part of the same body to whom report is to be made. It is very customary for Congress, or for either branch of Congress, by law or resolution, to call upon the President, or any of the Executive departments, for information, or to make report; but I believe one branch of the Legislature has never called upon the other to make report to it; and perhaps it would justly be considered an insult to do so.

That the Treasury Department has always been considered, treated, and denominated as one of the Executive departments, and the incumbent in it subject to the supervision, control, and direction of the President, in the great leading principles of managing and conducting its concerns, just as the heads of the other Executive departments, is proved by the whole current of communications of the successive Secretaries of that Department, from the commencement of the Government, and is abundantly manifest to any one who will take the trouble of perusing them. William H. Crawford, Secretary of the Treasury, in his letter of February 24, 1823, directed to the chairman of a committee of the House of Representatives, assigning his reasons why he did not even report his reasons to Congress for removing certain deposites from the Bank of the United States to State banks, expressly speaks of it as the Executive department of course, and says: "The arrangements proposed were maturely considered, and adopted with the approbation of the President," &c. Many other communications might be referred to, all bearing concurrent testimony on their face. And what, I ask, is the common understanding of the community on the election of a new President? Is it not that he shall select his cabinet officers, including the Secretary of the Treasury, from those who concur with him in great measures of administration generally? And has it ever been understood that that Department formed any exception? Is not the President looked to by the people as the single responsible head for the purity, ability, and integrity of the administration in all those Departments, including that with the others? Most unquestionably he is. It has never before been doubted. The intelligent letter of Richard Rush to Messrs. Jackson and Robinson, of the 22d of November last, under the circumstances under which it was written, I think is entitled to great weight. This whole nation is well acquainted with the opportunities which that eminent man has enjoyed as a diplomatist and financier. He was well known as a friend to the bank, and a firm and sincere believer in its usefulness. He belonged to the anti-masonic party, most of whom, in Pennsylvania at least, were opposed to the measures generally of the present administration; and Mr. Rush had always been understood as being generally opposed to it; was placed on the ticket as an elector for the opposing candidate to the present Chief Magistrate; and, for aught that appears, is still politically opposed to him, and opposed to his measures, excepting this with regard to the bank; and was replying to gentlemen of his own party, who had indicated their opposition to the measure; yet he had too much honesty to suffer his feelings to be carried away by such considerations, and expresses his opinions just as he entertained them through all his enlightened experience. As that letter is quite full on most of the grounds taken on this subject, I cannot forbear presenting a small portion of it as applying very forcibly to those charges of usurpation committed in the dismissal of the Secretary of the Treasury. He says: "The idea of a President committing an act of usurpation on a Secretary of the Treasury, has something new in it, when I come to open the constitution. That instrument establishes three co-ordinate branches of Government, the Legislative, Executive, and Judiciary. The powers of the first it gives to Congress, of the second to the President, and of the third to the courts. Whence the Secretaries of the Executive departments, of which the Treasury is one, derive any independent executive power, I am unable to perceive. The sixteenth section of the bank act does, it is true, designate him as the officer for the duty mentioned; so does the second section say that the subscriptions to the bank, when first made, are to be returned to him; and the fifth, that none of the funded debt subscribed as stock should be sold by the bank for coin or bullion, without previous notice to him; the sixth, that he should make the United States subscriptions; the fourteenth rule, that, with his approbation, the bank might employ other banks, in place of its own branches, for doing certain acts of business; and the fifteenth, that the affairs of the bank were to be laid before him in weekly reports: all the provisions plainly regarding this officer as the regular organ of the Executive for the performance of such and similar duties, made necessary on the incorporation of an institution for the exclusive purpose of aiding the Government in its financial administration.

"But not one of these clauses takes away the controlling power of the President. If it did, the second article of the constitution might as well be repealed; more especially as it also declares that the President, not any other officer, is to see that the laws are faithfully executed. Could Congress create a general, with power independent of the President, in the face of the clause that makes him commander-in-chief by sea and land? Every voice will say no. I hold it to be equally clear that Congress cannot, in any case, charge an officer in the civil service, appointed by the President, with any executive duty to be performed independent of his controlling authority. If his military and naval supremacy, as secured by the constitution, would be a bar in the one case, the investment of the Executive power in him alone would as certainly form one in the other. His control over every public officer is the resulting principle that pervades every part of the public administration. It meets us at every step, in foreign service, in the home service, in peace and war, under all conjunctures. The only officers of his appointment who can, by any possibility, be above his control, are the judges. There would be neither harmony nor efficacy in our system, but for this singleness in the Executive. It has, therefore, been placed on a basis too clear to be misunderstood, and too firm to be overset. That the judges are independent of him, is because they are not of the Executive branch, but one that is co-ordinate, and because the tenure of their offices is not in his hands. The absence of these two ingredients necessarily throws back every other officer in a position of inferiority to the President. There are duties that savor of the judicial, devolved by Congress on the Secretary of the Treasury. The chief may be found in the act of March, 1797, for remitting revenue forfeitures, and in that of June, 1798, for discharging insolvent debtors; but as they are not judicial in the sense of co-ordinate authority, I should hold it to be incontrovertible that the right of Executive supervision, in cases appearing to require it for ends of public or individual justice, is not taken away; and this although the President's name is not to be found in either of the acts. There is no other way of reconciling the second article of the constitution with the provisions of these and numerous other laws regulating the details of administration that lie scattered over the face of the statute-book. I cannot, therefore, doubt the President's right to remove the deposites or order their removal, however the Secretary of the Treasury may have conscientiously held a different opinion. His paper submitted to the cabinet on the 18th of September settles, by at least one authentic precedent, this as the rightful construction of the constitution. It has taken the true stand upon its elements, saving it from heresies, under which, if they prevailed, it would soon perish in some of its best parts. The paper should, in this respect, be especially hailed by those who would desire to seek the true meaning of the Executive power, by turning to the original principles and permanent ends of the instrument. All such may with safety join the illustrious Madison in saying, that 'if any power be in its nature executive, it is that of appointing, overseeing, and controlling those who execute the laws.'"

In Pennsylvania, the Treasury Department is placed out of the control of the Chief Magistrate altogether;

but even in this we find evidence in favor of the conclusions which I have deduced from an examination of our constitution and laws, instead of against it. Some of the same men who framed the constitution of the United States were delegates in the State convention of Pennsylvania, which framed the constitution about two years afterwards. A provision was inserted in that constitution for the annual election of a State treasurer, by the Legislature; and also for the appointment of a secretary of state, by the governor, to hold his commission during the governor's continuance in office, if he should so long behave himself well: thus evidently manifesting that the framers of the Pennsylvania constitution viewed those departments as in themselves executive, and embraced in the general executive power vested in the governor; and in order to make them exceptions from his supervision and control, it was necessary to do so in the constitution; and, if not, it could not form the subject of future legislation.

We have had here some new divisions of powers, not warranted by the constitution or usage of the country. Powers are conceded to the President which, I humbly conceive, were never conferred by the constitution, and others which are clearly conferred are taken away, it would seem, for the purpose of bringing the present Chief Magistrate within the grave charge of usurpation. The honorable and venerable gentleman from Rhode Island, [Mr. Burges,] at page 3, part 2d, of his remarks on this subject, speaks of the "effort made by the Chief Magistrate of the United States to bring into his own control the money power of the nation, and thereby to unite, in his own hands, this overwhelming power with the political power vested in him by the constitution." What political power, I pray, is vested in him by the constitution, separate from his power and duty to "see that the laws are faithfully executed?" By what article, section, clause, sentence, or syllable of the constitution, is the political power of this Government vested in the President? To me, this division of power is perfectly unintelligible. It has no foundation in the constitution, any law, or the most remote inference that can be drawn from either. Sir, the political power, as I understand that term, is reserved to the people, and has never been surrendered by them to any branch of their public servants, and was not necessary to be surrendered. It has never been claimed by any President, and I trust it will never be yielded to any. Again, at page 9, he says: "The Executive power, the power of the sword, is all the power continually abiding with the President," &c. He here puts forth Executive power and the power of the sword as synonymous and equivalent terms, meaning the same thing, no more and no less; and asserts that as continually abiding (by the constitution, I suppose) with the President, or, in other words, conferred upon him by the constitution. Sir, I deny that the President possesses any power over the sword in the sense in which that phrase has been used in that country from which it is borrowed. In England, it is a figurative expression, and means the power of declaring war, of raising armies, and making peace; which, there, is an exclusive and acknowledged prerogative of the Crown, as every one knows who has ever read even the elementary writings on the laws and policy of that Government. Not so, however, in the United States. Here, war cannot be declared, nor armies raised, but by a solemn act of the representatives of the people in Congress; nor peace concluded, but with the consent of two-thirds of the Senate. The power of the sword, about which we have heard so much senseless clamor, is not vested in the President by the constitution—has never been attempted to be exercised, and never claimed by him. His being, by constitutional investment, the commander-in-chief of the army and navy, vests not in him the power of the sword, in the sense in which all political and legal writers have used that term, and in which it is universally understood wherever it has been used. He is not vested with one whit more power in relation to the sword, or military subjects, than other subjects upon which Congress are authorized by the constitution to legislate. What is the money power, or power of the purse, which he has been denounced as endeavoring and struggling to unite in his own hands with the political power, and the power of the sword? It is understood, as universally as the other, to be the power of taxation and appropriation of money, and is so used by all political writers who speak of it. I at once admit this is not vested in the President, nor has it ever been exercised or claimed. This division of powers by subjects is unwarranted and unauthorized by the constitution--is an utter stranger to it, and would lead to interminable conflict and confusion, if attempted to be brought into practical operation, and destroy the harmony and beauty which is clearly discernible throughout all the parts of that well-digested and happily framed instrument. The question is, not what subject of action, sword or purse, or any thing else, belongs to or is vested in the Congress, and what in the President; but what is the nature or character of the act to be done in relation to that subject, be it what it may. Is it legislative or executive? If it be the former, whether it relates to the army or navy, the money, revenue, lands, or whatever else, the property or interest of the United States, it clearly belongs to Congress. If it be the latter, no matter what the subject be, it as clearly belongs to the President. The honorable gentleman from Rhode Island [Mr. Burges] has laid much stress upon the difference in the phraseology of the first and second articles of the constitution; the first conferring "all legislative power" on the Congress, and the second "the executive power" on the President. As I understand him, "all legislative power herein granted" means the legislative power, and, in addition to it, an undefined, undesignated part of the executive and judiciary powers of the Government, (because the judiciary power is conferred by the definite article *the*, as well as the executive,) and that the executive power does not mean *all* the executive power, but only a *part* of it; including that part of the legislative power which relates to the army and navy—the power of the sword, which he is willing to concede to the President entire, provided he can compromise it by convicting him of usurpation in performing an executive duty with regard to the Treasury Department. But the honorable gentleman's criticism upon the phraseology of the sections would cut both ways. If all legislative powers granted by the constitution be vested in a Congress--that Congress consisting of a Senate and House of Representatives—it excludes all possibility of any legislative powers being reserved for the Treasury Department--ergo, that Department is not legislative.

But in sober seriousness, what is the amount of this difference in the wording of the article relating to the Legislative branch, and that of the other two articles relating to the Executive and Judiciary; the word "all" being used in the first, and not in the other two? It is very clear it was not intended to convey a greater or more extensive universality; for although the word all is used in the first section of the first article, yet the seventh section of the same article restrains its application, by giving the President a qualified veto upon the action of Congress. The framers of the constitution had mainly in view the designation of the subjects to be surrendered by the States to the General or National Government. In the 1st article, they provide that "all legislative powers herein granted shall be vested in a Congress," &c.; that is, the power of legislation respecting all subjects embraced in the constitution, and yielded by the States, by its terms, shall be vested in a Congress, &c.; and as the legislation of a Government is the foundation of all other action, they proceed in other sections of that same article to mark the boundaries of the National Government, and to point out the subjects of its action, in the powers of Congress. In the second article they proceed: "The executive power shall be vested in a President," &c., having reference to the foregoing article. Having laid the foundation in the first article, all that was necessary in the other two to convey their meaning was to refer to it by the use of the definite article *the.* The executive of what? Why, of that of which the foregoing article is the legislative; and is the whole executive power, which is entirely conferred by that section upon the President, and so remains, excepting so far as is limited and restrained by the succeeding sections of the same article. The gentleman has urged as an argument against the executive power being vested in the President the physical impossibility in his performing or personally overseeing and superintending all the executive action of the Government, and contends that executive power means only the power of commander-in-chief. This argument proves too much, and, therefore, nothing. It would be as impossible for the President to be personally present, actually and in person superintending and commanding in the various divisions, regiments, &c. which might be necessarily scattered in many distant parts of the Union, on the ocean, or in foreign countries, as it would to superintend and oversee even the details of the different civil departments. It is very clear that it was not intended by the constitution, in vesting the executive power in the President, or in constituting him commander-in-chief, that he should attend in person to all the details belonging to either. He was constituted the responsible head of all the Executive departments; to lay down the general rules of administration—to direct and control in the great leading principles of carrying into execution the laws of the land, as passed by Congress; and for this purpose, might require in writing the opinion of any of the executive officers, as well to assist and aid him with their reasons and arguments, as also to enable him to ascertain what their qualifications were, and whether their opinions harmonized with the general plan of administration marked out under the legislation of the country; and, if not, that he might dismiss them, and give their places to others. Without this single and united responsibility there could be no harmony in any administration. It would be unreasonable and unjust to expect it. But it has been said that the officers of the Treasury Department are accountable to Congress. I admit it to the full extent; and so are all executive officers, by impeachment, and subject to be called upon by Congress for information in relation to their respective departments; but they are more immediately accountable to the President, as their executive head. There is no distinction among them in that particular.

Much has been said by the gentleman from Rhode Island on the third section of the fourth article, which authorizes Congress "to dispose of," and make all needful rules and regulations respecting the territory and other "property of the United States." Who ever questioned the power of Congress to dispose of, and make needful rules and regulations respecting the property of the United States? No one. Who ever thought of the President disposing of the property of the United States but under a law of Congress authorizing that disposition? Nobody. Congress must pass the law for the disposition, as their wisdom and discretion may dictate; but, when the law is passed, it must be carried into effect through the instrumentality, and on the responsibility of the agent designated in the constitution—the President, or some of the subordinate executive officers; and that agency would seem to me necessarily to carry along with it the custody, the mere safe-keeping of the property to be disposed of.

Mr. Speaker, it is matter of some curiosity and amusement to cast an eye over the various discordant, repugnant, and irreconcileable doctrines which honorable gentlemen have laid down here, upon which to base the denunciations of usurpation and tyranny against the Chief Magistrate; scarcely two of them agreeing with themselves, and no one of them not contradictory to the plain spirit and meaning of the constitution and laws passed in accordance with its provisions. One stoutly asserts that the dismissal or removal of the Secretary of the Treasury was a legislative act, that department being a Legislative department; and sustains it with a great deal of broad and vehement declamation. Another admits that it is an Executive department, but that the removal could only be effected by the same power which made the appointment—the President and Senate united. Another admits that it is an Executive department, and the officer an Executive officer, and removable, too, by the President, but that there is no official connexion or responsibility—no right to direct or superintend in any way; or, in other words, that the President may remove, but not upon any means of ascertaining whether the removal ought to be made or not: he may remove, but he must have no reason for that removal; and that the removal would be a usurpation and tyranny upon the officer. And one honorable gentleman from South Carolina [Mr. McDuffie] assumed the high and startling position, with an apparent sincerity and zeal, and with a boldness only equalled by its palpable and glaring absurdity, that the constitution confers no power whatever upon the President, and gravely and solemnly pronounces it a "monstrous revolting heresy," to suppose that it was designed for any other purpose than merely "to designate the title of the Chief Magistrate!" (See his speech.) Yes, that the wise and eminent men, brought up in the school of practical life, who framed the constitution, were guilty of the solemn and profound mockery of requiring, in the express provisions of that instrument, the highest qualifications for the Chief Magistrate; that he should be a natural born citizen, or a citizen at the time of its adoption—should have attained the age of thirty-five years, and been fourteen years a resident—the obligation of an oath more solemn and imposing than that required of any other officer, to "preserve, protect, and defend the constitution of the United States;" and declaring that "the executive power shall be vested in a President," &c.; and yet all this, for the mere silly purpose of "designating the title!"

These various incongruities and heterogeneous solecisms furnish an illustrious example to be recorded on the page of our political history, and handed down to posterity, of "harmonious confusion;" and present a "beautiful system of wretched variety." As the poet expresses it—

> "Like some patch'd dog-hole ek'd with ends of wall."

But they all harmonize wonderfully in the same conclusion deduced by such various and irreconcileable means, that the constitution has been violated; and yet its bleeding wounds are to be all healed, simply by restoring the people's money to the false-named Bank of the United States.

Sir, upon the most mature, calm, and unbiased reflection, and the fullest and broadest examination of this part of the subject of which I am capable, my mind has arrived at the clearest conviction, that there is no just foundation whatever for the charge against the President of either assumption of Legislative power, or usurpation or tyranny upon the officer; that all the eloquence and zealous declamation which has been expended here to sustain it is but empty, vain, and unmeaning clamor; that the Treasury Department is clearly designated, and expressly recognised and demonstrated by law, and always treated in practice as an Executive department, and consequently subject to the supervision and direction of the President; that the power of the President to remove the principal officer in the Department at his discretion, and on his responsibility, follows as a natural consequence, and is, besides, explicitly recognised in the very act establishing the Treasury Department; and that, therefore, in the removal of the deposites from the Bank of the United States, so far as the President was concerned, in discharging Mr. Duane from the Department, because, among other reasons, he omitted and refused to carry into effect that measure, and change the place of deposite of the public money, although he had promised to do so, there was not the least violation of the constitution and laws; but, on the contrary, if the President conceived, as I think he well might, that the measure was a necessary and important one, he would have been faithless to his trust, if he had not done what he did. If the President had been opposed to the removal of the deposites, and the Secretary in favor of it, and had been permitted to have changed the place of deposite, without the President's dismissing him, charges of a very different description--of weakness and pusillanimity, would have been rung in our ears from the same quarter, with the same zeal and vehemence which we have heard on the present occasion. While, therefore, we are guarding the Legislative branch from encroachments upon its powers and rights by the Executive, it becomes us to be cautious lest we run into the other extreme; one, I apprehend, much more likely, and perhaps not less dangerous, of encroaching ourselves upon the rightful and constitutional duties of the Executive.

Mr. Speaker, I beg pardon of the House for dwelling thus long upon this part of the subject, and will promise greater brevity in the examination of the remaining inquiries.

The next branch of the subject I have proposed to examine, is contained in the following inquiry:

Was the removal of the deposites illegal, and a breach of the contract with the bank, as contained in the charter?

This question arises, and is to be determined upon the fair construction of the 16th section of the act of the 10th April, 1816—"An act to incorporate the subscribers to the Bank of the United States," which provides "that the deposites of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank, or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order or direction." This section was not originally in the bill, as it was reported by the committee, but was inserted in the course of its passage before it became a law; and would, therefore, seem not to have been considered a provision originally of much consequence. However, it was embraced as a part of the law, and is now entitled to the same respect in construction, as if it had formed a part of the original projet. I admit, sir, it is a contract; all contract, if you please, as asserted by my colleague, [Mr. Binney,] but a qualified, conditional contract; and it strikes me to be perfectly plain what is its meaning, without any comment or illustration on the subject; as much so as any course of reasoning could make it. That the Secretary of the Treasury is an Executive officer and subject to the control and direction of the President, has been already clearly shown; and from this arises another principle, as I apprehend, a universal principle of law, which must be taken into consideration in its construction as applicable to the circumstances here. It is this: that whenever a duty is imposed by law upon a subordinate officer, designating him by his official character as such, the right of supervision and control of that superior is necessarily carried into the enactment, by legal intendment, and considered as being in the view of the Legislature in the passage of the law. I could easily furnish examples to illustrate this principle, if it were necessary, or time would permit. If a deputy sheriff were required to perform a certain duty, by a law which characterized him officially as such, it would not interfere with the right of his principal to dismiss him at any time he thought proper, and for no other reason than his not performing that very duty; nor in any way dissolve the connexion between them. Nay, more; the sheriff would be responsible on his bond for the failure of his deputy to perform it. So, the section here quoted names the Secretary of the Treasury, who is to give the order with regard to the deposites in the bank, and names him in his official character as such; and as I think it abundantly proved that he is an Executive officer, subject to the supervision and direction of the President, as such, it is equally clear that the power and duty conferred upon him by its terms, is to be understood *sub modo*—subject to all the conditions, restraints, and circumstances, under which the tenure of his office is placed, either by the constitution or prior legislation; and is not to be construed as affecting in any way, or taking away this right of the President to control or superintend the Secretary of the Treasury in the performance of that or any other duty, or of removing him from office; and, in fact, becomes a part of the business placed, in contemplation of law, under the superintendence and control of the President. This is the view taken by Mr. Rush, in that part of his letter which I have already quoted. It is far from meant or intended here, that this official subordination, necessary in all Governments, and in all communities governed by laws, creates, in our republican form of government, any personal distinctions whatever.

With this principle, then, in view, what is the contract contained in this part of the charter? The 16th section, already quoted, contains the agreement on the part of Congress, that the deposites of the money of the United States shall be made in the bank and branches, "unless the Secretary of the Treasury shall at any time otherwise order and direct." This section confers no power on the Secretary, but leaves him just with the powers he had before—reserves that in this stipulation with the bank, precisely as it was, subject only to the requirement of his reasons to be laid before Congress, for ordering and directing that the deposites should be made otherwise than in the United States Bank and branches; and contains a declaration to the bank, recognising in the Treasury Department the superintendence and control of the revenue, so far as regarded its collection and custody. This is not only manifest from the bare reading of the section, and the whole act taken together, but is rendered still more clear by referring to the circumstances that existed at the time of its passage, which must be supposed to have entered into the view of Congress. By the act establishing the Treasury Department in 1789, (vol. 2, L. U. S. page 48,) it was made the duty of the Secretary "to prepare plans for the improvement and management of the revenue, and for the support of public credit; to prepare and report estimates of the public revenue and the public expenditures; to superintend the collection of the revenue," &c. By the act of May 1792, (2d vol. L. U. S. page 504,) he "shall direct the superintendence of the collection of the duties on imports and tonnage, as he shall judge best," &c. By the continued practice of the Government, through the successive terms of Hamilton, Gallatin, and Dallas, as Secretaries in that Department, for nearly thirty years, the collection, custody, safekeeping, and depositing of the public money, had been conducted and managed by the Secretary of the Treasury for the time being, as might be thought best. The deposites were removed from one bank to another, as was supposed by the Department best to suit the convenience of the country and serve the interests of the public. On this state of circumstances the law passed, and this part of the contract, on the part of Congress, is clearly conditional or qualified, depending upon the discretion of the Treasury Department unrestrained, further than that the reasons should be submitted to Congress. The Secretary is not limited to any specific reasons—nor bound by the mere consideration of the safety of the money, or the interests of the bank, although both these always ought to have their due weight; and, of course, his duty would require that the public money should not be deposited where it would be unsafe. But the bank has put in the modest claim of damages! on account of the removal of the deposites, alleging that the sum of one million five hundred thousand dollars, was paid in consideration of the agreement contained in the 16th section, on the part of the Government, to deposite the public money in its vaults; which was absolutely its right under the charter, subject only to the condition of the deposites being unsafe. This is clear and palpably a misconstruction of the act. The 20th section requires the bank to pay one million five hundred thousand dollars, "in consideration of the exclusive privileges and benefits conferred by this act upon the said bank." The next succeeding section (the 21st) contains the exclusive privileges and benefits, that no other bank should be established during its continuance, and to bring suits, use its corporate name, &c., after the expiration of its charter for two years. These were the equivalent for the consideration mentioned in the 20th section, as the conditional custody of the public money, as contained in the 16th section, is the equivalent for the duties required in the 15th section—"to give the necessary facilities for transferring the public funds from place to place, without charging commission," &c. The 16th section contains no exclusive privilege or benefit, and therefore forms no part of the consideration contained in the 20th section. The exclusive privileges and benefits conferred by the 21st section alone, that no other bank should be established, were more than an equivalent for the sum required under the 20th section, and could now command more than twice or thrice that sum from any new company we might incorporate on the same terms; besides the important privilege granted in the 14th section, making its bills and notes a legal tender in payment of all debts due to the United States, unless Congress should pass a law to the contrary. In Pennsylvania, it has been very common to receive a bonus from a banking company of five per cent. on its stock, a greater sum in proportion than was required of this bank for the mere privilege, not exclusive, of banking under the authority of that State, where there are numerous other banking companies, and there has always been a rushing anxiety to subscribe for the stock.

A distinction has been attempted to be drawn on the 16th section of the bank charter, between the money which had been already deposited in the bank, and that which had not. It has been said, that although the Secretary might cease to make deposites in the United States Bank, or might withhold from it the moneys to be collected, yet he had no authority to withdraw from it those already deposited. This distinction is more plausible than valid; and when it comes to be tested, will be found to be a mere technicality, and is based upon a confused and erroneous impression, made by the use of the word "made," in the future tense, and referring it to the wrong date—referring it to the period of the collection of the money, instead of that of the passage of the act, to which it was manifestly designed to be applied. It is "the money of the United States"—the whole money of the United States, without distinction between that collected and in safe keeping, and that to be afterwards collected and deposited, which is left as the subject of the order and direction of the Secretary of the Treasury. The money that is collected and deposited does not thereby cease to become "the money of the United States," and become the money of the depository. Mr. Rush, in another part than that quoted, of the same letter referred to, meets the argument very fully, and from which I select one or two sentences, with which I fully concur. He says: "The power of the President, under the 16th section of the act incorporating the bank, to withhold deposites, could only have been conferred from the public danger to their being longer made. To imagine that the same reason would not be applicable towards enabling him to withdraw those made hitherto, would involve an incongruity not to be charged on any Legislature. It follows from unavoidable construction upon the context, as in various other cases in law. To deny it would be to say that the nation need not put to risk any more of its funds in this receptacle, but must lose, without an effort, all there already—like the den into which the footsteps of victims might be traced, whilst none were ever seen returning." It seems very clear to me that, even confining the examination to the narrow limits of the single section alone, it will not in fairness endure the nice construction contended for; but when the whole context, and the existing circumstances on which that clause of the charter was passed, are taken into view, it dwindles into a mere verbal criticism. The Secretary of the Treasury, prior to the passage of the bank act of 1816, had always exercised the right and performed the duty of managing and conducting the details connected with the collection and safe keeping of the public revenue, and selecting the places of deposite in such manner as best suited the convenience of the people, and which contributed most, in the judgment of that Department, (always subject to the advice and approbation of the President,) to the facilitating and securing the collection of the revenue. This is clear, from all the communications from that Department; among which, I refer to the letter from Mr. Gallatin, of the 8th January, 1812; and surely it would be a reflection upon the Congress of 1816, to suppose that a constant practice of the Government, which existed up to that time, was entirely overlooked and lost sight of. Is it not manifest that it is that very practice which is alluded to in the expression, "unless the Secretary of the Treasury shall at any time otherwise order and direct?" This is still further confirmed by the practice afterwards, as appears by the letter of Mr. Crawford, in February, 1823. From 1817 until October, 1821, he had made about fifty transfers of public money from the Bank of the United States to various State banks—not only withheld from the bank, or ceased to deposite with it several millions, but withdrew to that amount, of what had been collected and deposited there; for reasons of policy, too, which he assigns. The distinction now taken, between the money collected and deposited, and that to be collected and deposited after the order and direction of the Secretary, did not then, when the reasons and principles of the act were fresh in the recollection of every one, seem to be taken. But the officers and managers of the bank were not so learned in the law then, as now! and perhaps had not so much occasion to resort to its nice technical distinctions for protection. But it has been said that the Secretary of the Treasury was the umpire between the bank and Congress; and yet it has been seriously and gravely contended that it was a breach of the agreement for the Secretary to exercise his duty as such, without an expression or direction from Congress to that effect first given. Between individuals, when a matter was referred to an umpire when or how to act, it would be universally admitted that he was not to await the direction of one of the parties; nay, it would be considered improper and indelicate in either of the parties to direct when or how the decision should be made; and I cannot perceive, on the gentleman's own grounds, what is to distinguish this from a case between individuals; or why that should not be corrupt and improper in a Government, which all men would say was so in an individual citizen. It is very obvious that the law did not contemplate an expression, or even an indication from Congress, before the direction should be given by the Secretary, much less require it; but that he was authorized to give the order and direction first, and lay his reasons before Congress, for the act done; not whether he should do it or not, if in session, and if not, immediately after the commencement of the next session. The vocabulary of fierce and unmeasured abuse has been ransacked for epithets suitable to degrade and render odious the Secretary of the Treasury. He has been called the pliant tool, executing the mere will of the President—no more than the mere pen that wrote the order, &c. I shall not occupy time in refuting unmerited and unfounded reproaches such as these. It was well known what the opinion of the present Secretary of the Treasury was, as regarded the measure, before his appointment was made, and it corresponded with that of the President; and that is the "head and front of his offending." As a jurist, and as a moral, upright man, of unshaken firmness and integrity of character, he would, perhaps, not suffer in comparison with any of the honorable gentlemen who have thought proper to use language of that unworthy description in relation to him.

Without dwelling longer on this part of the subject, it seems to me this sixteenth section of the act of 1816, has but one reading, and does not give to the bank any thing like an unconditional, unqualified contract for the keeping of the people's money, as the officers now seem to claim for the benefit of themselves and their wealthy and aspiring stockholders. I apprehend, in the first place, that the Congress of 1816 had no right to make a contract of that description, binding upon all future Congresses for twenty years; and, therefore, we are not to suppose that they intended it; and that their language will not bear any such construction, without the greatest violence, that they did. It furnishes to the bank nothing more than a strong probability of the custody of the public money. The deposites of the public money are to be made in the bank and branches, unless the Secretary of the Treasury, who had always theretofore managed and conducted the detailed arrangements with regard to the collection and safe keeping of the public money, should at any time otherwise order and direct; and when he should so order and direct, that he should lay before Congress, for the time being, the reasons which induced him to give the order, not designating or dictating to that Congress what should, or should not, be sufficient reasons, but leaving to them to judge, as the representatives of the people, at the time it should come before them, as of right they should, in their discretion, on all the facts and circumstances, whether the reasons upon which he had acted were sufficient and sound or not. I cannot perceive, then, either in the withholding or withdrawing of the public money from the bank, by the Secretary of the Treasury, any breach or violation of contract.

The very terms of the charter were pursued in the withdrawal of the money from the bank. The order and direction was given by the organ designated by the agreement, and in a manner not contravening its provisions. The discretion contemplated and expressed in the act was exercised, and followed by the submission of the reasons, just as provided in the agreement proposed by Congress, and accepted by the bank, by their acting under it. If the bank were even injured or wronged, it was no more than one of those contingencies and inconveniences to which they agreed to submit, by accepting of the charter in the terms in which it was expressed. It could hardly be expected that a difference of opinion might not at some time or other exist between the Executive department and Congress on this subject; and to any inconvenience arising from the opinion and exercise of discretion by the Treasury Department against it, until the reasons should be examined and reversed by Congress, as the great supervisory tribunal, if the reasons were found to be unjust and insufficient, the bank agreed, by the very terms of the charter, to submit. If Congress had first directed the Secretary to remove the deposites from the bank, it might have had better grounds for complaint of a breach of contract; not that Congress had not originally, as the immediate representatives of the people, the paramount controlling and guarding power over the public money, to direct by law, when, how, and where, it should be deposited and kept, and the Executive bound to carry it into effect in the manner thus prescribed; but simply because the Congress of 1816 had stipulated and agreed with the bank, in the charter, that the deposites should be made with it, unless the Secretary should at any time otherwise order and direct; and that in giving this order and direction, there should be the check and restraint of the reasons being laid before Congress immediately after the order given, to be judged of by that body. The idea of any claim for damages, then, by the bank, I consider as perfectly ridiculous and absurd. All the bank can possibly claim, under the contract, is, the restoration of the deposites, or its former relations with the Government; and that only on the grounds that the reasons presented to Congress, under all the circumstances, are not sufficient for withholding from it the custody and temporary use of the public money.

From a full and thorough examination of the whole subject thus far, I think it clearly established, that the Treasury Department is Executive in its character, established by law, under the constitution of the country, as a necessary auxiliary, under the direction, supervision, and control, of the Executive branch, to carry out the details of legislation on the subject of revenue; that when the principal officer at the head of that Department is designated, officially, to perform any act, it does not dissolve this official connexion between the President and him, but is predicated upon it; and that official connexion and responsibility is understood as carried into and embraced within that designation; that the Secretary of the Treasury is subject to removal from office by the President, at his discretion, and on his responsibility; and that, in the removal of the deposites, the terms of the charter were pursued in the manner prescribed by Congress and accepted by the bank. There has, therefore, been no violation of the constitution, nor of the law, nor breach of the contract with the bank. It has no claim upon the Government on the ground of a broken contract; its claim is entirely directed to the discretion of Congress, whether its faithful, upright, and correct conduct, as the fiscal agent of the Government, while that relation existed, in equity and honor deserves, and good policy requires, that it should be the depository of the public money in preference to all other institutions. This brings me to the remaining inquiry which I proposed to examine.

Was the removal of the deposites from the bank without sufficient cause, either on the score of public policy, or arising out of the conduct of the bank?

Before I proceed to the investigation of the reasons laid before us by the Secretary of the Treasury, I beg leave to correct one or two errors into which gentlemen have run, by some means, in professing to quote the Secretary. One of my colleagues, [Mr. BINNEY,] in remarking upon that part of the Secretary's letter in which he asserts that, "by the plain terms of the contract, as contained in the section above quoted, (the 16th section of the charter,) the stockholders have agreed that the power reserved in the Secretary over the deposites, shall not be restricted to any particular contingencies, but be absolute and unconditional, as far as their interests are involved in the removal," has argued as though the Secretary had said the bank had no interest in the removal—that "it was of no sort of moment to the bank whether there were reasons or not;" and then goes on to show, no doubt very clearly, that the bank was very deeply interested in the removal. This is doing great injustice to the language of the Secretary: he did not intend to say that the bank had no interest in the removal—did not say so; but that there was nothing in the charter which imposed upon him the legal obligation of regarding the interests of the bank as a condition in directing the removal; that he was not restricted in the law to any particular contingencies; and I confess I have not seen this proposition of the Secretary's answered. It is immovably based upon the very express terms of the charter, and flows indisputably from them. Again, the Secretary has been repeatedly quoted as admitting that the deposites were safe with the bank, and "that the bank had faithfully performed its duty to the Government in every stipulated form," &c. I have not been able to discover where the Secretary puts forth any such admission. He does say, without any admission of the fact, that "the safety of the deposites, the ability of the bank to meet its engagements, its fidelity in the performance of its obligations, are only a part of the considerations by which his judgment must be formed;" and that this might all be true," and yet the public interests may require the deposites to be withdrawn." He is evidently here only suggesting general principles by way of argument on the construction of the 16th section of the law; that it did not contain any express stipulations reserving to the bank, by contract, the absolute possession of the public money. Was it stipulated in the charter that the public money should not be withdrawn from the bank if it were safe there? Where is such clause or sentence? It cannot be found—it does not exist. Is not, then, the Secretary right in the conclusion he drew, that safety was not the only consideration imposed upon him by the law? Having given these misquotations from the letter of the Secretary assigning his reasons for the removal of the deposites from the bank this passing notice, I shall now consider the reasons themselves as briefly as possible; or, in other words, the reasons which have operated upon my mind in voting against restoring them to the bank.

The first reason assigned by the Secretary is founded on the expiration of the charter within the short period of two years, and the presumption that it would not be renewed. This reason has been treated with a great deal of disdain by some gentlemen, as not being entitled to any consideration, because the notes of the bank would be as current, if not more so, at the close of the charter, as at any other period. If nothing were to be taken into consideration but the mere ability of the bank to refund the money on the expiration of the charter, perhaps this might not be a sufficient reason for the removal. It might not be a reason for an individual depositor who had no other object in view than the mere safe-keeping of his money, to withdraw it. But considerations of a very different and much higher character, must necessarily enter into the action of the Treasury Department, intrusted as it is with the management and administration of the finances of the Government, in its minute details, not provided for by special legislation. It has always been the practice of the Department, in collecting the public revenue from the people, to deposite it in such a manner that, as it was collected from the public debtors to the Government, on the one hand, instead of remaining unemployed and inactive, it should immediately pass out through the means of the banks in which it was deposited, and form a part of the circulating medium again among the people, so as to prevent, in a great measure, any sudden depression in the quantity of currency arising from heavy collections. If, then, the Secretary was satisfied, or even thought it most probable, that the charter of the United States Bank would not be renewed, or extended beyond the 3d of March, 1836, it requires but a small share of ingenuity to perceive the propriety of seeking another depository than the United States Bank some time before the expiration of its charter. Were the public deposites to remain there until the close of the charter, and no other channels provided through which they were to pass out and return to the people again, a sudden depression and derangement must necessarily ensue before the notes of the new depositories could be brought into general use and obtain general credit. This, I think it very obvious, was one of the objects Congress had in view in the clause, "unless the Secretary of the Treasury shall at any time otherwise order and direct." Gentlemen have run into a gross mistake in arguing that Congress had provided, in the 16th section of the law, that the deposites were to be made in the United States Bank and branches during the continuance of the whole twenty years of its charter, and it was not for the Secretary to lessen that time. The law expressly imposes upon the Secretary the duty of designating the time, and most unquestionably under the idea that the Department, being intimately acquainted with all the minute details connected with the collection and disbursement of the revenue, would be best able to determine the mere time when good policy and general convenience would render it proper to withdraw the public money, previous to the expiration of the charter. It would be difficult, perhaps, to fix on any precise time as the best; but I think all would agree, that whenever it was proper for the bank to commence winding up its heavy concerns, and it could no longer accommodate the public by extending its loans, good policy would require that the public funds should be made in other depositories, to supply, as far as possible, the vacuum made by the closing of its business. It was on this principle the bank applied for a renewal of its charter in 1831, alleging that, if its charter were not renewed, the time it had then to run would be sufficiently limited; and it seems that in August last, two months before the order of the Secretary was given, it began to wind up its concerns for some purpose or other; and the most charitable construction to be given to its act of curtailment was, that it was in view of the expiration of its charter. What assignable principle of public policy which has ever governed the Treasury Department could dictate the propriety of leaving the public deposites in a bank in the attitude of winding up and closing its concerns, instead of extending facilities to the country? None that has been mentioned, nor that I have been able to discover.

But, Mr. Speaker, the great, the insurmountable, and unanswerable reasons, for the removal of the public deposites from the bank, in my apprehension, are found in its own conduct in the management of its affairs, and in the performance of its duties to the Government. This, after all that has been said, and might be said, about Legislative power and Executive authority, forms the real, substantial subject of inquiry. If the conduct and transactions of that institution, in its internal administration, and in its relations towards the Government and the people of this country, have been such for the last two or three years, as all the evidence furnished to us from the most unquestionable sources clearly and satisfactorily establishes, it would be a disgrace to the country, degrading to the nation, and an ever-living reproach to the Government, that it should remain as the fiscal agent in the transactions of all our multiplied, extensive, and important pecuniary concerns; and would inevitably plant an incurable and a mortal disease upon our justly esteemed and revered republican institutions, which would shortly lay them prostrate in the dust at the feet of aristocratic monopoly, and secret, concealed corruption. If, as I have already said, the administration and conduct of the bank have been, as the testimony clearly represents, the honor, the safety of the Government, the preservation of its liberties, and the protection of its institutions, in my humble opinion, peremptorily and absolutely demanded the withdrawal of the people's money from a depository where they were employed in purposes of the most corrupt, dangerous, and alarming character, by some power in the Government; that it should adopt a course calculated to break down all the pillars of this beautiful republican fabric, and that no power remained in the Government to arrest its giant struggles for power, would be truly a matter of the deepest astonishment and most solemn alarm. Sir, I think, from the authorities to which I have referred in support of the positions which I have taken, it is very clear that the power does exist in the Government; and that it was called forth in perfect harmony and accordance with the constitution and laws. But I am unwilling to stop here; it is not sufficient to rest on the defence of the Executive department, and show that the constitution and laws were not violated by them in the removal of the deposites; it is necessary to pursue the subject to its close, and furnish the most full and satisfactory justification for the exercise of even this constitutional and legal power in a strict line with the constitution. I have no doubt it would be highly gratifying to the officers and managers of the bank, if public attention could be diverted altogether from their conduct and management of the institution, and the discussions here and elsewhere directed in such a manner as to turn upon the acts of the Executive branches, or the necessity of a national bank, or any thing else, which would not involve the venality and corruption of their proceedings. For one, I am not willing to afford them this gratification. I have seen with regret that, when the propriety of the conduct of the bank has been called in question, its managers and advocates, instead of furnishing an honest statement of facts within their power to satisfy the public mind, and remove suspicions, have resorted to long, legal, and political disquisitions and arguments, professing to evince that the President, or some one of the Executive departments, has been guilty of usurpation, abuse of power, or mistake in the law, or that a national bank is indispensable to the financial concerns of the nation; thus manifestly shrinking from the real point of inquiry, and seeking retreat by presenting other topics for public discussion, and withdrawing it from the institution itself, and its administration and management. Else why the ceaseless clamor which has been raised about Executive usurpation and abuse—distress for the want of a national bank, &c.? If it were even true that the Executive branch was mistaken in the power vested in him, or the particular legal form in which it was exerted; or that a national bank is indispensably necessary to the Government, it does not necessarily follow that the reasons for the removal were insufficient, or that the deposites should be restored to the present bank. The first of these propoitions, held out to withdraw and delude the public attention, I have already fully considered and satisfied my own mind upon it; the latter, I do not feel disposed to go into on the present occasion, leaving it to a more appropriate season. But the responsibility ought not to be thus shifted; the managers of the bank must meet the real question involved fairly. The principal purpose of the few additional remarks I intend to make, is to draw them from behind their intrenchment, thrown up with some artifice and ingenuity around them, and endeavor, as far as a brief period will allow me, to lift the veil and expose to the view of the public some of the transactions and management of that institution, as far as accident and other circumstances have developed, mostly against the proposed concealment of its officers and managers, as the direct and main object to which our inquiry should be directed in this question, and the proper and real subject of discussion and remark before the American people at the present time, so far as this question is concerned.

The fourth rule contained in the 11th section of the bank charter provides, that "not less than seven directors shall constitute a board for the transaction of business," &c. The object of the law, no doubt, was to require the presence of a sufficient number of the directors to prevent partiality and favoritism, and ensure a fair, open adminstration of the affairs of the bank. It contemplated the presence of all those who chose to attend, but that a less number than seven should not transact business. This was a valuable and wholesome provision in the charter, as it was calculated to avoid secrecy—the sure retreat of corruption and abuse. But it appears by the memorial of the directors appointed to represent this Government, that the most important part of the "business," discounting inland bills of exchange and promissory notes, has been managed by a secret committee, called the committee of exchange, not only on days intervening between the days of meeting, but during the very day of the session of the board; and that notes of favorites which should be protested, according to the very by-laws of the institution, were extended by this secret committee, and further loans granted to those who had overdrawn, even without security. In this management they expressly violated a positive provision of their charter, inserted for wise and useful purposes, and broke through their own by-laws, establishing a system of favoritism and secret partiality.

Again: the act of incorporation provides for the election of twenty directors by the individual stockholders, and the appointment of five on the part of the United States; the former representing $28,000,000 of individual stock, and the latter $7,000,000 belonging to the United States. This provision was based upon the reports of the Secretaries of the Treasury, Messrs. Hamilton and Dallas, and was designed that the Government should "possess the means of ascertaining that so delicate a trust was executed with fidelity and care," and it was considered necessary that it should have an equal proportion of the directors, "as well to guard the public interest, as to secure a just administration of the affairs of the bank as regarded the public." In pursuance of this necessary provision in the charter, directors have been duly appointed in the mode prescribed—nominated by the President and concurred in by the Senate of this nation; having thus full evidence of their capacity and respectability to fulfil the high trust of representing this Government in the transaction of the affairs of the bank—yet we have seen by the statement of these same Government directors, that they have been systematically excluded from all participation in its transactions, and even prevented from an opportunity of knowing what was transacted, or what was communicated to the Government; and the most wholesome resolutions offered by them, were refused even to be heard. In answer to this, the stock directors, in their manifesto, at page 33, insult this nation, whose only representatives there were the Government directors, with simply saying that it "would make these directors unsafe depositories of the confidence of their colleagues," that they should have the "means of communication with the Government in relation to its most important acts," and that "not to be chosen to places of trust implies only that others are more trusted." It seems it did not suit the managers of the bank that the Government should be trusted with a knowledge of its transactions. To this doctrine of the bank, I enter my solemn protest. I conceive it to be at war with the law and policy of the institution; calculated to harbor and cultivate a secret aristocracy of the most pernicious kind, and destructive of all confidence. The stock directors virtually annul the appointment of the Government directors, and tell us in plain terms they were unfit—not qualified to be their colleagues. Was not this single circumstance sufficient to excite suspicion that all was not right; and, if so, did it not of itself form a sufficient reason for the withdrawal of the deposites?

In the postponement of the payment of the public debt by the bank, there was, to my mind, a breach of fidelity to the Government; and in the secret and concealed attempt to negotiate the purchase of that debt, an unwarrantable interference with the policy of the Government, a breach of the express order of the Treasury Department, and a flagrant violation of the charter, which prohibits it, for reasons of sound policy, from the "purchase of any public debt whatever." In March, 1832, it was determined to pay $6,500,000 of the 3 per cent. debt on the 1st of July following, and notice of that fact was given to the president of the bank, there being then of the public deposites in its possession, about $9,500,000. The president of the bank proceeded to this city, and, with various arguments about accommodations to merchants, enabling them to pay the revenue to the Government, induced the Secretary to postpone the payment until the 1st of October, on the bank's paying the interest on the debt. On the 1st of July, the Department issued another notice of its intention to pay two-thirds of the balance of that debt (about $4,333,000) on 1st October, and the remaining third on 1st January. Although the bank had in its possession more than $3,000,000 above the amount designated to be paid, at each period at which it was to be made, yet, on account of the unwarrantable extension of its discounts during the year 1831, and the forepart of 1832, from $42,000,000 to upwards of $70,000,000, it was unable to meet the engagement; and the president and exchange committee of the bank, about the 1st of July, without the knowledge of the Government or the Government directors, opened a negotiation in Europe through a secret agent, and an arrangement was closed with the house of Baring, Brothers, & Co., in London, for the purchase or postponement for one year, from the 1st of October, 1832, of $5,000,000 of the 3 per cent. United States debt. Apart from all other circumstances connected with this transaction, was this the conduct of a faithful fiscal agent? I take it to be no answer that the money would be ultimately safe, the bank eventually solvent, and the debt paid without loss. The character and honor of the Government is as deeply at stake upon the promptness of her agent in the payment of her debts when called upon, as in its ultimate solvency. But this is not all connected with this transaction. It is asserted by the Secretary of the Treasury, in his letter, on the authority of the weekly statements of the bank, that, during the year 1831, and up until the 1st of May, 1832, during the very period in which the bank asked for a renewal of its charter, on the ground of the necessity of winding up its concerns, and on the eve of the presidential election, it had extended its discounts from $42,402,304 24, to the enormous and extraordinary sum of $70,428,070 72. And the Secretary says, it "demonstrates that it was using its money for the purpose of obtaining a hold of the people of this country, in order to operate upon their fears, and to induce them, by the apprehension of ruin, to vote against the candidate whom it desired to defeat." What reply have we had to this? I confess I have seen nothing like a satisfactory answer. It has been said that the extraordinary expansion of discounts during the year 1831, was owing to the abundance of the crops that year! a fact, I believe, unknown before; but we have not heard why the expansion continued during the first four or five months of 1832, even after information was given of the intention to pay a part of the public debt. Sir, it is too clear—no man can doubt it—that the object and design of this unusual and exorbitant extension of its discounts was, to wind within its power a large portion of the active and influential classes of the people some time previous to the presidential election, upon which its recharter was supposed to depend, so that, by a proper application of its power of curtailment at the proper period, it might drive them, through their fears, to engage actively in that contest. This was the purpose to which it was applying the people's money in its possession, instead of preparing to pay the debt of the nation when called upon. Independent of any operation upon the elections, however, the exercise of this power of expansion and contraction to such an alarming extent must be attended with the most pernicious consequences to the community. It makes every species of property fluctuate from one extreme to the other, gives an artificial stimulus to every kind of business, promotes a spirit of over-trading and speculation of every description, and is entirely unworthy of the fiscal agent of this Government. It is this flagrant and outrageous departure from its duty on the part of the bank, to which the sudden rises and depressions in the money market, and in our mercantile business, observable for some years, is mainly attributable.

It appears by the memorial of the Government directors, presented to us in December last, at pages 15, 16, and 17, that, on the 13th August, 1833, nearly two months before the removal of the deposites, an arbitrary, partial, unnecessary, and oppressive system of curtailment was commenced by the bank, in a resolution "that the amount of bills discounted shall not be increased at the bank and the several offices: that the bills of exchange purchased at the bank and all the offices, except the five Western offices, shall not have more than ninety days to run: that the five Western offices be instructed to purchase no bills of exchange, except payable in the Atlantic cities, not having more than ninety days to run, or those which may be received in payment of existing debts to the bank and the offices, and these not having more than four months to run." The Government directors were refused time to consider the effect of this resolution, and offered one, "that the committee on the state of the bank be instructed to report to the board at as early a day as possible, a system for the gradual reduction of the business of the institution throughout all sections of the country, having regard to the interest of the stockholders, the debtors of the bank, and the community in general." This very reasonable proposition was refused to be heard or considered, and a set of resolutions adopted "for reducing the business of the institution," and another committee, that on offices "appointed by the president (of the bank) alone, authorized to modify them as 'they should deem expedient,' and 'to direct such measures for the general reduction of the business of the bank as they should think best.'" The Government directors again requested that that committee should "report to the board such measures as they directed." "This request was rejected." They say "its proceedings are secret," and "attribute to them the excessive curtailment in the business of the institution, which has lately been so sudden and oppressive, and which was not necessary either in the extent to which it has been carried, or in the manner in which it has been made to bear on the community." Yet, notwithstanding this "excessive curtailment," commencing in August, the Government directors inform us, at page 10, that "on a loan for a very large sum being offered for renewal on the 8th of November, all reduction was refused, on the ground that it had been originally made by the committee on exchange, some years before, for an indefinite period;" and it seems that, by the proceedings of that secret committee, contracts have been made, not in writing, for extending loans, of course to favorites, for a period even beyond the termination of its charter, on which no reductions are allowed. It is in vain, then, that gentlemen tell us that the amount of reduction in the loans is less than the amount of deposites removed. The weekly returns of the bank only furnish general statements of the aggregate amount of notes discounted, &c., but afford no evidence of the manner in which the curtailments are made. This excessive and sudden curtailment in August, is accounted for by the necessity for the bank to prepare for the removal of the deposites, which it was known would be directed in October following; and yet we are told almost in the same breath, and by the same gentleman, [Mr. ELLSWORTH, of Connecticut,] that the reason why that measure produced so much distress was, that there was no notice of its adoption; that it came suddenly upon the bank, "like a clap of thunder from the clouds." To such miserable inconsistent subterfuges are gentlemen driven, in order to sustain positions at war with all the clear and undeniable evidence. It is impossible for gentlemen to urge, with any hope of success, that whatever distress has fallen upon the community, is attributable to the action of the Executive, and not this partial, unjust, oppressive, and secret operation of the bank, through its irresponsible committees. We have the clear and unequivocal testimony of the Government directors on the one side, and every circumstance developed tends to corroborate and establish it. Even the arguments of the gentlemen on the side of the bank, instead of weakening, go far to strengthen their evidence. I would refer to that of my colleague, [Mr. BINNEY,] who is perhaps as well acquainted with the affairs of the bank as any one here. In speaking of "the distress already produced," and the "anticipation of greater distress hereafter," he says, at page 7, "it is not the mere transfer from one place to another. That is a circumstance which might happen, and has happened already in the history of this bank, without producing any alarm whatever. It is not the removal of the deposites simply, but the design with which that removal was made," &c.; and the stock directors, in their manifesto, at pages 29 and 30, inform us themselves, that, in March, 1833, when it was actually extending instead of curtailing its discounts, there was "less than two thousand dollars of the whole funds of the Government in the bank." Now, I would like to know how the design with which the deposites were removed could operate to produce distress upon the community in any other way than through the motives of those who managed the affairs of the bank. The plain English of this argument is, that the bank managers supposed there was a design connected with the removal of the deposites, to terminate the existence of the institution at the expiration of its charter; and in order to manifest the necessity for its continuance, and compel the community, through their fears, to ask for it, adopted the partial, concealed, and oppressive system of curtailment upon the unoffending community, testified by the Government directors. Has any one explained—is it susceptible of explanation—why the bank, with a large amount of public deposites in its possession (for they stood, even in January last, at $4,230,508) found it necessary to adopt a course of curtailment, harsh, unequal, and rapid, beyond all former example, from August up to the present time, while, with the small amount of $2,000 in March, 1833, it was extending its business? It can be explained on no other principle, and no other conclusion can be drawn than that to which I have already attributed this singular and extraordinary part of its conduct. We have heard much, however, of its great profusion of kindness and charity to some of the local banks in its neighborhood, in extending accommodation to them, &c. These statements remind me of the account given, I think, by Buffon, and other naturalists, of the mode of taking and domesticating the elephant. It is this: a number of men go in company, and having taken means to entangle and secure the noble animal, they all but one fall upon him with whips and goads, &c., until they drive him into agony any despair; when that one suddenly makes his appearance, drives off the tormentors, and disentangles him, and thus, by a mere trick upon his benevolence and gratitude, makes him a willing and submissive slave during the remainder of his life. So, the bank is willing to extend accommodations to local banks to induce them to unite in memorials for the restoration of the deposites and a renewal of the charter, and to be its faithful slaves during the remainder of their existence. The pecuniary distress and embarrassment of which we have heard so much, I have no doubt whatever, have been very greatly exaggerated by the bank and its advocates, with a view of operating upon public sentiment against the administration and its measures, and of driving the debtors and trading men into active exertions to procure a restoration of the deposites. Although some oppression and inconvenience has been experienced, no doubt, I do not believe it has been equal lately to that experienced in former periods. Hezekiah Niles, I believe, has been generally admitted to be a faithful chronicler of the times. Let any one turn back to his Weekly Register of 1819, and he will be satisfied that those depressions of the times, arising from overtrading and excessive banking, and, also, these attempts at producing panic and alarm for sinister purposes, are not new. In the Register of the 10th of April, 1819, he says: "From all parts of our own country we hear of a severe pressure on men in business, a general stagnation of trade, a large reduction in the price of staple articles," &c.; and in giving the causes for it, he adds: "Another cause, in our opinion, has hurried or heaped those ills upon us—in a design to force the people to acquiesce in a national currency of paper—the consummation of evils." In the same paper, of the 1st of May, 1819, he gives the following quotation, referring to the old Bank of the United States: "The friends of the United States Bank, while its charter was in suspense, so completely succeeded in alarming the public mind, and in promoting a scarcity of money, that many persons apprehended the most dreadful things from its dissolution." In the same periodical of the 26th of June, 1819, speaking of the present bank, he says: "When the Bank of the United States started, discounts were granted to almost all that asked for them —$1,000,000 to one, $500,000 to another, and so on, by hundreds of thousands," &c. After speaking, in the same article, of the means taken to raise the price of the stock, and the sudden and rapid curtailment of discounts by the bank, he says: "Misery abounds, and the neighborhood of every bank is a neighborhood of bankrupts, positive or anticipated." And further: "We now see that a power belongs to the Bank of the United States, that very few, if any, appreciated to the extent to which it is now carried. We have indubitable evidence that twenty-five (now twenty, the Government directors being virtually excluded) men at Philadelphia can make money scarce or plenty, at their own will and discretion." In the same paper he says: It is sickening to the heart to see the lists of persons who are published weekly in the Baltimore papers as making application for the benefit of the insolvent laws of Maryland. A similar work is, unhappily, going on in all the large cities and towns in the United States," &c. In the same paper, speaking of the bank, he says: "Pretences for withholding discounts, or discounting freely, are 'as plenty as blackberries.'" In the Register of August 7, 1819, he says: "It is estimated that there are twenty thousand persons daily seeking work in Philadelphia; in New York, ten thousand able-bodied men are said to be wandering the streets looking for it; and if we add to them the women who desire something to do, the amount cannot be less than twenty thousand; in Baltimore there may be about ten thousand persons in unsteady employment, or actually suffering because they cannot get into business;" and further, in the same paper, speaking of the United States Bank, he says: "We are now satisfied that this bank has resolved to 'rule or ruin;' and that nine-tenths of the difficulties of banks have arisen from dishonesty in their outset, or iniquitous partialities in their operation," &c. Mr. White, the cashier of the United States Branch Bank at Baltimore, in his letter to the Secretary of the Treasury, of February 14, 1830, speaks of "the disasters of 1819, which seriously affected the circumstances, property, and industry of every district in the United States. A sudden and pressing scarcity of money prevailed in 1822—numerous and extensive failures took place at New York, Savannah, Charleston, and New Orleans, in 1825; there was a great convulsion among banks and other moneyed institutions in the State of New York, in 1826; the scarcity of money, among traders in that State and eastward, in the winter of 1827 and 1828, was distressing and alarming;" and he speaks of similar failures in 1829 and 1830; and all this has been properly, I think, attributed to 'overtrading from over-banking.'" The very fact introduced by the honorable gentleman from Georgia, [Mr. Wilde,] which I presume is correct, in favor of the United States Bank, to my mind furnishes evidence that the bank has promoted this over-banking very much with the local banks. He says: "The issues of the State banks, in 1816, were only about three and a half for one; in 1832 they were upwards of five for one; and in 1833 they were at least six, and most probably seven for one." In the vast capital which this bank possesses, and the tremendous powers thus afforded to it of regulating, at its single will, the value of every description of property in every section of the country; the great fluctuation in the issues of State banks, produced by its example in expansion and curtailment of discounts at pleasure; and the oppressive and partial system of extraordinary and unnecessary curtailment, adopted at the will and pleasure of its secret committee, in the spirit and motives which have characterized its transactions, as we have the most incontestable evidence from the Government directors, who does not perceive sufficient cause for all the embarrassments and distress upon the trading community, which have been complained of, even were those complaints all literally true? Sir, the responsibility, the censure of this distress and embarrassment, cannot be shifted from the oppressive conduct of the bank, by any specious arguments, to the measures of the Government. It is impossible to discover why the mere change of deposite from one bank to another, would of itself necessarily produce distress or embarrassment. All the ingenuity that has been displayed has not shown it, and cannot. Why should we discredit the testimony of the Government directors? Has any reason been assigned why they are not entitled to belief? Has any proof been furnished to disprove what they have told us? Has it even been directly denied? Has it not been confirmed by all circumstances, as far as disclosed? And has it not been sanctioned beyond all controversy, in the glaring refusal of the managers of the bank, to submit their books and conduct to the examination of a committee of this House? The embarrassment, the distress, whatever it may be, can only be traced to that system of oppression adopted by the bank for its own purposes, if we are to give to the testimony of the Government directors the same credit which is universally given to statements made on official responsibility: and until its managers can disprove those statements, by an open and candid exposition of facts from its books and proceedings, not legal arguments and technical quibbles, founded on their protection from criminating themselves, they must stand before an injured public as the efficient authors of whatever pecuniary embarrassments and difficulties may have been produced in the business of the country. Are the spirit and energies of a brave and enterprising people to be thus broken down and subjugated by the artifices of a griping moneyed institution? I trust not. Are this people to be driven by their fears and embarrassments, to implore the restoration of their money to the hands of their oppressors, to enable them further to increase their oppression? And is this the conduct which entitles the bank to a preference over all other institutions in the use of the people's money? With me it is not; and I must have grossly mistaken the spirit and genius of an independent people, if it be so in their estimation. They will not suffer their attention to be withdrawn from the conduct of the bank itself, and its officers, by any attempts to throw confusion and mystery around it, by mingling and blending it with other and complicated questions, in determining whether this bank—this very bank—has entitled itself to the confidence of this Government, in preference to all others. I repeat that, in deciding the question before us, the inquiry whether a national bank be necessary to the fiscal concerns of the nation or not, is not at present involved. It is time enough to determine that when it fairly comes up for discussion. If the bank has thus sought to produce distress on the community, is it no reason for withholding the deposites?

The presumptuous claim of the bank upon the Government for $158,000 damages, on account of the French bill protested, has been fully met by others; and I would merely take time to remark that I have examined the subject very carefully for myself, and the result is a settled conviction that the claim has no foundation whatever on any known legal principles; and if it even had, in strict law, something to rest upon, it would be inequitable and unjust in the extreme, under all the circumstances, in the bank to ask it. It had enjoyed the beneficial use of the money of the Government from its incorporation, far beyond any equivalent, and the privilege derived from the Government of realizing advantages to double, triple, or quadruple the actual amount of deposites. But it has been said the claim has not been paid. True; but the very demand of an unrighteous and inequitable claim is calculated to embarrass and perplex the affairs of the nation, manifests the spirit of unjustly advancing its own interests, which actuates its managers, and destroys that confidence which ought to exist between the Government and the fiscal agent; and I think forms a good reason, among others, why it should not be entitled to a preference. But this disposition to promote its own interests, it is said, ought to be "set down among its virtues." [Mr. Adams, of Massachusetts.] This might be true, as far as consistent with fairness and honesty, but I cannot accede to the truth of this position, when it puts forth unjust claims against the Government and the people.

The refusal of the bank to comply with the order of the Secretary of War in relation to the pension papers, although since the removal of the deposites, forms one of a chain of reasons why they should not be restored. It distinctly refused to comply with the order, and yet refuses to pay the money admitted to be in its possession to the pensioners, for the extraordinary and silly reason that it might not be credited by the accountant department! and furnishes one of its long and labored legal arguments, in excuse of dereliction of duty, and contends that it ought to "see that the law be faithfully executed." I can easily conceive of situations in which the Government might be placed, in which it would be extremely dangerous to have a fiscal agent employed, disposed on all occasions to set up its legal opinions in opposition to the action of the Government, and to supply its destitution of honesty and fidelity by legal excuses and labored arguments.

The only remaining reason upon which I shall detain the House with any further remarks, is the unhallowed and indefensible use of its means, and the means placed in its possession, by the confidence of the Government, for other and far different purposes, to obtain political power, by secretly subsidizing and bribing the press, and poisoning and polluting the channels of information to the people. This has been endeavored to be passed by as silently as possible, as though it were a matter of little moment, and of trifling concern. It is a manoeuvre very common, and perhaps excusable in an advocate at the bar, when he meets with a hard point in his cause, or an unanswerable piece of testimony against his client, to touch it very lightly, if at all, and to divert the argument of his adversary in a different direction. The stock directors, in their manifesto, seem disposed to profit by an experience in this species of adroitness. In speaking of some of the expenditures for printing, they say that it "was known to the committee of investigation in 1832," but "they had too much sense of justice to employ it." In reply to what the Government directors say in relation to discovering the expenditures, they say: "The expense-book and vouchers were always to be seen and examined by the directors;" thus endeavoring to make the impression, not only that it was a matter scarcely worthy of notice, but that it was open and subject to the examination of all concerned. My colleague [Mr. BINNEY] speaks very scoffingly of a "sifting inquiry into the printing accounts of the bank," and professes his "profound astonishment that gentlemen having the welfare of this great nation confided to them, would descend to inquiries like these," and "run after petty accounts with printers," &c. And in the minority report, speaking of the expenditure of money for printing and circulating pamphlets, it is said, "the stockholders have been fully apprized of it, and it has not been questioned by them." Is the doctrine put forth here, by the managers of the bank and their advocates, well founded in principle; or are their statements true in point of fact? Sir, I deny both. That a moneyed corporation, with a capital of $35,000,000—the use and benefit of public deposites to the amount of eight, nine, or ten millions more—transacting a business in exchanges, as my colleague [Mr. BINNEY] has told us, to an amount exceeding $255,000,000 in one year—wielding its vast and tremendous powers of expanding and curtailing its discounts, thus effecting the prices of all the property in this Union, from Maine to Louisiana—should thrust itself into the political contests of the country, in the most dangerous possible form, so far from being a matter of trifling amount, is, to my mind a subject of the most solemn and serious alarm, and most deeply and vitally affecting the "welfare of this great nation." That the managers of the bank have plunged into the political arena, and lavished the immense funds of the bank in the elections of the country, in various forms—that they have artfully endeavored to conceal from the public their having done so, and resorted to the most glaring fraud and deception for the purpose of effecting that concealment, are alarming facts in the history of that bank, now placed beyond all doubt by the most clear and unquestionable testimony; and, for one, I am unwilling to pass over their flagitious conduct, in this particular, without placing upon it my most solemn protest, however feeble, and marking it, as far as my humble vote will extend, with the most decided condemnation. Now to the facts.

It appears by the statement of the Government directors, that, on the 30th of November, 1830, a resolution was passed, authorizing the president (of the bank) "to take such measures in regard to the circulation of the contents of an article on banks and currency, as he might deem most for the interest of the bank;" and another on the 11th of March, 1831, authorizing him "to cause to be prepared and circulated such documents and papers as may communicate to the people information in regard to the nature and operations of the bank." The Government directors say, "the existence of these resolutions had been unknown to us; yet several thousand dollars had been expended under them, during the very six months just elapsed, while we were members of the board, without our concurrence, or even the slightest knowledge on our part that such expenditures were made." They proceed then to detail the amount of expenditures as they accidentally found them by examining a bundle of loose and generally undesignated vouchers, which is corroborated as to amount by a statement thus dragged unwillingly from the stock directors in their manifesto, at page 40, which gives the amount for the years 1830, '31, '32, and '33, at $105,057 73, to wit:

1830 - - - - -	$14,081 07
1831 - - - - -	43,204 79
1832 - - - - -	38,677 94
1833 - - - - -	9,093 53

They say the expenses were incurred in executing these reolutions from December, 1829, "when the first assault was made on the bank by the President." What say the committee of investigation of 1832 on this subject? They called for the expenditures of the bank under the head of printing, and were furnished with an abstract of a statement given to the Senate in that year, purporting to contain the whole printing expenditures up from 1817, including the year 1831; and the committee say, on its authority: "From the period of the establishment of a bank after the year 1817, up to the year 1829, the sum paid for printing, in any one year, had not exceeded $867 19; and in some years had been reduced as low as $124 and $156 50. But in 1830, the amount is swelled to the sum of $6,762 54; and in 1831 to $9,187 94." Thus showing a variance between the statement furnished to the committee and that drawn out by the viglance of the Government directors, in the printing expenses of the year 1830, of $7,318 50; and in those of the year 1831, of $34,016 85! Yet in the face of all this, we are told with unblushing audacity by the stock directors, that the fact was known by the committee of investigation, but "they had too much sense of justice to employ it." What name can be given to a concealment, a gross suppression of the truth, like this? Can it be called any thing else than a palpable fraud; a flagrant imposition upon the representatives of the people, knowingly and deliberately practised by the managers of the bank? Yet we are to be silenced in our suspicions, and all this clear evidence wiped away, by the general assurance, that they are "an honor to their country"—a "standard of all the virtues—as the coins of our mint are the standard of the currency." Surely honorable men! There is no one acquainted with the history of the political contest of 1832, who does not remember that it was then positively and flatly denied by the friends of the bank, that it was in any way interfering with its funds, or otherwise, in the election. They well knew that the honest, unshackled public sentiment, would revolt at it, should the glaring truth burst upon it without preparation; and it is only by becoming familiarized with it gradually, that outrages such as this can be at all tolerated. I well recollect an instance which occurred in Pittsburg in September, 1832. I was there at the time, and had an opportunity of becoming familiar with all the circumstances. A letter reached the post office at that place, directed to James Wilson. It was taken out by a man of that name, supposing it to be for him; who, on opening, found it was from Nicholas Biddle, president of the United States Bank, and contained a check on the bank for a sum of money—I think $580. Having ascertained that he was not the person for whom the letter was intended, he returned it, stating the circumstance in the presence of several persons. The letter was shortly afterwards called for, and received by James

Wilson, the editor of a newspaper then recently established there, called the Pennsylvania Advocate, which was then circulating, as it was very well understood, gratuitously and very extensively, throughout the country, being found in almost every house along any of the public roads through the western part of Pennsylvania, and was replete with the most abusive and scurrilous articles against General Jackson, depreciating his claims to confidence; and speeches and documents of various kinds, (very probably the reports of Messrs. McDuffie and Smith, in numbers,) lauding and extolling the bank, and its honorable and virtuous standard officers. Wilson was, at the same time, conductor of a public journal published in Steubenville, Ohio, the political matter of which was of the same character. As soon as the circumstances of the letter and check were thus developed by this accident, some suspicions and feeling were aroused on the subject, and it was likely to produce a powerful commotion and revolt in the public mind against the bank, and affect seriously the presidential election, which was shortly afterwards to take place. Various excuses were assigned, among which, I believe, was one, that the money was received as a contribution to a church in the valley of the Mississippi. But suspicion was still not allayed; and Wilson, upon consultation with the friends of the bank there, found it necessary to make an affidavit, ay, a solemn affidavit, that it had no connexion with his duties as an editor of either of the newspapers which he conducted. This affidavit I find republished in the National Intelligencer of the 12th October, 1832, headed, in staring capitals, "Nullification of a slander!" and states that the editor of the able paper called the Pennsylvania Advocate, had completely refuted the calumny of his enemies on the subject of his alleged connexion with the national bank! Then follows the affidavit:

"Before me, Charles H. Israel, one of the aldermen in and for the city of Pittsburg, personally appeared James Wilson, printer and publisher of the newspaper entitled the Pennsylvania Advocate, at Pittsburg, and publisher of the Western Herald and Steubenville Gazette, in Ohio, who, having been duly sworn on the holy evangelists of Almighty God, deposes and says that neither the United States Bank nor any of its branches, nor any officer or director of either, did at any time, directly or indirectly, aid with money or other valuable thing, or with the promise thereof, or in any other way, in the establishing or in the printing or publishing of either of said newspapers, except, perhaps, in one or two cases as subscribers, on the same terms with all other subscribers, to one of said newspapers; and the said Wilson further deposes and says that he has not, as he believes, yet received a dollar on such subscription account from any such officer or director, and that the amount of their subscriptions is the same as that charged to all the subscribers respectively, and no more. And the said Wilson further deposes and says that he has had no correspondence, directly or indirectly, with the said bank or any branch thereof, or any of the directors or officers, in relation to establishing or conducting, or in anywise appertaining to said newspapers; and that he, the said Wilson, never borrowed a dollar from said bank or either of its branches, and never received or was offered any money or other valuable thing in the way of donation or gift, or in any other way, from the United States Bank or any of its branches, or from either of the directors or officers of said bank or branches, or from any other person, for or on account of either, for the purpose, express or implied, of influencing him in or paying him for his editorial course, or in the establishment, support, or management of his newspapers, or either of them. And further, &c.

"JAMES WILSON.

"Sept. 29, 1832.

"Sworn to, &c. C. H. ISRAEL."

Then follows the certificate of five persons, as compurgators, (not twelve, as in ancient times,) which states that, from information derived from different sources, they feel justified in stating that the check is founded "upon a fair business transaction!" Then follows Wilson's own certificate, that those persons are men of great respectability and weight of character. Who could have supposed that this solemn affidavit of the veritable editor would ever have been refuted by the officers of the bank themselves? But so it seems to be. Unluckily for such "standard virtue," the truth will sometimes unwittingly make its appearance. At page 37 the bank directors undertake to reply to, or rather excuse, an item of expenditure mentioned by the Government directors as having been discovered by them, of $1,447 75, for printing, "agreeably to order and letter of John Sergeant, Esq." They say: "Early in the year 1831, while Mr. Sergeant was a member of the board of directors, he received a letter from Mr. Wilson, a respectable printer in Steubenville, proposing to reprint the reports of Messrs. Smith and McDuffie about the bank. Mr. Sergeant presented the letter to the officer of the bank who was charged by the board with the multiplication of these reports, and was requested by him to apprize Mr. Wilson that he might print a certain number of copies. He did so. In rendering his account, as he had not communicated with any officer of the bank, he referred to his authority to do the work as having come through Mr. Sergeant, and thus the receipt stands. So that the whole agency of Mr. Sergeant was to answer an application to him as a director, from a printer, to print some reports of committees of Congress and other documents in the concerns of the bank." Who can doubt that this check, received in Pittsburg, formed part of Wilson's bill, notwithstanding his affidavit? and that he was hired by a director of the bank, a candidate for the Vice Presidency, for the express purpose of vilifying and rendering odious in the eyes of the people the candidate on the opposing ticket? Why do they conceal from us the names of the other documents mentioned? And where is the item of $580, unless included in this bill? It is true they say the letter, as the foundation of this expenditure, was written in 1831; but how do they reconcile that with what they say at page 19, where they seem to be undertaking, clumsily it is true, to deny having procured any publications at all connected with the election, on the ground that they had no occasion. They say: "In December, 1831, the Secretary of the Treasury, with the full approbation of the President, (they would seem to have forgotten here that the President had no right to interfere with the Secretary to approve of his act or opinion,) had spoken in the most favorable terms of the bank, and he did not sign his veto message against it until July, 1832, up to which period it was doubtful whether he would veto it, and, of course, it was unknown whether the bank would have the least reason to be opposed to his election." It is true they contradict themselves flatly in this before they get through. At page 39 they say: "Soon after the first message to Congress (1829) it became necessary to counteract the schemes for the destruction of the bank, by the diffusion of intelligence among the people." And at page 40 they speak of the expenses incurred through the years 1829, '30, '31, '32, and '33, in defending against the assault of the President in 1829, and its kindred subject, "the arrest of counterfeiters!" But, amidst all these contradictions, the fact is glaring and manifest as above stated. The articles stated by the Government directors, for which the charges appear, we well remember, were many of them of a fierce and abusive political character, and others, published in numbers, and circulated in company with newspapers of the most scurrilous kind; and we have the most clear and indubitable evidence of large sums of money, more than one hundred thousand dollars in four years, one-fifth of which belonged to the Government, expended in printing and circulating political documents among the people, by the officers of the bank. What answer do they attempt to furnish? In fact, it is mysteriously denied, but contradicted by other portions of their own statement, and in part most clumsily and awkwardly excused, on the ground of self-defence; but a large portion of it, by their own showing, is for "reviews and addresses to Legislatures and miscellaneous items," published under authority of their resolutions, which throw the whole funds of the bank, and of the Government in it, into the hands of the president of the bank, with his 3,120 proxies out of 4,533, to be expended at his discretion, and without responsibility.

Is it not an insult upon our understanding to talk of the safety of the public funds, were we even to regard but safety alone in this question, when they are placed by the resolution of the 11th March, 1831, entirely at the disposal of a single person, and that individual in no way whatever responsible to the people? The President of the United States, responsible in three different ways to the people, could not, dare not, apply or appropriate a single dollar of the public money to any purpose, without an appropriation by law; yet, through the means of this apparently small, but transcendently comprehensive resolution, the whole revenue of this nation might be drawn from the Treasury and applied, without appropriation by law, and without official responsibility, to the very worst of all possible purposes. If a privilege, such as that claimed by the bank under this little resolution, had been proposed to be inserted in the charter, every man of the Congress of 1816 would have been startled at such a proposition, and it would have been unanimously rejected. Is it less startling because assumed and claimed without law? But it is claimed on the ground of self-defence? Sir, it is a daring prostitution, a blasphemous profanation of the sacred right of self-defence, to apply it to such a purpose. I deny the whole doctrine, that the bank has a right to make itself a party in the question of the renewal of its charter. It is a question, like all others involving public convenience, to be decided by the people and their representatives, on a fair discussion of principles of public policy; and it is not for the bank to assail those who may entertain general opinions on the one side or the other, and seek to render them odious by the use of its corporate funds and the money of the people; and to give a tone to public sentiment, by secretly procuring documents, on one side alone, to be circulated, and call such conduct by the name of self-defence. If its officers had thought proper to publish simply a statement of some of its own transactions, which were necessary for public information, it might be a different question. But when it raises its formidable crest against the Government itself, or any of the public functionaries, for mere general opinion's sake, on the subject of its renewal after the time stipulated for its termination, it is fraught with danger; with its army of stockholders, officers, and subservients, and the use of the public money and its vast powers, it becomes a political Briareus, with its fifty heads and hundred hands, that may exert a most dangerous and pernicious influence on the political institutions of the country. It operates secretly, its sources cannot be traced. When I was a member of the Pennsylvania Legislature, I received from some unknown hand, many documents on the subject of the bank, and I know others did also, which I have no doubt had their effect in producing the resolutions of that body of 1831 and 1832, already referred to: and for one, had I known the means by which I received them, a gross misapplication of the people's money, those resolutions never should have received my vote.

We have evidence, too, strong as holy writ, with which I shall not now detain the House, of loans to editors of newspapers, of large sums, without security, payable in annual instalments, extending to a period even beyond the expiration of the charter, and not entered on the books for a year or so afterwards. Editors of popular and influential newspapers, which had supported the administration, suddenly changed to abuse and vilify the Chief Magistrate. That of the New York Courier and Enquirer is a famous instance, who received the sum of about $52,000. Others received 30,000 and $80,000, under similar circumstances.

Sir, in the language of Mr. Rush, in the letter before referred to, "if this be not an enormity in the administration of its affairs, I am unable to imagine the definition of one." I am entirely incapable, totally deficient in language to express the aversion and alarm I entertain in view of a powerful moneyed monopoly, secretly while it could, and now, since its detection and discovery, braving it out, and boldly and daringly asserting and exercising the assumed right of governing and controlling the elections of the country; for, disguise it as they may, this is the meaning of its managers, in their pretended self-defence. The freedom of the press and the purity of the elective franchise, are the highest of the divine and delightful legacies purchased by the blood and toil of our fathers, and bequeathed to us, their children, in their spotless perfection. Rich the inheritance, and withered be the impious hand that would reach forth to impair or impoverish it. In Pennsylvania, all interference with the elective franchise by those not entitled to exercise it, is positively prohibited, under severe penalties, and I presume it is so also in other States. How mortifying to every free citizen, how degrading the consideration, that it should be mingled and polluted with money, money of English lords and noblemen, who have no business with its exercise. I regard such defilement with the same feelings of horror and repugnance as I would the mingling of poison with our daily food, or the infusion of pestilence in the vital air we breathe. What can be conceived more intimately connected with our free institutions, than the purity of this sacred right? I esteem it as the main pillar of the Government, which should be guarded and sustained with the most watchful care and unslumbering attention; because, if it be once impaired, with it will crumble into one common grave, the liberty of the citizen and the security of the Government. It is to the American citizen as to the Israelite was the ark of the Lord that dwelt between the cherubim, not to be touched but by the consecrated hands of the people, without risking an Uzzah's direful fate at the threshing floor of Nachon.

If gentlemen cannot perceive in the conduct of the bank, in throwing open its vaults to lavish the money of the Government, and that of foreigners, in the publication of political tracts and inflammatory speeches and documents, and bribing the press throughout the country, as the most undoubted testimony now discloses, a reason for withholding from it the deposites, I confess myself utterly at a loss to conceive what would constitute a sufficient reason. It is reason sufficient for me at least, and I cannot honestly give a vote sanctioning such conduct as I find most unequivocally proved. Suppose the question put directly to the people, unconnected with any other, "Are you willing that your money shall be placed in the hands of an individual in no way responsible to you, and who refuses to let you even know the amount or purposes to which it is to be applied, to be expended just according to his unlimited discretion, to teach you politics, and inform you how you shall vote at the elections?" Can any one doubt that the unanimous answer would be given in an emphatic No? That I conceive to be the question here, and have voted, and shall continue to vote, No.

My colleague, [Mr. BINNEY,] in the course of his remarks, took occasion to express his gratitude to the worthy directors of the first bank, and says "he is indebted to those gentlemen for having held out their hand to him in the path of his profession." It seems, then, that that bank, too, had winning ways about it, in extending the hand of assistance to young gentlemen of talent and promise, in the way of their profession. How far the present bank has extended its hand with the people's money, to assist young or silver-headed gentlemen in the way of their profession, I presume must long remain among the consecrated arcana of that institution, as its managers are honorable men, and, according to an old maxim, will not divulge. Sir, I can appreciate and feel the sentiment of gratitude and indebtedness in the bosom of a young gentleman towards a patron who has extended the hand of assistance in raising him to notice and honor; I know it is the last feeling which a man of high and honorable spirit relinquishes; but in this reference, my colleague has furnished better evidence of his own purity of heart and dignity of sentiment, than of the position he intended to advance, that the directors were incapable of improper conduct: the very feeling which he entertains, honorable to himself, unfits him, in some degree at least, to decide the fact which he alleges.

The same honorable gentleman excuses the warmth in which he denounces a plan of currency unconnected with the United States Bank as the fiscal agent, in view of "seeing his children stripped of all that the father's industry had provided for them."

It seems to me, Mr. Speaker, that we, who are acting for the present generation, have obligations and duties imposed upon us by the virtue and patriotism of those who have gone before us, of a much higher and nobler character than any connected with mere currency—the preservation in their spotless and unsullied purity, of the rich and precious blessings bought by the lives, and sealed with the blood of our fathers, in our free and happy republican institutions, that we may hand them down to our posterity without a stain or blemish, and leave the chaste fire of patriotism still burning upon the altar, as we found it, with a pure and steady flame. Genius of Washington, spirit of Jefferson! preside over us, and guide our deliberations, in resisting and banishing all impure and contaminating influences upon our revered institutions of liberty and freedom, that we may transmit to those who are soon to fill our places, unimpaired and improved, the lessons taught by their illustrious examples; and that our happy country may still remain the asylum of the oppressed of all nations, and long continue "the land of the free and the home of the brave."

Mr. Galbraith having brought his remarks to a conclusion—

Mr. STEWART, observing that the consideration of the pending resolution was likely to extend throughout the session, and that it had, in fact, been superseded by the action of the Committee of Ways and Means on the same subject, moved to lay the resolution on the table.

Mr. WHITTLESEY inquired whether it would be in order to postpone the consideration of this motion until to-morrow, that the business of the day (which was the consideration of private bills) might proceed.

The CHAIR replied that the motion of Mr. Stewart could only be received by suspending the rules for that purpose.

The question being put, the rules were suspended accordingly: Yeas 115, nays 23.

Mr. STEWART now said that, as he did not wish to interrupt the business of the House, instead of making his original motion, he would move to proceed to the orders of the day.

After some conversation—

Mr. STEWART moved, as at first, to lay the resolution of Mr. Mardis on the table.

Mr. PLUMMER insisted that, though the motion had been made, it could not be considered, unless the rules should be again suspended; inasmuch as they had been suspended only to enable the gentleman to make his motion.

Mr. STEWART withdrew his motion;

And Mr. MOORE, of Virginia, immediately renewed the motion.

Mr. ADAMS inquired whether this motion was in order.

The CHAIR decided that it was.

Mr. ADAMS thereupon took an appeal: insisting that, as the rule had been suspended expressly to enable the gentleman from Pennsylvania to make the motion, he having withdrawn it, no other member could move the same, without a new suspension of the rules.

On this, a most perplexed and desultory debate arose on questions of order; which was terminated by a vote by yeas and nays, affirming the decision of the Chair: Yeas 149, nays 13.

Mr. VANCE thereupon moved to reconsider the decision suspending the rule; but the House refused to reconsider: Ayes 57, noes 105.

A motion of Mr. Clayton, to lay the resolution of Mr. Mardis, together with the amendment thereto proposed by Mr. Corwin, on the table, being pending—

Mr. McKENNAN demanded that the question be divided and taken distinctly, first on laying the resolution on the table, and then on laying the amendment on the table.

The CHAIR pronounced such a motion to be out of order.

From this decision Mr. McKENNAN took an appeal.

[In order to understand the importance of this motion, it must be remembered that the resolution is in the following words:

"*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of reporting a bill requiring the Secretary of the Treasury to deposite the public moneys of the United States in the State banks; and also to the expediency of defining, by law, all contracts hereafter to be made with the Secretary for the safe-keeping, management, and disbursement of the same."

And that the amendment of Mr. Corwin is as follows:

"*Resolved*, That the reasons of the Secretary of the Treasury for the removal of the public deposites from the Bank of the United States are insufficient; and that it is inexpedient to enact a law requiring the Secretary of the Treasury to deposite the public money in the State banks."

The effect of a division would be to give the friends of the latter proposition an opportunity of obtaining a direct vote upon it.]

Mr. FILLMORE and Mr. WILLIAMS argued the question of order.

Mr. BURGES made some very animated remarks on the propriety of allowing an expression of the sentiments of the House to be given, on the sufficiency of the Secretary's reasons for withdrawing the deposites from the Bank of the United States.

Mr. McKENNAN said that he made the appeal from the decision of the Chair, not from any want of respect to the gentleman who temporarily occupied the Speaker's chair, but from his anxiety to have a distinct vote of the House upon the proposition contained in the amendment of the gentleman from Ohio. He wanted the House to affirm or disaffirm the sufficiency of the reasons offered by the Secretary of the Treasury for the removal of the deposites. He had stated, in his place, that he did conscientiously believe there were not sixty members on that floor who believed that the reasons of the Secretary for the act were satisfactory and sufficient, and he wished the correctness of this opinion to be tested, not by smothering the proposition, or getting round it by a motion to lay it upon the table; but by giving a distinct vote upon the subject. With this view he had called for a division of the question, and as the Speaker had declared his motion to be out of order, he had entered the appeal from his decision. From the intimations given by those who were better acquainted than himself with the rules of order, it would seem that he was probably wrong in the question of order he had raised, and he felt no disposition to persist in it. His intention, therefore, was to withdraw the appeal, and let the vote be taken, as intimated by the Chair. He, however, called upon the majority of the House, if they were willing to toe the mark, and affirm the sufficiency of the Secretary's reasons, to vote against the motion to lay the original resolution and amendment on the table. If they do sustain the motion, the inference will be irresistible that they still want to avoid the only question which was fairly presented by the report of the Secretary of the Treasury.

Under these circumstances, and with this view, he withdrew the appeal.

Mr. CORWIN then inquired of the Chair whether he could not withdraw his amendment to the resolution?

The CHAIR responding in the affirmative,

Mr. CORWIN withdrew his amendment; whereupon

Mr. MARDIS withdrew his resolution.

The Indian appropriation bill was ordered to be engrossed for a third reading.

HARBOR BILL.

The House then, on motion of Mr. POLK, went into Committee of the Whole on the State of the Union, (Mr. J. Q. Adams in the chair,) and took up the harbor bill: and the question being on the motion of Mr. Mercer to reconsider the item for connecting the navigable waters of the river Raisin with Lake Erie or with La Plaisance bay,

Mr. MERCER went into an explanation of the grounds of his motion to reconsider; when, after a somewhat desultory discussion, in which Messrs. Evans, Hubbard, Whittlesey, Sutherland, and Lyon of Michigan, took part, the motion to reconsider was negatived: Yeas 41, nays 84.

The appropriations for the Lake harbors were then considered.

Mr. LOVE moved for the rising of the committee; but it was negatived: Ayes 39, noes 96.

Mr. EVANS put a number of queries to Mr. Hubbard, as to a reduction of the amount originally proposed for these objects, from 168,000 to $101,000, and why they had not been put into the bill as reported to the House.

Mr. HUBBARD explained, and referred to the documents from the War Department.

Mr. FILLMORE gave full explanations respecting the improvements at Black Rock and Buffalo—

When the amendments for harbors on the lakes were all agreed to.

Mr. MERCER moved the appropriation of $30,000 for surveys, according to the provisions of the act of 1824, which, after an unsuccessful attempt of Mr. Stewart to amend it so as to allow $5,000 for geological surveys and investigations, was agreed to.

Mr. POPE moved an amendment, appropriating $40,000 for the removal of a sand bar opposite to the harbor of St. Louis, in Missouri. Mr. P. went into a very full explanation of the nature and cause of the obstruction, and the measures proposed to remove it.

Mr. ASHLEY further explained, and urged the necessity of the appropriation, and its great importance to the commerce of St. Louis and a vast back country, of which that city is the port.

But the amendment was negatived: Ayes 50, noes 84.

Mr. HUBBARD moved an amendment, to improve the navigation of Deep creek, the northern outlet of the Dismal Swamp Canal, $29,000, which was agreed to: Ayes 74, noes 53.

Mr. CAVE JOHNSON proposed an appropriation of $30,000 towards improving the navigation of Cumberland river.

Mr. BEATY very fully explained the nature of the improvement needed, and dwelt with earnestness and at considerable length on the advantages of adopting it.

It was briefly advocated also by Mr. CHILTON, who stated the fact that not one dollar had yet been appropriated by the General Government for works of internal improvement in Kentucky.*

Mr. PARKER opposed the appropriation as a new work which had never been regularly submitted to the committees of the House, and accompanied by no estimates, &c.

Mr. CHILTON ALLAN replied, and supported the motion of his colleague.

Mr. PARKER rejoined and explained—and

Mr. PEYTON warmly advocated the amendment, provided the work should be decided in the House to be of a national character; otherwise he must oppose it, though the money was to be expended in his own district.

The question being put, it was negatived: Ayes 60, noes 65.

Mr. CROCKETT offered an amendment, appropriating $60,000 for the improvement of the navigation of Forked Deer, Hatchie, and Obion rivers, in East Tennessee. He supported his amendment in a brief speech, but without success.

Mr. HAWES made a similar attempt for Green and Big Barren rivers, but with the like success.

Mr. LANE moved $10,000 for White Otter creek, from Brookville to the Ohio river. Negatived.

Mr. GAMBLE now moved for the rising of the committee, which prevailed, and the committee rose and reported.

Mr. THOMSON, of Ohio, moved a reconsideration of the vote deferring the further consideration of the question of adjournment; but before any action was had upon his motion,

The House adjourned.

Saturday, May 17.

Mr. WATMOUGH, from the select committee to whom had been referred the bill to equalize the pay of officers of the navy of the United States, made a report thereon, accompanied with an amendment; which, with the accompanying documents, were ordered to be printed, and the bill committed to the Committee of the Whole on the state of the Union.

[The report, in substance, declares the principles assumed in the bill, of equalizing the pay, to be impracticable; and the amendment, being in conformity to the report, essentially alters the bill.]

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*Representatives' Hall, May 17, 1834.

Messrs. Gales & Seaton:

The account given in your paper of this morning, in regard to an appropriation asked on yesterday, for the improvement of the navigation of the Cumberland river, doubtless through inadvertence, is incorrect. I am represented as advocating the amendment offered by Mr. Cave Johnson, of Tennessee, making an appropriation of thirty thousand dollars to improve that stream below Nashville. I neither advocated nor voted for that amendment. But after the rejection of that proposition, one of my colleagues [Mr. Beaty] offered an amendment asking fifty thousand dollars, to improve the Cumberland to the head of steamboat navigation. This amendment I advocated, believing it both proper and important. And more than this, I believed it due to a State, whose rights, connected with disbursements from the public treasury, have been already too long neglected, if not indeed invidiously sported with. This correction of the report would not be important but for the fact, that I have ever opposed the glaring partiality with which a former appropriation for a similar object was applied.

I am, gentlemen, your obedient servant,

THOS. CHILTON.

Mr. W. gave notice that, with the permission of the House, he would move, on Tuesday week, to have the bill taken up for consideration.

Mr. CHILTON asked the unanimous consent of the House to discharge the Committee of the Whole, for the purpose of sending to the Committee of the Whole on the state of the Union, the bill to place on the pension roll those persons who had been engaged in the Indian wars prior to 1794. Objections having been made—

Mr. C. moved a suspension of the rule to enable him to submit this motion. Rejected.

ADJOURNMENT OF CONGRESS.

The SPEAKER having announced the unfinished business from yesterday to be the motion to postpone, until Tuesday, the motion made by Mr. Thomson to reconsider the vote by which the further consideration of the joint resolution to fix a day for the adjournment of Congress had been postponed—

Mr. THOMSON now proposed to modify his resolution by altering it to Thursday.

Mr. BOON called for the yeas and nays; which having been ordered—

Mr. EVANS rose and said that the vote by which the House had determined so recently to postpone this subject, was by such a decisive majority, that it was useless to waste time in reconsidering it; he therefore moved to lay the motion on the table.

Mr. BRIGGS called for the yeas and nays on this motion; which were ordered.

And the motion of Mr. Evans was negatived: Yeas 77, nays 86.

After which, Mr. THOMSON said that, as the subject was so likely to lead to a protracted discussion, he would withdraw the motion to reconsider.

Mr. R. M. JOHNSON rose to a point of order. He wished to know whether, after a motion to reconsider, which he supposed could only be made within a certain time, and in which other members were so interested that they would have made a similar motion, could be thus withdrawn by the member making it, after the expiration of that time; and by which mode of proceeding the others would have been prevented making it?

The SPEAKER decided that every member, at any time, had the right either to modify or withdraw a motion submitted by himself, provided there was not any amendment made to it by the House.

Mr. R. M. JOHNSON then asked, Could a motion to reconsider, under the circumstances, be now in order?

The SPEAKER replied in the negative.

Mr. McCOMAS asked leave to offer a resolution authorizing an appropriation to be made for a subscription of stock to aid in the construction of the James river canal.

Objections having been made—

Mr. McC. moved a suspension of the rule. Negatived.

Mr. MERCER asked the unanimous consent of the House to take up a joint resolution which had been lying on the Speaker's table, and which required to be acted on, granting a right of way through lands, the property of the United States, at Harper's Ferry, to the Winchester and Potomac Railroad Company.

Objections having been made—

Mr. M. stated that the whole Western country, as well as Virginia, were interested in the success of this undertaking. He moved a suspension of the rule.

The motion prevailed; and the following amendment, reported with the bill, having been read, viz:

"Provided that the railroad be located so as, in the judgment of engineers of the army of the United States, not to impede the future navigation of the Shenandoah river," &c.

The resolution was then read a third time, and passed.

The following resolution, heretofore submitted by Mr. Thomson, came up in its order:

"*Resolved*, That the Committee on Roads and Canals be instructed to inquire into the expediency of granting a quantity of the unsold, unappropriated public lands, for the purpose of aiding in the construction of a canal to connect the Ohio canal with the Pennsylvania canal, by way of what is called the Sandy and Beaver route"—with the amendment thereto, proposed by Mr. Fuller; and, also, a canal from Rochester to Olean, in the State of New York.

The question having been put on the amendment, it was rejected.

Mr. STEWART moved to strike out the words "by the way of what is called the Sandy and Beaver route."

After a remark from Mr. WHITTLESEY—

Mr. THOMSON said that, if this should be agreed to, the resolution would be unavailable for the object the State of Ohio had in view. But he would not press his resolution against the sense of the House, and withdrew it before any action was taken on the amendment.

The House then proceeded to the consideration of the resolution submitted by Mr. J. Q. Adams, on the 28th of March last, calling upon the Secretary of the Treasury for information in relation to the banks selected by him for the public deposites.

Mr. J. Q. ADAMS hoped there would not be any opposition to it.

Mr. McKAY said that he believed the information required would be found already amongst the documents printed on this subject.

On motion of Mr. PARKER, before any action was taken on the resolution, the House proceeded to the orders of the day, being the consideration of private bills.

Mr. HUBBARD moved a suspension of the rules, for the purpose of going into Committee of the Whole on the state of the Union.

The motion prevailed: Ayes 121, noes not counted. Thereupon the House resolved itself into committee, (Mr. J. Q. Adams in the chair,) and took up the bill making appropriations for certain

HARBORS, &c.

Mr. DENNY said that it would be in the recollection of the House that the original annual appropriation of $50,000 for the improvement of the Mississippi and Ohio rivers, was intended to secure a water communication between Pittsburg and New Orleans, but, in 1832, the Missouri river having been added to the clause, this sum proved inadequate to effect the improvement in all of them. With a view to have the obstruction removed from the upper parts of the Ohio river, above the falls, which had been hitherto unattended to, and for which he said that the present appropriation would not be sufficient, he moved to amend the bill by adding $25,000 for improvements of the river from Pittsburg to Louisville, under the direction of the Secretary of War.

Mr. ASHLEY had no objection to any appropriation that would be actually necessary, but he reminded the honorable member that, although appropriations had been made for the improvement of the Missouri river, yet, owing to the construction which the President of the United States had given to the constitution, these appropriations had not been applied as they were intended. He contended that St. Louis, being a port of entry, was as much entitled to consideration as any port in the Union; and he suggested that $10,000 should be applied towards the improvement of the Missouri, near that city.

Mr. MERCER suggested that, if the words "including the harbor of St. Louis," were inserted in the amendment, this object might be attained.

Mr. HUBBARD said that the Committee of Ways and Means, in recommending the appropriation of $50,000, for the improvement of these three rivers, did so in consequence of documents laid before them, giving a minute and detailed account of the measures to be taken for their improvement, and for which that sum was deemed all-sufficient. They had no knowledge that a further sum would be required. He hoped, therefore, the amendment would not prevail.

Mr. VINTON advocated the amendment, and complained that, out of all the money hitherto appropriated for the improvement of these rivers, (nearly $400,000,) only 20 or $30,000 had been expended where it was much needed, and where it was the original intention of those making the appropriation that it should have been, viz: between Pittsburg and the falls of the Ohio. He did not object to any improvement of the navigation that had been made on the lower parts of the river, but would merely observe that the upper part had been neglected. He contended that there ought to be two superintendents, as it appeared that the services of Captain Shreve, who prepared, he supposed, the estimates for the Committee of Ways and Means, and who had the charge of removing these obstructions, were constantly required for the lower parts of the Ohio, and for the other rivers, and which places only he took into account.

Mr. POPE concurred in opinion that both these appropriations were necessary, and regretted that the amendment which he proposed, on a former day, for the removal of the sand bar at St. Louis, had been rejected; but he did not think that the obstructions could be removed, unless with the assistance of Captain Shreve, who was the inventor of the snag-boat, by which invention he had hitherto been enabled to clear the lower parts.

Mr. DENNY said that he was desirous to meet the wishes of those concerned in the improvement of the navigation both below and above the falls of the Ohio river; and to obviate any objections, he proposed to modify his amendment, by inserting the words "out of which sum the Secretary of War shall apply such amount as shall be necessary for the improvement of the harbor of St. Louis."

Mr. REED said he had been under a misapprehension in relation to this appropriation, supposing it not to have been reported to the House: as he now discovered that this was not the case, if $50,000 was not enough for the object, he should vote for $25,000 more.

Mr. POPE, though not opposed to the improvement of the habor of St. Louis, was not willing that it should be included in the $50,000 now asked for; because, as it would require, of itself, $40,000, there would be but $10,000 left for the river.

Mr. DENNY said that no specific sum was set apart for the harbor of St. Louis.

Mr. POPE said that then the whole sum might be applied to that object.

Mr. MERCER suggested that it would be best to increase the sum to $90,000.

After some further discussion—

Mr. DENNY modified his amendment so as to make it read "and the further sum of $25,000 to complete the improvement of the Ohio river, between Pittsburg and Louisville, to be commenced this year, under the direction of the Secretary of War."

The question being put, the amendment was rejected: Ayes 62, noes 64.

Mr. SEVIER moved an item of $30,000 for completing the navigation of the Arkansas river. But it was negatived: Ayes 20, noes not counted.

Mr. MILLIGAN said, that before the bill was reported to the House, he desired to inquire of the honorable member who introduced it, why it was that the Committee of Ways and Means had adopted the present amount for carrying on the breakwater in the Delaware, instead of that recommended in the estimates from the department? The sum asked for by the department for this purpose, was $350,000—that reported by the committee was only $270,000; and, unless the reasons for the substitution were satisfactory to his mind, he should feel it his duty to move to amend the bill in this particular. He should wait the gentleman's response.

[Mr. Hubbard here explained; but Mr. Milligan not being statisfied, then offered his amendment.]

Mr. Milligan said that last year a similar allowance with that now proposed by the committee had been adopted, and he possessed information which justified him in asserting that the progress of this great work had been retarded from the insufficiency of the sum. The whole of it was absorbed long before the season expired during which the undertaking might have been prosecuted; and the consequence was, considerable embarrassment and loss, not only to the contractors engaged on it, but to the Goverment itself.

Mr. M. said he took it for granted that this was one of those great national improvements which it was the intention of Congress should be completed. It was open to none of the objections started for the first time in that ever memorable document, President Jackson's veto message No. 1. It was no local project. It was obviously national in its character and bearing. It was intended for the convenience and security of the commerce of the whole country. The impression, if it prevail, that it would be particularly advantageous to the State of Delaware, was altogether a mistaken one. The Southern States of this confederacy were as much interested in it as any others. But the truth was, that the whole coasting trade of the country was to be benefited by it. Such being the fact, and all opinions concurring in the importance of the work, and the necessity for its completion, (for he believed that even the disciples of the most rigid strict-construction school, were willing to concede to the General Government the power over this subject,) it mattered little how large a sum we now granted, provided we kept within the general estimate, and provided, also, the persons employed to superintend its disbursement saw that it was honestly and judiciously applied. Indeed, Mr. M. said, he was inclined to think that true economy would be best consulted by granting even a larger sum than the one recommended by the department. The Government had numerous agents there, whom they were compelled to retain, engaged at an annual salary. Their compensation would not necssarily be increased by an increased appropriation; but considerable expense might be saved by hastening the operations on this work. It was all important, however, that they should be kept constantly busy, which he understood was not the case last year, not from any fault of their own, but from the circumstance of our inadequate appropriation. The breakwater itself, also, had suffered material injury by the delay. Had it been pushed in due season, it would have been in a state of sufficient forwardness to have escaped the action of the last October gales, which, he heard with regret, had done considerable damage. To guard against a similar recurrence in future, and to expedite the completion of this magnificent undertaking, worthy of any Government, and of none more than our own, he hoped that the amendment would be adopted. At all events, that the amount first called for by the department, would be restored to the bill.

Mr. SUTHERLAND supported the motion, and read a report from the superintendent of the work, stating that, if adequate appropriation should be made, it might be completed in 1835. It was intended to apply $20,000 to the erection of a light-house on the west end of the pier.

Mr. HARPER, of Pennsylvania, stated that this was one of the few works of internal improvements which were likely to be completed for a sum within the original estimate. The estimate for finishing the breakwater had been two and a half millions: it was now half finished, and had cost but a little over one million. He argued from the fact of the superintendents being on salaries, that the sooner the work could be completed the less it would cost.

Mr. WARDWELL, though in favor of the appropriation as reported, was against increasing it. The sum expended last season had been appropriated much earlier in the year; and if that had lasted till August, the sum now given would last till November or December.

After some further discussion, in which Mr. C. Allan and Mr. Sutherland took part—

Mr. WATMOUGH replied to Mr. Wardwell, by observing that, as most of the materials had now been collected, and only needed to be deposited, a larger sum might advantageously be applied.

The amendment was negatived without a count.

Mr. ASHLEY moved to amend the appropriation for the improvement of the Memphis and Ohio, by striking out $50,000 and inserting $75,000.

It was rejected: Ayes 56, noes 66.

Mr. HUNTINGTON, of Connecticut, moved an item of $20,000 for the improvement of the river Thames, between New London and Norwich. He referred to the fact that this appropriation had been favorably reported on by the War Department, and three times passed by the House, but in two instances it had received the Executive veto. He stated the former amount of foreign commerce from this river to have been $2,000,000: but though this had declined of late, it had been replaced by a most valuable coasting trade.

The amendment was negatived: Ayes 40, noes 83.

He moved a further amendment of $20,000 for the harbor of Westbrook, which shared the like fate.

Mr. WHITE, of Louisiana, moved to amend the clause making an appropriation for Red river.

He said that the bill, as reported by the committee, contained a clause of $30,000 for improving the navigation of Red river. The amendment I have sent to the Chair, said Mr. W., proposes to increase the sum to fifty thousand. Without any disposition to occupy time, at this stage, I will beg leave to state a few of the reasons which induced me to offer it.

The improvement contemplated by the bill is the removal of the great raft of Red river. As to the importance of the work, I will not enlarge at this time of day, considering, as I do, that matter as ascertained and determined by the fact of the Government having heretofore undertaken it, and voted sums of money for its execution. If, however, I were to speak on that subject, I could say, without any fear as to the precision of the remark, that, in point of interest and value, in all general, national respects, the enterprise is secondary to none of similar nature to which the United States ever have had, or probably ever will have, occasion to lend their countenance and support. The Red river is a deep and beautiful stream, intersecting the territory of the United States for some six or eight hundred miles. About midway of its course, its channel is blocked up by a mass of accumulated timber near one hundred and fifty miles in extent. This formidable obstruction was, for a long time, deemed insuperable. It was reserved to the energy and skill of Captain Shreve to show what could be accomplished by industry and a judicious application of the power of money. During the last season, he penetrated the raft above seventy miles. His report is before us. He estimates the probable cost of completion at $100,000, the merest nothing when compared with the incalculable importance of the achievement. His views have been carefully revised and sanctioned by the department. They have the concurrence of the engineer general, as is apparent from the regular communication of the Secretary of War, made at this session; and yet, out of tenderness for the purse, the official estimate for this item was the poor pittance of $25,000.

Sir, said Mr. W., the impolicy of going about it in this way is apparent. The object is to be effected at the cost of $100,000, but it is $100,000 effectively applied, and in season. If you dole it out in driblets and instalments, the result cannot be the same. The operative materials, the men, and the apparatus, are to be collected and recruited in the upper States. Laborers for the service are not to be had on the spot. Before such an armament is brought into action at the raft, a sensible breach must be made in the fund for stipend and provision. I have in my hand a carefully prepared estimate of the cost of such an expedition, apart from the time they are actually employed in the work, and, sir, it exceeds $12,000. The hundred thousand dollars is the proximate valuation for the doing of the work, whence it is evident that if, instead of appropriating the requisite sum at once, you give it in annual parcels of four or five years, $12,000 must be withdrawn from each year's preparation, so that the eventual disbursement will be at least fifty per cent. more. What may be promptly effected for $100,000, will require one hundred and fifty thousand, or more, when prosecuted on the dilatory and miscalled system.

The incidental expenses of each campaign, I have shown to be $12,000: now, suppose you proceed to appropriate the hundred thousand dollars in annual modicums of $12,000, is it not apparent that the whole amount would be wasted in preliminaries, while, in point of fact, the grand object would remain untouched? In this way, you might go on till you had expended one hundred thousand, or a million, without disturbing the position of a single one of the trees imbedded in the raft. Therefore, I say, Mr. Chairman, that putting, for the moment, all other motives out of view, the sole motive of economy, the mere calculation of saving, should impel us to increase the sum inserted by the committee. But there are many other, and far more forcible considerations. Of these the most ostensible is the gain on the score of public land. It has not escaped the acuteness of gentlemen. The gentleman from Ohio [Mr. Vinton] observed just now, while discoursing on another proposition, that, if the raft of Red river were removed, the cost of the work would immediately be three times refunded by the sale of the public domain. The gentleman was no doubt right, as far as he went, but he might have gone much farther. Three times! Why, sir, I consider it nowise adventurous in me to say, that you have but to appropriate the hundred thousand dollars, and do the work at once, and then proclaim your sale of the lands that will be reclaimed by it, and the gentleman's calculation will be left entirely behind: his threefold duplication will itself be three times doubled, and more. Clear away the obstruction, make your sales, and millions will flow into your coffers.

Sir, said Mr. W., the enterprise recommends itself by every consideration that was ever urged in favor of an undertaking of the kind—commercial, military, all. You have posts and garrisons beyond the raft. It opens the way to a frontier to which you may want to carry war. You are collecting all the Indians of the country along that border. The reasons are innumerable: I will not here attempt to detail them.

Sir, said he, all my convictions lead me to wish to see the requisite sum voted at once. In submitting for the bare fifty thousand, I defer to the apparent disposition which obtains to do things, I will not say economically, but parsimoniously. I fall in with the spirit of the times. I have confined myself to the very narrowest limits which my sense of public duty would allow.

Mr. ASHLEY confirmed this view, and insisted that the work was equally called for by the interests of the Government and the health of the inhabitants. He moved to increase the sum appropriated to $100,000.

Mr. **MERCER** explained the manner in which the raft was constantly accumulating by floating trees from above, and showed that this must continue so long as any part of it remained to stop the descending timber. It was therefore wise policy to go on and cut a clear channel as soon as practicable, &c.

Mr. **SEVIER** also supported this view of the subject, and gave his personal testimony to the great value of the lands, and their annual decrease from inundation. Lakes had been formed, eight or ten feet deep, where once rich and flourishing plantations had been cultivated.

The question was taken, and the yeas were 60, the nays 52. No quorum having voted,

Mr. **BINNEY** read from the report of Mr. Shreve, in support of the amendment.

Mr. **HUBBARD** briefly explained the grounds on which the committee had inserted the sum of $30,000 in the bill.

Mr. **GARLAND** said that, this being an appropriation intended to prosecute and complete an important improvement in his district, he hoped it would not be considered inappropriate in him to submit a few observations in support of the proposed increase.

It will not (said Mr. G.) be necessary to add many remarks to those already submitted by my colleague, [Mr. White,] the gentleman from Missouri, [Mr. Ashley,] the gentleman from Virginia, [Mr. Mercer,] and the gentleman from Arkansas, [Mr. Sevier,] to prove the importance and necessity of completing, at as early a day as possible, the improvements that have long since been commenced on the Red river in the northwestern section of the State of Louisiana.

To all who are acquainted with the geography of the portion of country through which the Red river runs, it is well known that it waters an extent of territory not much exceeded by any other river on the continent, rich in its soil, its agricultural products, the produce of the forest and the mines. It penetrates far into the interior of that wide extent of country belonging to the United States and the Mexican confederacy, has its sources in or near the Rocky mountains, and is navigable for boats of considerable burden to the neighborhood of Santa Fe, the capital of New Mexico, one of the most extensive and (in natural resources) richest States in the Mexican republic.

The only obstruction to its navigation is that commonly known as the raft, extending a distance of about one hundred and forty miles through a portion of my district, and the southwestern section of the Territory of Arkansas. Beyond that point, travellers and navigators all concur in informing us that the impediments to the free navigation of the river, for a considerable portion of the year, are trifling, and may be easily surmounted. The raft is formed by the accumulation of floating timber, and the deposites of earth at different points, extending the distance already mentioned, with many intervals between them entirely unobstructed. During the annual floods, the current, being obstructed by these rafts, is forced out of the natural channel into lateral ones, annually inundating a wide extent of very rich land; and, as has been correctly stated by the gentleman from Arkansas, has driven and will continue (so long as it remains in its present situation) to drive from their plantations the planters who are situated near it.

The practicability of the removal of these obstructions to the navigation, has been fully tested by repeated surveys made by officers attached to the army or Engineer department, and by the gentleman who lately superintended and directed the work that has already been executed; who is not only satisfied of the practicability, from an actual examination, but has proved it by actual and successful experiment.

This is not a new work, according to the meaning of those words in these days, but is one upon which a considerable sum has already been expended, and has progressed fully a third under the superintendence of a Government agent; it, therefore, is not liable to the objection that has been urged against other appropriations, which have been asked for improvements never heretofore patronized or attempted by the United States. The question is not now whether Congress will consent to undertake this important improvement, but whether the work shall be prosecuted or abandoned, after it has been partially completed, and a large sum already expended?

The committee will, I hope, now permit me, very briefly, to detail a few of the advantages that will result to the whole community from the completion of this improvement, in a military and commercial point of view, and as a measure in which the country generally has a deep interest.

The Red river, after it leaves the limits of my State, is the southwestern boundary of the United States for a great distance; it is in the rear of the country that has been set apart for the permanent location of the Southern Indians, affords an easy communication with nearly all the region inhabited by those people, and the possession of it will not only always enable us to control the tribes now peculiarly the objects of our protection, but also to keep in check those farther west and northwest.

As far as this river is our boundary, it is exclusively our own. The Mexicans have no other right than that of navigating it. They will never do any thing to improve its navigation; the Indians cannot do any thing; the State of Louisiana ought not to be expected to incur what to her would be an enormous expenditure, because it would be taxing her citizens for the especial benefit of the United States. This raft, or succession of rafts, more properly speaking, is in that portion of the State where the lands are exclusively the property of the United States; the removal of them, therefore, would have the effect of reclaiming and giving value to a property not her own. Besides, a portion of this obstruction is in the Territory of Arkansas; and, supposing the State of Louisiana should be disposed to remove all the obstructions within her limits, the work would be of but little utility, unless Congress should agree to continue it in Arkansas. Therefore, if it be not the policy of this nation entirely to close, or keep closed, the most direct and easy communication to our southwestern frontier, not to give up our control over all the Indian tribes on our western border, and the entire command of the commerce of the eastern and northeastern portions of the Mexican confederacy, then this appropriation will be made. That such is not our policy or intention, common sense and our own conduct plainly evinces. A military post of considerable importance has for a considerable time existed on or near Red river, above this obstruction to its navigation. With this post, the communication is difficult and dangerous; and I have but little doubt that the interest of the increase of the appropriation will be more than saved annually in the necessary expenditures that are made for transporting supplies of various kinds to cantonment Towson, and the other expenses of that station. In a military point of view, this work is every way important; in a commercial, it is not less so.

The fertility of the soil on the banks of this important stream is proverbial; the products are valuable. The commerce now carried on in furs, peltries, and other products of the agriculturist, the hunter, the miner, and our own manufactures, is by no means inconsiderable, and will, as soon as the navigation is rendered safe, rapidly increase, and extend to the base of the Rocky mountains. Already has that spirit of enterprise and adventure which so eminently characterize the navigators of the western waters, prompted several commanders of steamboats to undertake, at a very high stage of water, a passage through the dangerous and devious channels that the river has formed through this wild region; which, after surmounting difficulties calculated to appal the most fixed resolution, they have effected, at great risk and expenditure of money and labor.

As a question of expediency and interest, this amendment presents itself in a still stronger point of view. All the land on each side of the river, where it is obstructed by the raft, is the property of the United States. Nearly all of it is annually inundated. In a conversation I have recently had with the superintendent, I am assured that at least 500,000 acres will be reclaimed; information obtained from other sources justifies me in believing that the calculation is not an extravagant one. This land is of the first quality, peculiarly adapted to the cultivation of cotton, corn, and tobacco, and is already in great demand. Since it has been generally known that Congress had determined to remove the obstructions to the navigation of this river, the country has been filled with parties or individuals, exploring every quarter, all anxious to acquire land, and establish themselves on it. There cannot be a doubt, if this appropriation be now made, that, as soon as the surveys are completed, or so advanced that a portion only of the lands can be brought into market, the sum now asked for will be returned ten or twenty fold into the treasury. This is not an appropriation, like many others in this bill, that will only benefit the country generally, from the increased facilities and prosperity that is given to a particular section: the property adjacent is exclusively the property of the nation; its increased value will be for the benefit of all, and the further and more substantial advantage will be obtained of converting into a populous and healthy region, a desert on your southwestern frontier, now annually presenting a wide waste of water, and, when the floods recede, inhabited by wild beasts, noxious reptiles, and insects.

Since the exposition made by my colleague, [Mr. White,] in presenting his motion to increase this appropriation to $50,000, no objection seems to exist to that sum; but some gentlemen appear startled at the large increase asked to the sum reported by the Committee of Ways and Means. But a slight attention to the facts will show the propriety and economy of making a sufficient appropriation at once. The estimate submitted by the committee was based upon information from the Engineer department, which at the time was not sufficiently ample, but it was not, as I understand, in the power of that department to give other information. Subsequent and better estimates and information have been obtained, which make it indispensable that the sum originally proposed should be increased to the amount proposed by the gentleman from Missouri. It is now ascertained that it will require $100,000 to complete the work in the manner it should be done; and, considering its great importance and the disposition already manifested by this committee, there is no doubt it will be ultimately appropriated. The only question is, Shall it be done at once; or shall we only put half the necessary sum at the disposition of the proper department, and appropriate the remainder at the next session?

A brief recurrence to facts will, I believe, convince the committee that the whole appropriation should be made now. It is well known that the climate, and the peculiar character of the obstructions intended to be removed, will only allow of the work being done at particular seasons of the year, when the waters are high and the country healthy. I am informed by the chief engineer and the superintendent that it is contemplated to put as large a force as possible at work early in the next season, perhaps in the month of October, and to complete the whole work in the course of the ensuing spring, if a sufficient appropriation be made at this time, or if a positive assurance could be given that a sufficient sum would be appropriated at the next session. No such assurance can be positively given; therefore it is best for us to act at once, and let the Executive officers know what is to be done. I am assured it will be utterly useless to commence with a less sum than $50,000, and that an additional $50,000 must be granted or the work must be suspended. To permit that, will be neither economical nor prudent. The necessary number of workmen will have to be employed in the States bordering on the Ohio river, and transported to this distant part of the country. During the time they are collecting at some place of rendezvous, and on their passage to the scene of their operations, they must be at the expense of the Goverment, and the salaries of superintendent and agents are going on. It is also difficult to procure, at the time they are wanted, a sufficient force for such a purpose. Therefore, it is a matter of the greatest importance to prevent, if possible, the dispersion of an effective body of men, after they are collected and accustomed to the labor to be done, and the discipline necessary to be maintained.

The difficulty, expense, and trouble of again raising, transporting, and maintaining three or four hundred workmen will be enormous. Then why not make the appropriation at once? No part of the funds will be drawn from the treasury until the month of October next; a large portion will not be wanting until the latter part of the winter or some time in the spring. Then what difference can it make, on the score of economy or convenience, whether we appropriate at this time the whole sum that will be necessary, or only give half now and the remainder at the next session of Congress? It will all be wanted in the course of the next twelve months, and not a dollar will be drawn earlier out of the treasury by our prompt action, or by delaying half the business some eight or nine months. By making the appropriation at this time, the proper officers will know what they have to do, and the resources upon which they can depend.

Upon a full review of the necessity and practicability of this improvement, its importance in a military and commercial point of view, and as a question of deep interest, not only to my particular district, but to the country generally, no substantial reason, in my humble judgment, can be offered against the adoption of the amendment.

After Mr. Garland resumed his seat, the question was put, and the amendment adopted: Ayes 68, noes 66.

The following additional items were then severally moved and rejected, viz:

By Mr. **HAWES**—for Pond creek and several other creeks in Kentucky;

By Mr. **WATMOUGH**—for an additional pier in the harbor of Delaware city, $1,000;

By Mr. **EWING**—for a survey of the obstructions in the two branches of White river, Indiana, $10,000.

Mr. **CARR** proposed an amendment to the bill for an appropriation of the sum of twenty-five thousand dollars to improve the navigation in the Indian chute through the falls of the Ohio river.

Mr. C., in a very brief and explicit manner, earnestly urged the propriety and utility of improving the navigation of the falls; he stated that a survey had been made; that the Committee on Roads and Canals had called upon the Department for a copy of the survey, and also for an estimate of the amount necessary to make the improvement asked for. Mr. C. said he had been informed that the Department had requested Captain Shreve to make an estimate of the probable amount which it would cost to improve the navigation through the falls to an advantage, but that he had not been informed whether this estimate had been made and forwarded to the Committee on Roads and Canals or not. Mr. C. said he had deemed it his bounden duty to offer at this time the amendment which he had proposed. If the estimate had not yet been made, he presumed that it would be done immediately. If so, it would be presented to the House for its action previous to the engrossment of the bill. Mr. C. said that, in frequent conversations which he had had with Capt. S. on this subject, (in whose judgment he confided much,) he had given it as his opinion that, with the sum of twenty-five thousand dollars, the obstruction which now impeded safe and easy navigation through the falls, could be in a great degree removed. It was also the opinion of other gentlemen of experience in matters of this sort, that, with the sum asked for, the navigation might be so improved as to render the passage of flat-bottomed boats and other vessels of ordinary tonnage, safe through the falls throughout the greater portion of the year.

Mr. C. adverted to the vast commerce which was carried on upon the Ohio river, and to the deep interest which was felt by the agricultural community and others, in relation to the contemplated improvement: he spoke of the large number of flat-bottomed boats which annually descended the Ohio, laden with the productions of the cultivators of the soil, and of the enormous tax which the owners of them were liable to pay for a passage through the canal. Mr. C. was of opinion that one-half the amount which the owners of boats which descended the Ohio river are liable to pay, within the term of one year, in the way of tolls, if they all passed through the canal, would so far remove the obstruction which now impedes the navigation, as to make the navigation both safe and easy through the falls, at least so far as the flat-bottomed-boat navigation, and boats of ordinary tonnage of other descriptions, are concerned. Mr. C. said it was the opinion of many persons with whom he had conversed, some of whom were gentlemen of much experience, to improve the navigation of the falls in the manner in which he understood it was contemplated to be done, and depositing the rock which would have necessarily to be removed from the channel so to be improved in a proper manner, that, so far from injuring the canal in the slightest degree, it would have the contrary effect; that the condition of the canal would be improved by it. Mr. C. said that this was a matter of so much interest to so large a portion of the country, he hoped the small sum asked for would be granted.

The two bills were now laid aside, to be reported to the House.

On motion of Mr. POLK, the committee then proceeded to consider the

FORTIFICATION BILL.

Mr. POLK explained his purpose to be, to move to reduce the item "for the preservation of Castle island and repair of Fort Independence, in Boston harbor, from $34,758 to $17,594.

To strike out the item "for a fort on Throg's neck, East river, New York, $100,000;" and, also,

"For a fort at Grand Terre, Louisiana, $50,000."

The first item was taken up, and a discussion took place, in which Messrs. GORHAM, POLK, PARKER, and R. M. JOHNSON, took part, but which was not brought to any issue; when, on motion of Mr. THOMAS, of Louisiana,

The committee rose, and reported the bill for the preservation and repair of the Cumberland road; and also "a bill making additional appropriations for the improvement of certain harbors, and removing obstructions in and at the mouth of certain rivers, for the year one thousand eight hundred and thirty-four," with the amendments; all which, as well those rejected as those agreed to in committee, were ordered to be printed with the bill.

Mr. MERCER asked leave to submit a resolution that the House on Thursday next adjourn over to the following Monday, in order that the Hall might be cleansed, the carpet taken up, and a covering of matting substituted in its place.

Objection being made, he moved for the suspension of the rule to allow of his making his motion; which motion prevailed: Ayes 99, noes 35.

Mr. WAYNE wished to modify the resolution by adding that the House should thereafter meet at ten o'clock in the morning; but dissent being expressed, he did not press the modification.

Mr. VAN HOUTEN and Mr. PARKER opposed the resolution, and it was advocated by Mr. HAWES; when the question being put, it was carried: Ayes 95, noes 39.

The House then adjourned.

MONDAY, MAY 19.

SAVANNAH (GEO.) MEMORIAL.

The memorial from the Inhabitants of Savannah, approving of the removal of the public deposites, coming up as the unfinished business,

On motion of Mr. WAYNE, it was ordered to be printed, with the names attached thereto, and laid on the table.

ONTARIO COUNTY (N. Y.) MEMORIAL.

The consideration of the memorial of the inhabitants of Ontario county, New York, with resolutions adopted by them, against the removal of the public deposites, which had been postponed to this day, next coming up—

Mr. DICKSON rose, and addressed the Chair as follows:

Mr. Speaker: I have been requested to present to the House the memorial of more than three thousand of the electors of the county of Ontario, in the State of New York. That is one of the oldest counties in western New York, having been organized in 1789, and then embraced a territory which in 1790 contained only 1,075 inhabitants, but, in 1830, a population of 397,332, and embraced 13 counties, and several congressional districts. The present county is unsurpassed in the fertility of its soil; it is essentially an agricultural county, well cultivated and improved, interspersed with numerous merchant mills, some manufactories, and some pleasant and flourishing villages. Canandaigua and Geneva have often been admired by the traveller, and may be justly reckoned among the most delightful villages in the State. The county has many mechanics, manufacturers, merchants, and professional men. Its location is healthy and pleasant, and its population virtuous, industrious, intelligent, and enterprising. Its prosperity, for six or seven years previous to the last fall, had been unexampled; and real estate, within about two years previous to the last summer, had advanced in value from seventy-five to one hundred per cent., and met with a ready sale at such advanced prices; produce bore a high price; the farmer, the mechanic, the merchant, and the manufacturer, were pressed with business, and amassing wealth; plenty crowned the labors of industry, gladdened every heart, and spread a smile over the land. The memorialists represent that, since the first day of October last, and in a few short months, those scenes have changed, and they complain of the stagnation of business of every kind, of the absence of a circulating medium, of the reduced price of lands and products, of the want of employment, and of a derangement of all the business relations of life. And, sir, I am credibly informed that the depreciation in the value of lands and agricultural products has been great; and of the latter, from twenty-five to thirty-three per cent. "In the absence of other causes that could produce such fatal effects upon the common interests and prospects of the people, the memorialists are constrained to ascribe the existing difficulties" to the removal of the public deposites from the Bank of the United States and its branches to the State banks; thereby disturbing that general confidence, whose existence is absolutely necessary in the business transactions of every commercial country. A few months since, our villages, our cities, our whole country, presented one joyous scene. Now scarcity and distress fill the whole land; murmurs, complaints, remonstrances, and prayers for relief, are heard from all parts of the Union.

When the seven United Provinces of Holland became independent, so low were their affairs, and such the various affections and motions of men's minds, that on their first coins they ordered a ship to be stamped, laboring among the waves, without sails or oars, with these words:

*"*Incertum quo Fata ferant.*"

Our great and noble ship of state, wafted along for many years by prosperous gales, has been suddenly overtaken by a tempest, dismantled, deprived of her mainmast, sails, and oars, and, like the ship of Holland, it is yet uncertain where the Fates may carry her; whether she will be wrecked, or outride the storm. It is believed by many she will be wrecked and lost, unless manned with a new crew and a new commander. It is worthy the attempt of all to save her, and restore her to her former prosperous, happy, and glorious condition. And what has occasioned such distress, bankruptcies, and remonstrances, and so much endangered the vessel of state? Is it not the removal of the public deposites from the Bank of the United States? Until such removal we heard nothing of distress and scarcity, and there never was a time of greater abundance, when the citizens of the country generally were better enabled to meet all their engagements, than on the first day of October last.

I consider the question of the removal and restoration of the deposites wholly independent of, and having no necessary connexion whatever with, a recharter of the bank; and that a vote of both Houses of Congress, declaring the reasons of the Secretary for their removal insufficient, is equivalent to an order for the restoration thereof. The first concerns the preservation of the public faith, the duty of Government under an existing contract or charter; the last the expediency of entering into a new contract with the bank, and of granting to it a new charter. One is a question of strict law, of national honor, and of stern justice; the other is a question of public policy, of sound discretion, which the bank has no right to demand, and which the National Legislature may grant or refuse, without any violation of principle.

The removal of the public deposites is not a question of bank or no bank, but is a question as to the violation of national faith, sacredly pledged by charter; a question between the Executive and the people, of a violation of law, of a violation of the constitution, of an assumption of power by the Executive; and whether to his power, by the veto, to enable a minority of Congress to defeat the will of the majority, as well on questions of expediency as of constitutional doubts, shall be added as well the power of the purse as of the sword. I therefore deny that the simple question of their restoration, founded solely on the sufficiency or insufficiency of the reasons given by the Secretary of the Treasury, is the only question for our decision. To determine whether they ought to be restored, we must consider as well by whom removed, how effected, by what power and authority, at what time, and for what object, as for what reasons. If it shall be shown that the removal of the deposites was effected by the President by a violation of the constitution in more points of view than one, of law and of duty; that it was a usurpation of legislative and judicial powers, I cannot hesitate to declare the deposites ought to be restored; that a vote of the House against their restoration would be an approval of all the Executive had done, and become a precedent in all future time for a similar exercise of power; and I did suppose I had a right to expect that all who believed in the injustice of their removal would agree with me.

Injustice can never be productive of blissful consequences; never will sound policy, or correct morals, justify the maxim of revolutionary France, that "the end sanctifies the means." Yet have I heard it remarked, by honorable members, that the deposites ought not to have been removed; that their removal was impolitic, unwise, and unjust; that, had the question been submitted to Congress, their removal would not have been advised; and yet declare that, having been removed, the future deposites ought not to be made in, or restored to, the Bank of the United States. I cannot well perceive the consistency of such opinions, as I cannot understand why measures, impolitic, unwise, and unjust, in their commencement, could become wise, equitable, and just, by their continuance.

The removal of the deposites I shall consider, and treat, as an act of the President. He had determined they should be removed previous to the 31st day of May last, as appears by the letters of the late Secretary Duane. In his message of the 18th of September last he declares: "The responsibility of decision is thrown upon the Executive branch of the Government by law; and he assumed the responsibility." It has been said in debate by one of the most intimate personal and political friends of the President, [Mr. Grundy,] "that the removal of the deposites was emphatically an act of the Chief Magistrate. He has caused it to be done; and whatever of praise or blame is due to the transaction, the greater portion is his. It well suited his station, when he said, I take the responsibility of this measure on myself." "I take the responsibility!" words of fearful omen in a republic; words proper in the mouth of a James the 1st of England, when he declared that "to dispute what God may do, is blasphemy; so it is sedition to dispute what a King may do in the plenitude of his power." To effect their removal, his fiat removed William J. Duane, and appointed Mr. Taney for the execution of a single, predetermined, specific act. Had he refused, his increased salary and official existence would have ceased. Another would have been appointed and have suffered; and another, and another, until one of complying sentiments and congenial mind was found ready to execute the Executive mandate.

In the removal of William J. Duane, late Secretary of the Treasury, the President violated the constitution of the United States. I deny that he has any power, by the constitution, to remove any officer to whose appointment the concurrence of the Senate is necessary, although it has been maintained by the chairman of the Committee of Ways and Means that he has. The enlightened statesman, patriot, and orator, Patrick Henry, in the convention of Virginia, called to consider and adopt the constitution of the United States, expatiated on the extent of the President's powers, and pathetically warned them of the danger of his enslaving America, and said, "your President may easily become a King." Yet he did not, nor did any one in the convention, suggest, or pretend, that the President had the power of removal from office. Luther Martin, the pride and boast of Maryland, for his intellect and talents, and a member of the convention that framed the constitution of the United States, in his address to the House of Delegates of Maryland, in January, 1788, rendering his reasons why he opposed it, contended that members of Congress ought not to be eligible to office, and remarked, "the President having the power to nominate to all offices, it must be evident that there is no possible security for the integrity and independence of the Legislature; but that they are most unduly placed under the influence of the President, and exposed to bribery and corruption.'

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* "Uncertain where the Fates may carry her."

Again: in relation to "the powers of the Executive," he further remarked: "To that part of this article which gives the President a right to nominate, and, with the consent of the Senate, to appoint all the officers, civil and military, of the United States, there was considerable opposition; it was said that the person who nominates will always in reality appoint; and that this was giving the President a power and influence which, with the other powers bestowed upon him, would place him above all restraint or control.

"In fine, it was urged that the President, as here constituted, was a king in every thing but the name; that from his having the appointment of all the variety of officers in every part of the civil department for the Union, who will be very numerous, and, in their connexions, relations, and dependants, he will have a formidable host, devoted to his interests and ready to support his ambitious views.

"That the army and navy, the officers of which, from the highest to the lowest, are to be appointed by him, and dependent on his will and pleasure, and commanded by him in person, will, of course, be subservient to his wishes, and ready to execute his commands; in addition to which the militia are also entirely subjected to his orders. That these circumstances combined together will enable him, when he pleases, to become a king in name as well as in substance.

"It was further observed, that the only appearance of responsibility in the President which the system holds up to our view, is the provision for impeachment; but that when we reflect that he cannot be impeached but by the House of Delegates, and that the members of this House are rendered dependent upon, and unduly under, the influence of the President, by being appointable to offices of which he has the sole nomination, so that, without his favor and approbation, they cannot obtain them, there is little reason to believe that a majority will ever concur in impeaching the President, let his conduct be ever so reprehensible; especially, too, as the final event of that impeachment will depend upon a different body, and the members of the House of Delegates will be certain, should the decision be ultimately in favor of the President, to become thereby the objects of his displeasure, and to bar to themselves every avenue to the emoluments of the Government. The Senate being constituted a privy council to the President, it is probable that many of its leading and influential members may have advised or concurred in the very measures for which he may be impeached; the members of the Senate also are by the system placed as unduly under the influence of, and dependent upon, the President, as the members of the other branch; since they also are appointable to offices, and cannot obtain them but through the favor of the President. There will be great, important, and valuable offices under this Government, should it take place, more than sufficient to enable him to hold out the expectation of one of them to each of the Senators. Under these circumstances, will any person conceive it to be difficult for the President always to secure to himself more than one-third of that body? Or, can it reasonably be believed that a criminal will be convicted who is constitutionally empowered to bribe his judges? These considerations occasioned a part of the convention to give a negative to this part of the system establishing the Executive, as it is now offered for our acceptance."

If he so much dreaded the President's agency in appointments, how much more would he and his associates have dreaded his sole power of removal. In that, his prophetic vision would have seen a subversion of all the powers of the Government; yet he nor any one of his gifted associates never suggested, and probably never dreamed of the existence of such a power.

In the convention of North Carolina, called to consider and adopt the constitution, the power of removal was denied, and not claimed by any one; and Governor Johnstone and others asserted that "no body can disqualify but that body which creates."

Such power is denied by the Federalist, that able commentary on the constitution. Alexander Hamilton, one of the most able constitutional lawyers of this country, whose mind, for its power, perspicacity, and accuracy of discrimination, has been seldom equalled, and never surpassed; who was one of the members of the convention that framed the constitution, and of the convention of New York for its adoption, and took a very active part in both; who was for a strong Government, a Senate, and President, to serve during good behaviour, and who feared and dreaded the want of energy in the Executive, declared "the consent of that body [the Senate] would be necessary to displace as well as to appoint. A change of the Chief Magistrate, therefore, would not occasion so general a revolution in the officers of Government as might be expected if he was the sole disposer of offices.

"Where a man, in any station, had given satisfactory evidence of his fitness for it, a new President would be restrained from attempting a change in favor of a person more agreeable to him, by the apprehension that the discountenance of the Senate might frustrate the attempt, and bring some discredit on himself.

"Those who can best estimate the value of a steady administration will be most disposed to prize a provision which connects the official existence of public men with the approbation or disapprobation of that body; which, from the greater permanency of its own combination, will, in all probability, be less subject to inconstancy than any other member of the Government."

Among all the various propositions in the convention that framed the constitution, no one was made for a separation or division of the power of appointment and removal. It seemed to be universally conceded that they were concurrent powers, to be exercised by the same person or persons, unless otherwise provided by that instrument. And it is a remarkable fact, that, in the convention which framed the constitution, in all the conventions of the people called in the different States for its consideration and adoption, in all the essays written to ensure its rejection or adoption, the President's power of removal from office was often denied, and never maintained or asserted.

Such a power, in appropriate and express terms, is no where given in the constitution, as it is presumed it would have been, if intended by the framers of that instrument; for, surely, such a power, given to one man, "ought to rest on the solid basis of the consent of the people." The construction that it was given to the appointing power, is more natural and more probable than that it was given to the Executive; as in legislation, the same power is required to repeal as to enact laws.

A much more natural conclusion is, that it was a *casus omissus;* that the power was reserved to the people; or even that the officer, whose term of office was not limited, held during good behaviour, than that the power of removal was given to the President. Such power of the President was never asserted until the debate in the Congress of 1789.

That Congress decided the President had such power; the House, by a small majority, and the Senate by the casting vote of the then Vice President.

Two circumstances concurred to produce such decision:

The great popularity and goodness of President Washington.

To give strength and energy to the Executive arm of the Government, which many feared was nerveless and powerless.

John Adams, the then Vice President, and who gave the casting vote in the Senate, wished to give the sole power, as well of appointment as of removal, to the President. He was opposed to the provision in the constitution which associated the Senate with the President in the appointment of officers. That law of the Congress of 1789 has never received a judicial construction, and is by many deemed unconstitutional and void.

Usage under the law for upwards of forty years may be urged as evidence of the power of the President alone to remove officers; such usage is a sufficient apology for all errors, as well of the heart as of the head, although no constitutional justification of the exercise of such power of removal. Usage is only of use in the construction of existing admitted laws of doubtful meaning; but laws and usage both, in violation of the constitution, however long continued, can never give right or power.

The reasons given in the debate in the Congress of 1789 for the President's power of removal from office resolve themselves into one, except arguments derived from expediency, which are of no avail in establishing an express grant of power; that was, that by the constitution, the Executive power was vested in the President, and the power of removal from office was an executive power, and belonged to him. The clause of the constitution is in these words: "The Executive power shall be vested in a President of the United States of America;" which clause confers no power, prescribes no duties, and in no way defines what are executive powers. It only designates the officer who is to execute the executive powers granted and conferred by the constitution, and points out one of the great departments of the Government. The constitution declares, that "the Judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may, from time to time, establish;" and no one will pretend that this clause alone confers any powers on the Supreme Court. Without the common, and without statute law, what acts could they perform, what duties could they discharge? It is believed, none. And there is no usage, no common law of our Government, that defines the executive powers. To ascertain them we must look to the constitution, and that only.

The President, in his protest, maintains that "the power of appointing, removing, and controlling those who execute the laws," is "a power in its nature executive;" that "the power of removal, which, like that of appointment, is an original executive power, is left unchecked by the constitution, in relation to all executive officers, for whose conduct the President is responsible, while it is taken from him in relation to judicial officers, for whose conduct he is not responsible. In the Government from which many of the fundamental principles of our system are derived, the head of the Executive department originally had power to appoint and remove, at will, all officers, executive and judicial. It was to take the judges out of this general power of removal, and thus make them independent of the Executive, that the tenure of their offices was changed to that of good behaviour. Nor is it conceivable why they are placed in our constitution upon a tenure different from that of all other officers appointed by the Executive, unless it be for the same purpose." Sir, I know not what the President means by "a power in its nature executive, an original executive power."

I have been taught that man was born with a title to perfect freedom, and an uncontrolled enjoyment of all the rights and privileges of the law of nature, equally with any other man; that all political, all Executive powers, and all the powers of Government, are entirely conventional, and arise only from compact. The President claims the power of removal from office, because it is "an original Executive power, and is left unchecked by the constitution." And in this he clearly admits that the power is not given by that instrument, and only asserts that it is not denied. And whence is this "original Executive power," older than the constitution, derived? Sir Robert Filmer, who advocated the divine right of kings, maintained that no man is born free, and that Adam was a king from his creation. Yet I cannot believe our worthy President intends to insist that he is a lineal descendant of Adam, and a prince of the blood, inheriting empire, and, from his birth, entitled to all Executive powers, as the term "original" would seem to imply. He seems to claim the same power of removal from office as that exercised by the British King. There, all power of appointment to and removal from office is vested in the sovereign; the King is the fountain and the source of all honors; but in this country no one is born to govern, with the robes of state upon his back, and the sceptre of empire in his hand—the people are the only sovereign, the depository and the source of all power, and no officer can exercise any authority or power not derived from them; their delegation of such power must be clear, indisputable, and fully expressed.

But is the power of removal purely an Executive power? It is no more so than that of appointment or election. The power of appointment and removal is a power belonging to the people; it is a trust that they may delegate to such man or body of men as they think proper. It has no more necessary connexion with the Executive than with the Legislative power. The Legislative power designates the laws that are to govern the state or country; the appointing and removing power does not execute, but only designates the persons to execute those laws, and when the designation is made the power ceases. The removing power only declares who shall not execute them. It is not a power ever vigilant, ever active, like the Executive power. If the power of appointment was an Executive power, then would the electors of President and Vice President of the United States constitute a part of the Executive Government. They appoint the most important officers. The appointing power is strictly neither Executive, Legislative, nor Judicial. And how will its advocates prove that the power of removal is an Executive power? Many powers that in some Governments are Executive, belong to Congress or to the President and Senate, such as the declaring of war, the making of treaties, and appointments.

Again: the duties assigned to the Executive, and his powers, are clearly pointed out by the constitution; by that instrument his powers are expressly enumerated.

And can it be believed that so important a power as that of removal from all offices by one man, if intended to have been given to the President, would not have been enumerated and expressed? What important Executive power, to be exercised by him alone, is not expressed? The inference then is, that no such power of removal was ever intended to be given. And again: I ask how is it to be proved that the power of removal is an Executive power? Only by the constitution, and, perhaps, by the usage of republics; certainly not by the usage of monarchies, and much less of despotisms. And in what republic, and in what constitution, in the history of the world, has a similar construction been given to a similar provision? Where, in what age or country, has a less power been required to remove from than to appoint to office?

It is believed history does not present a single instance. The powers of appointment and removal are in their nature identical, and vested in the same body, unless otherwise expressly provided. Where, and in what republic, has the power of appointment and removal been placed in a single person, unaided and unassisted by others?

It was not so in the republics of Greece. In Rome the people had the greatest share of the Legislative, a part of the Executive, and a part of the Judiciary power. In Maringo, a republic that lasted more than a thousand years, "the council of sixty appointed and removed the officers, and legislated for the republic; the Executive power was vested in two officers, and the Judicial power in a third body." In Appenzil the appointing power was in a council. In Zug the Executive power was in a Land Amman, and officers were appointed and removed by an annual assembly. In Uri, the birthplace of William Tell, the land of freedom, the Land Amman and other officers were elected in a general assembly; the Executive power was in a council of sixty, called the Council of Regency. In the republic of Berne the power of appointments and removals was in the grand council of two hundred, and the Executive power was in a senate of twenty-seven. In Venice the Doge, the Executive officer, by and with the consent of the Senate, appointed and removed from office. And so in all the democratic and aristocratic republics of Switzerland and modern Italy, the power, both of appointment and removal, was separated from the Executive power, or exercised by the Executive by the consent of a senate or council.

No such power is shown from analogy to our articles of confederation. By them Congress appointed and received ambassadors, and appointed and removed officers, and exercised both Legislative and Executive powers.

At the time of the adoption of the constitution of the United States, it was severally declared, by the several constitutions of the different States of the Union, that the supreme Executive power should be vested in a Governor. And in the several State constitutions it was expressly declared that the Legislative department should never exercise the Executive or Judicial powers; that the Judicial should never exercise Executive or Legislative powers, "to the end that it might be a Government of laws, and not of men."

And in all the constitutions of the different States, the Legislative, Executive, and Judicial powers, were declared separate and distinct. Yet in no State in this confederacy, at the time of the adoption of the constitution, had the Governor the sole power of appointment to or removal from office. In almost all the States of the Union a greater power was required to remove from than to appoint to office. In some States appointments and removals were and are made by the Governor and Senate. In others appointments are made by the Governor and Senate, and removals by the Governor and Senate, on petition of both Houses of the Legislature. In some appointments and removals were made by the Senate and Assembly, by the Council and Assembly; and in others appointments and removals were made by the Houses of Assembly alone, and in others by the two Houses of the Legislature, and in others by "the Governor and company, or upper and lower Houses of Assembly." In other States they were appointed by the General Court, and commissioned by the Governor; and in others by the Governor and General Assembly. And in most, and it is believed in all the States, the officers appointed were to be commissioned by the respective Governors.

By the constitutions of Kentucky, Indiana, Louisiana, and Illinois, the supreme executive power of each State is vested in a chief magistrate, styled a governor, whose powers are very similar to those of the President of the United States. In each of those States, appointments are made by the governor, by and with the consent of the Senate; and power is given to the governor "to fill up vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of the next session." And each constitution of those States, like that of the United States, is silent as to the power of removal from office, except by impeachment. Yet it has always been adjudged that the power of removal belonged to the same body which appointed; and no governor of either of those States has ever been supposed to possess, or has ever attempted to exercise such power; showing clearly the opinion of those four States, that the power of removal from office is not an executive power. By the constitution of Massachusetts, adopted in 1780, the executive power was vested in the governor, by whom officers were to be nominated and apppointed, by and with the consent and advice of the council. Such a provision has continued a part of their constitution to the present time. The constitution has ever been silent as to the power of removal of civil officers, and, for more than fifty years, it has never been exercised by the Executive, nor has the power ever been supposed to belong to him.

By the old constitution of Pennsylvania, draughted, as is said, by that eminent statesman and patriot, Benjamin Franklin, and adopted in 1776, and continued until the adoption of the new constitution, in 1790, civil officers were to be appointed by the president, or vice president, with the council, five of whom should be a quorum. It was silent as to the power of removal from office, except for impeachment; yet the President alone never removed from office; and, if I mistake not, it has been judicially decided by the supreme court of Pennsylvania, that, under that constitution, the power of removal belonged only to the president and council. By the new constitution of Pennsylvania, in many instances, the governor possesses the sole power of appointment and removal. This only proves that it requires the same power to remove as to appoint, the doctrine for which I contend. Many other of the constitutions of the States of this republic are silent as to the power of removal from office, except by impeachment; yet, in no one of them has it ever been claimed that the Executive had the right of removal; yet, by nearly all, and I believe all, the constitutions of the various States of this republic, the Executive of each State is specially enjoined "to take care that the laws be faithfully executed;" so that no argument can be drawn from this clause in the constitution, relative to the President's executive duties, to sustain his power of removal from office.

No usage, then, of republics, ancient or modern, democratic or aristocratic, makes the power of removal from office an executive power. It is not declared such by the constitution, or established by analogy to other parts of that instrument.

That the President has no such power of removal from office, is proved by the various and contradictory reasons given for its existence. One contends it is a part of the Executive power, and, as such, belongs to the President; one contends the President has no such power; another admits his right to remove some officers, but denies his right to remove a Secretary of the Treasury and some others. And the eloquent Fisher Ames, in the debate in the Congress of 1789, maintained that "the power of removal is incident to Government; but not being distributed by the constitution, it will come before the Legislature, and, like every other omitted case, must be supplied by laws."

But can the national Legislature strengthen their own hands by the assumption of powers not expressly delegated to them? How many other incidents of Government might they assume, if permitted to assume one? If no such power is given by the plain import of the constitution, no expediency, however pressing, can confer it. I trust that all advocates of State rights and all strict constructionists of the constitution will unite with me in denying to the Executive a power not expressly granted, but conferred, if at all, by implication and the most latitudinarian construction of the constitution.

Yet, although such power is not expressly given, it is contended that it is expedient, and that its expediency shows the framers of the constitution must have intended to give the President that power, and that such power is conferred by the spirit and meaning of that instrument; and it is said the nature of the Government requires the power. And what is there peculiar in this republic, which distinguishes it from all others? Such a power, thus modified, was never, by the nature or usage of republics, ancient or modern, a part of the Executive power or duties. Such a power is entirely conventional, and has no foundation in nature. By the law of nature it is inherent in, and belongs to the great body of the people. It is claimed to be expedient because the Senate are the court to try impeachments; and, therefore, the framers of the constitution did not intend they should be associated with the President in the removal of officers. But does not the same and still stronger reasons exist in relation to appointments? Will they not be biased and prejudiced in favor of individuals they have advanced to high and lucrative offices?

If officers were impeached, the Senate would not be called on to remove them until a decision was had upon their impeachment. If removed before impeachment, would not the power of the House to impeach be suspended and gone? Again, it was contended that, divested of this power, the President's responsibility would be destroyed. How so? Is he not equally responsible for the appointment of able, honest, and the best men? Again, it is said that it preserves that unity which is necessary for the public good. Other states, republics, and governments have prospered without it. I consider that such a power in the Executive is inexpedient, dangerous, and unjust, and could never have been contemplated by the framers of the fundamental charter of American freedom. They were wise men, well versed in the history of the world, and in the science of government. They were anxious for brevity, and that the constitution should contain as few articles as were consistent with the security of the rights of the citizen and the liberty of the people. They most probably supposed, from the constitutions of the States of this Union, and of other republics, there could be no reasonable doubt but that the power of appointment included the power of removal; and, therefore, that the latter need not be expressed. Such a power may enable the Executive, by his breath, to blast the reputation of an honest man, interrupt his plans and pursuits in life, subject him to great losses, to the cruel scoffs and sneers of a calumniating and libellous press and a censorious world, and destroy, wholly destroy the hopes and comforts of his family.

But, it was said, those unjustly removed will be sustained by public opinion. But does the history of the present age justify the assertion? Men elevated in the ranks of society, distinguished for talents natural and acquired, for science and literature, for singleness of purpose, for good hearts, and bland and courteous manners, have been thus, without cause, removed. And where are they? There was little or no public indignation or sympathy. They are unsupported by the public opinion of the great mass of the citizens, and particularly of their party associates. History, who keeps a record of events, the censor of the present and all past ages, it is true, may hand down their names to posterity, on her brightest page, and award them all merited honors, while she suffers the name of the persecutor to pass into oblivion, or preserves it only as a just theme of reproach and of ignominy. Such authority must destroy the independence of the officer, and render him the instrument of power.

In the recess of Congress, the President has power to fill vacancies, and, if he may remove, to create vacancies; he has, substantially, both the power of appointment and removal.

Such a power in the hands of a President, ambitious, unprincipled, possessing ungovernable passions and unbounded prejudices, credulous, accessible to flattery, surrounded by sycophants, informers, and favorites, looking only to the advancement of his own interests, and those of his friends, may become the most deadly foe to liberty. It may enable him to control the destinies of the country, and unite in himself executive, legislative, and judicial powers. Though we have had no such President, we should give the same construction to the constitution as if we had; for constitutions, like laws, are not made to control benevolent, good, and wise officers, but the vicious and unprincipled. "Show me," said Patrick Henry, "that age and country where the rights and liberties of the people depended on the sole chance of their rulers being good men, without a consequent loss of liberty. I say that the loss of that dearest privilege has ever followed, with absolute certainty, every such mad attempt." Confidence, in all such cases, has ended in a torpor, the loss of all vigilance, and the dead calm of despotism.

The patronage of the Executive is immense. It is estimated that more than forty thousand officers are appointed, directly or indirectly, by the President. And it may be safely calculated that there are, at all times, more than twenty thousand expectants seeking office, and to displace those in power, whose hopes are raised or depressed by a wink or a nod of power; whose feelings and opinions are moulded, on all occasions, so as to correspond with those of the Executive. Contractors for the transportation of the mail, the building of forts, harbors, ships, public buildings, docks, dock-yards, for surveys, the armories, and foundries, added, swell the number, and altogether embrace a *corps d'elite* of more than one hundred thousand men, all actuated by one soul, one spirit, and subject to the will of one man. What can they not accomplish? Can they not render the President a despot? The sleepless vigilance of freemen, jealous of their liberties, and determined to preserve them, can alone prevent it. This power and patronage is extending and increasing from year to year. Add to this, that, by the construction now contended for by the President, no agency can be conferred on the head of any one of the departments but what the President, as Executive, has both the right and the power to direct, to control, and to execute in person. Congress have appointed a Commissioner of Pensions, a subordinate branch of the War Department; the President may execute the law; he may, in his discretion, direct the allowance or disallowance of a pension. The Secretary and the Commissioner may disobey the order. For such disobedience he may remove them; and remove and appoint twenty others in succession, until at last he finds men complying, and therefore fit to hold office; and here, again, he renders twenty or thirty thousand men dependent on his will and pleasure. Thus, every act conferring any agency on any one of the departments is only an increase of Executive power. The acts conferring such agencies are very numerous, and constantly increasing; and, unless the national Legislature shall interfere to prevent such increase, the President's power, upon his own construction, will be entirely overwhelming.

The number interested in all such agencies cannot be easily ascertained, but it may be fairly estimated at fifty thousand; every individual of whom may be made to understand and believe that he is dependent on Executive favor, and that to ensure it he must conform his views, in all matters of politics, faith, and practice, to those of the President: and that, to exercise an independence of mind, the noblest, the dearest right of a freeman, is a high contempt of the Executive, to be visited by pains and penalties, and the loss of all Executive favors, and even of Executive justice.

Who does not see, by the exercise of such a tremendous power, and such extended patronage, that, in time, all independence of sentiment, all nobleness of soul, and all high-minded, honorable sentiments must be lost in all the officers and dependants of the Government. The Executive must become the paramount power, and triumph over all others.

The increase of Executive power in republics, as well as in monarchies and despotism, has brought ruin upon the State. And it is feared that, on the construction of the constitution and the laws contended for by the President, it will prove the ruin of this republic. The President would overcome truth, and even justice herself, who ought to be "the strength, the power, and majesty of all ages."

The Baron Montesquieu, in his Rise and Fall of Ancient Rome, assigns, as one of the principal causes of the fall of that empire, that "in the drunkenness of their prosperity they increased their Executive power."

Let us not, then, increase the power of our Executive, by admitting he has the power of removal from office, which is not given him by the constitution, and is not an Executive power, and thereby enable the President capriciously to drive wisdom from office. For, whenever the day "shall arrive in which the best talents and the best virtues shall be driven from office, by intrigue, or corruption, or Executive power, by the ostracism of the press, or the still more unrelenting persecution of party, legislation will cease to be national; it will be wise by accident, and bad by system."

Granting, however, to the President the general power of removal from office, yet, I contend he violated the law and the constitution in the removal of William J. Duane, late Secretary of the Treasury, to effect the removal of the deposites. The Secretary of the Treasury is not an Executive officer within the meaning of the constitution; and over the deposites the President had no control, and no right to direct their removal, and punish for the disobedience of his order.

By the acts creating the State, War, and Navy Departments, each is expressly declared to be "an Executive department," and each Secretary is expressly required "to perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States, agreeably to the constitution, relative" to their several and respective appropriate duties. The language in each of the three separate acts, in substance, and in the first two, in words, is the same. But the act creating the Treasury Department simply declares there shall be a "Department of Treasury," without declaring it shall be an Executive department, and without requiring the Secretary to execute any duties enjoined or intrusted to him by the President. That he might be exempt from the operation of self-interest, and act with a single eye to the interests of his country, by the act organizing the Department, the Secretary was expressly forbidden to be engaged in trade or commerce; to be the owner or part owner of any sea vessels; to purchase, in his own name, or the name of another, in trust, any public lands, or other public property; or in the purchase or disposal of any public securities of any State, or of the United States; or take or receive any gain or emolument for the transaction of the business of his office, other than what shall be allowed by law. For every such offence the Secretary was declared guilty of a high misdemeanor, fined three thousand dollars, impeached, and forever disqualified for office. There are no such provisions in relation to any other of the Secretaries. What caution in the law, and what tremendous punishment for one acting in a mere subordinate department, as a mere clerk, without discretion, without power, and subject to the will of another! The whole provisions forcibly declare the Secretary was an officer intrusted with high discretionary powers, to be exercised on his own responsibility to the laws and his country.

By the same act, creating the Department of the Treasury, it was rendered the duty of the Secretary "to digest, prepare, and lay before Congress, at the commencement of every session, a report on the subject of finance. It contains no directions to report to the President; and, in fact, his reports are always made to Congress, whilst the reports of the Secretaries of State, of War, and of the Navy, are always made to the President, and by him presented to Congress. He has a discretionary power in superintending the collection of duties on imports and tonnage, and various other discretionary powers, and all warrants on the Treasury for money appropriated according to law, expressly required to be drawn by him; all conclusively showing the Treasury is not an Executive department, but that it is one over which the President has no control.

By the same act, creating the Department of the Treasury, it is provided "that, during the recess of Congress, the President may, on the application of the proper Department, and not otherwise, direct certain moneys, appropriated for certain branches of expenditure in the War or Navy Department, to be applied to certain other branches of expenditure in the same Department; but no change to be made in the expenditures of a different year from that in which the order is given; clearly showing the President has no power to interfere with or touch the public funds, unless allowed by law. That the President has no power over the Treasury Department is shown by the design, the object, and the purposes of that Department, which are to collect, to disburse according to appropriations made by law, and to account for the public funds.

In all limited monarchies, and in all republics, it has been the constant aim of the Government to place the public treasures beyond the reach and the control of Executive power. Should the King of England, by an armed and hireling soldiery, attempt to expel from their seats the members of Parliament, it would not excite greater surprise or indignation, than it would if he should undertake to put his hands into the exchequer, remove to another place, and assume an entire control over, the public funds of the nation. It was not intended by the constitution that the President should have any greater power or control of the public moneys of this country. That instrument provides that "no money shall be drawn from the treasury but in consequence of appropriations made by law;" and that "all bills for raising revenue shall originate in the House of Representatives," the body more immediately from the people.

Why the former provision? why the latter? why forbid that revenue bills should originate in the Senate, if that revenue, when raised, be at the disposal of the Executive; if the President may take control, and deposite the public moneys where he pleases? For, the moment he is suffered to assume a control of the public funds, without being guilty of usurpation and liable to impeachment, the people have no security that they will be restored; that they will not be employed in giving efficiency, power, and sway to the sword, and greatly aid in depriving the people of their rights, and the republic of its liberties, but in the love of country and the patriotism of the Executive. Then the Executive must be more than man, or the rights and liberties of the people are gone forever.

There is no such grant of power to the Executive over the public moneys in the constitution. There is no analogous grant of any such power in that instrument. No such power was exercised by the President under the articles of confederation. No such power was ever exercised by the Executive of any one of our State Governments, and never exercised by the Executive, except in despotic Governments, or Governments where all power was centered in one man, or one body of men.

By the old constitution of Virginia, adopted in 1776, it was required that all money bills should originate in the House of Delegates, and in no instance, not even by the consent of the House, should they be altered by the Senate. The old constitution of South Carolina, adopted in 1778, contained a similar provision; and further provided that no money be drawn out of the public treasury but by the legislative authority of the State.

Such power in the President, over the public funds of the country, by virtue of his office as Chief Executive, is not founded on usage, and is contrary to the genius and spirit of our Government. The usage of this, and of all Governments that are examples to republics, and that preserved even a semblance of liberty, is against it.

By the charter of the United States Bank, the public deposites, in places in which said bank and the branches thereof shall be established, are directed to be made in said bank or the branches thereof, unless the Secretary of the Treasury shall otherwise order and direct.

The Secretary of the Treasury was created the agent of the Government to control those deposites, and none else was authorized to execute the trust. The majority of the Committee of Ways and Means say, in their report, that "the effect of the sixteenth section of the bank charter is to take from Congress entirely the power to control the public deposites which that body before possessed," and that "it surrenders the power of Congress over the public deposites for twenty years;" and yet they say that the question of the removal of the deposites is a question in which the bank has no right to interpose; that it is one exclusively between the Secretary of the Treasury "and the constituted authorities to whom he is responsible;" in fact, that it is a question between the Executive and Congress, the royal prerogative and the rights of the people. The Secretary of the Treasury says, "the place of deposite could not be changed by a legislative act;" not by Congress and the Executive combined; yet it is contended that the President alone had power to do it. It is singular logic, that an exercise of the combined power of both should have annihilated the power of each. The Secretary says, "the passage of a law directing a removal would be a breach of the agreement." With whom? Who has a right to complain? The committee say the bank has no interest; that the act of the Secretary restores to Congress "a power of which they had divested themselves." Most grave, most reverend, most noble Secretary! What mere man was ever so benevolent, so magnanimous, so godlike!

We expect soon to hear advanced the doctrines of Sir Robert Filmer and Dr. Wainwright, the advocates of the divine right of kings, and the entire subjection and prostration of the rights and liberties of the people—their tongues are to be palsied, and their lips closed in silence.

It is assumed the bank has no right—third persons have no right—to complain of the act of the Secretary in relation to the deposites; and what right has the Secretary of the Treasury to say to Congress, you have no right to assume a control over the deposites? He is a mere agent of Congress, appointed to execute a particular trust—a trust coupled with no interest in the Secretary. What law, what reason is there to prevent the assumption of such power by Congress, without the consent of the agent or trustee? But it is said Congress have parted with all their power over the subject-matter of the trust for a limited time; and, by conferring the power on the Secretary of the Treasury, claimed to be an Executive officer, they have conferred the power on the Executive himself, and given him supreme control over the whole subject-matter.

This I deny. The President, by the bank charter, has no power whatever over the deposites.

By the bank charter, approved both by Congress and the Executive, separate duties were assigned to the President and to the Secretary of the Treasury. To each were assigned duties appropriate to their office. To the President, the officer who by the constitution is intrusted with the execution of the laws, to see the charter was not violated; and, when he believed it was, to institute legal proceedings to repeal the charter. With this terminated his duties and his power. Every species of violation of charter, in whatever way and by whatever means, was a proper subject of investigation. He could not, by an arbitrary act of his own, accuse, try, convict, and vacate the charter, and terminate the existence of the bank.

The people were not willing, and did not intend, to invest any man, however distinguished by talents and worth, and however elevated, with such plenary and despotic powers.

The President, however, might have had the aid of judges and jury, a tribunal which none but tyrants have spurned and contemned, and which our ancestors, the wise men, the friends of freedom, in every land, have ever considered the guardians of property, the best collateral security for their estates, and the bulwark of liberty. To the Secretary of the Treasury, who is intrusted with the collection and care of the public money, to see that the public deposites were safe in the bank, and that they were not likely to be squandered or lost, this duty, and this only, was appropriate to his office, and could be fairly presumed within the spirit and meaning of the charter.

Not only are the powers shown to be separate and distinct by the peculiar and appropriate duties of the office of each, and the genius and spirit of the law, but by the fact that their separate and distinct powers are given by separate, distinct, and widely-separated sections of the charter. If it was intended to give the power to remove the deposites to the President, why was it not given in the same section which gave him the power to sue out a *scire facias;* or why was not his name, instead of the Secretary's, given or associated with the Secretary's in the section respecting the deposites?

It is clear to my mind that it never was intended by the charter that the President should have any power to remove the deposites, or that the Secretary should remove them for any other reason than that they were unsafe. Both the President and the Secretary have admitted that the deposites were safe, and the bank perfectly solvent, and able to pay all her debts.

The power has never before been exercised, or even claimed, by any President. No President ever before wished or dared to touch the public treasure, except by appropriations by law. No Secretary of the Treasury has before assumed and exercised such powers against the wishes and in defiance of the bank.

Secretary Crawford, in making deposites in the State banks, and in transfers made through State banks, acted with the consent of the United States Bank, which waived an admitted right, acted for their country's good, and received the commendations of the Secretary. If the President had any power as Executive, he completely abandoned it when he approved and signed the law making the Secretary the agent to manage and take care of the deposites. The Secretary was the joint agent of Congress and the Executive, appointed by law, which law the President could no more vacate or repeal than any other law of Congress; and any execution by him of the trust committed to the Secretary is without right, a violation of the law, and a usurpation of power. Had the trust been conferred on some one holding no other office by a similar law, will it be pretended that the President could have assumed a control over the deposites, and have directed them to be put in such places as he should select? It is believed no one would contend he could.

If no Department of the Treasury had been created, to whom would have belonged the collection, safe-keeping, and disbursement of the public revenue—to the Executive or to Congress? The usage of all republics, the spirit and genius of our own constitutions, answer, to Congress, and conclusively demonstrate that the Secretary of the

Treasury is not an Executive officer, but the agent, the steward, the trustee of Congress, accountable to them, and to them alone, for a faithful and honorable discharge of the high and important duties of his office. I therefore conclude that the Secretary of the Treasury is not an Executive officer; that, by the bank charter, he had a discretionary power as to the deposites, with which the President had no right to interfere.

If the President has a power over the deposites, which I deny, there is no limit to his power, either as to time or place. He may remove them when and where he pleases, as whim, passion, and revenge may prompt, to injure a particular depositary, regardless of the people's wishes and a nation's welfare. If they may be removed to State banks, they may be removed to any private dwellings; he may place them in the hands of responsible or irresponsible companies, with or without security; in the hands of enemies or friends; of honorable, faithful, responsible, honest men, or of flatterers and the cringing sycophants of power; of men wanting principle and wanting bread, delinquents, and plunderers of the public treasures; in short, the public moneys will be the sport of the Executive breath, which in the tempest of his wrath may become a whirlwind, and scatter it to the four corners of the earth. Is such power, then, consistent with the genius of republics, and agreeable to the wishes of the people? It surely is not, and cannot be. An intelligent and virtuous people are not yet prepared for such an exercise of despotic power.

Mr. Madison, in the debate in the Congress of 1789, relative to removals from office by the President, remarked: "The danger, then, consists merely in this—the President can displace from office a man whose merits required he should be continued in it. What will be the motives which the President can feel for such an abuse of power, and the restraints that operate to prevent it? In the first place, he will be impeachable by this House, before the Senate, for such an act of mal-administration; for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust."

The late Secretary of the Treasury, William J. Duane, was not removed for want of friendship for the President, and feelings and political opinions corresponding with his. From the year 1823, Mr. Duane had been the friend and firm supporter of the present Executive, and twice aided in elevating him to the presidency, and having, in common with him, a dislike to the United States Bank. He was not removed for want of industry, vigilance, capacity, or honesty; his industry was untiring, his vigilance never slept, his private life was marked by integrity and every virtue.

Modest and retiring, he asked not, sought not, office; he was urged, he was implored to accept it; he yielded to the wishes of his powerful friend; he had violated no official duty; he had been guilty of no official misconduct. Such were the views of the President as to his virtues and capacity, to the last moment of his official existence, as proved by the tender to him of the office of minister plenipotentiary to Russia.

Mr. Duane was not removed for want of conformity of opinions generally, in questions of policy and government, but for a difference of opinion on one single act, one single measure—a measure in effect submitted by the President to Congress in his annual message in December, 1832, reported against by the Committee of Ways and Means, and rejected by a vote of more than two to one in this House; a measure declared unnecessary by Congress, by the passage of a law to loan the bank the instalments, as they became due from France, and approved by the Executive the 2d March, 1833; a measure pregnant with evil consequences to the credit and commercial prosperity of the country; a measure which Mr. Duane, late Secretary of the Treasury, and the present Secretary of State, both warned the President would have a deleterious effect on society, obstruct the operations of Government and of the commercial world, weaken the stability of the State banks, and destroy all confidence, and produce a shock that would shake the whole country; a measure admitted by the President, in his message to his cabinet of the 18th of September last, to be a measure "of transcendent importance, both in the principles and the consequences it involves;" a measure "which might affect the character of our Government for ages to come;" a measure, under the effects of which he has admitted "he never doubted that all who were doing business upon a borrowed capital would suffer severely, and that all such people ought to break," and yet declared "he would sooner undergo the torture of ten Spanish inquisitions than retrace his steps;" yet a measure adopted by the President in contempt of the last Congress, and to frustrate the action of the present, with the declaration "that, unless the bank was broken down, it would break us [the administration] down; that, if the last Congress had remained a week longer in session, two-thirds would have been secured for the bank by corrupt means; and that the like result might be expected at the next [meaning the present] Congress."

He repelled all reliance on Congress or the Judiciary, and adopted the measure against the advice of two cabinets and two successive Secretaries of the Treasury, and refused and struck out all instructions to the agent, (Kendall,) "to collect information as to the effect of the removal of the deposites upon the mutual relation of the banks and upon society;" a measure adopted to enable the President to control the free action of Congress by the veto power, in a manner and for a purpose never contemplated by the constitution. And why was inquiry refused? Was it not feared facts would be ascertained that would startle his whole cabinet, strike terror into the bosoms of his friends, and prevent the adoption of his favorite measure? From his course since it is evident he feared he would not be able to follow up his great experiment, which now oppresses and tortures the people. What chief of a republic, what patriot king of any age or country, ever thus conducted? But because he would not act under the dictation of the Executive, where the President had no authority to direct, without inquiry, without information, and without the attempt to obtain it, contrary to the dictates of his conscience, and sacrifice the independence of an honorable and a noble mind, in reference to such measure, involving the best and dearest interests of the whole country, destroying the security for, and the rights of, property, (next to the protection of life and liberty, the highest objects of Government,) William J. Duane was removed from office. Could the despotic Czar of all the Russias, who rules with a rod of iron that immense empire, or the Grand Sultan, whose wink commands, whose breath blasts and ruins, and whose nod is death, require greater conformity in opinions, or a more entire subjugation of all the noble feelings of the mind, and the independence of man?

And can it be admitted in this free country, and within half a century after the commencement of our national existence, that such a despotism shall be exercised over official and individual opinion? Pride, intelligence, patriotism, and a love of liberty forbid it. Not such the conduct of Washington. It is at all times unpleasant and painful to censure rulers, men elevated to high stations by their fellow-citizens; yet it is sometimes a duty demanded by the safety and the liberties of the republic.

Are the doctrines which I have combated and repudiated democratic republican principles and doctrines? I have not been taught that they are by my own reflections and reading, and a contemplation of the constitutions of the General and State Governments. Such were not the republican principles advocated by the Hampdens, the Sidneys, the Miltons, and the Lockes of former days; they would have seen in such principles nothing but the approach of tyranny, a most daring usurpation, and a violation of the fundamental principles of all free, wise, and good Governments. Considering the advanced state of knowledge, and particularly in the science of government, and the different feelings, habits, and principles of a free and enlightened people in this age and country, when compared with England two centuries ago, our Executive, within the last two years, has made greater advances towards arbitrary power, and done more to destroy the rights and privileges of the National Legislature, and all the great landmarks of the constitution, than was done by Charles the First, in reference to the Government of his country, in any ten years of his reign.

I submit that I have sufficiently shown that, in his removal of the deposites, the President has violated the constitution and the law, as alleged in the second resolution; that only alleges the violation, but assigns no motive, and does not imply an impeachable offence. Yet I may, nevertheless, be permitted to ask, was not the removal of William J. Duane, late Secretary of the Treasury, by the President, in the language of the late President Madison, "an act of mal-administration, the wanton removal of a meritorious public officer?" and ought it not, in the language of the same celebrated man, "to subject him [the President] to impeachment and removal from his own high trust?"

Sir, I consider the removal of the deposites as inexpedient and unjust; unjust, as it respects the bank, and a violation of its charter. The bank charter was presented, unasked for, and without petition, to the people, to save them and the Government from great embarrassment and numerous bankruptcies; and, when accepted by the stockholders, became a contract between them and the Government, binding upon both. By the charter the Government granted to the stockholders banking powers for twenty years; agreed to subscribe for seven millions, being one-fifth part of the stock; receive the notes of the bank, unless expressly prohibited by law, in all payments to the United States; to deposite the money of the United States in the bank or its branches, in places where the bank or branches thereof should be established; that no other bank should be established during the charter; and that the bank should have two years after the termination of its charter to close its concerns. And, "in consideration of the exclusive privileges and benefits conferred" by the charter, the bank agreed "to give the necessary facilities for transferring the public funds from place to place within the United States and its Territories, without charging commissions, or claiming any allowance on account of the difference of exchange; and shall also perform the duties of commissioners of loans for the several States, any one or more of them, when required by law," and pay to the United States one million five hundred thousand dollars. It was further stipulated by the charter that the Secretary of the Treasury might, at any time, order the deposites not to be made in said bank or its branches; in which case, he is to report his reasons to Congress. And it was further provided by the charter, that if the President of the United States shall believe the charter has been violated, he may order a *scire facias* to be sued out, to repeal and annul the charter; and that every issue of fact should be tried by a jury. The bonus of one million five hundred thousand dollars was paid as well for the benefit of the deposites as for the privilege of banking. And I am sustained by Mr. Crawford, late Secretary of the Treasury, in his letter of December 10, 1817, to the bank, wherein he speaks of the absolute necessity which had compelled him to make deposites in the State banks, and of a certain arrangement which would soon enable him to make deposites in the United States Bank and its branches, and says: "It is only after this arrangement shall be effected, that the Bank of the United States will enjoy, in their just extent, the advantages intended to be secured to it by the charter. Under the limited enjoyment of those advantages, which general circumstances seemed to impose, the conduct of the bank is entitled to high commendation. The directors have, in no instance, urged their claim to an earlier transfer of the public money, which remained in the possession of the State and local banks." And this one million five hundred thousand dollars was but a small part of the compensation rendered by the bank for its charter. The value of its services, in transferring from place to place the funds of the Government, was at least five hundred thousand dollars a year. The value of the services may be estimated from the fact that, in the years 1818 and 1819, it cost the Government (says the late Secretary Crawford) at least three per cent. to transfer money from St. Louis to the branch bank at Louisville; such transfer of four hundred and fifty-four thousand dollars cost the Government seventeen thousand eight hundred dollars.

Again: the Government of England deposites the public moneys in the Bank of England; and the bank acts as the agent of the Government in receiving, transferring from place to place, and paying out such deposites, and rendering an exact account thereof; for which services the bank receives annually the sum of two hundred and forty-eight thousand pounds sterling, equal to about one million one hundred thousand dollars.

The amount of the public deposites, on the 29th of February, 1832, was £3,198,730 sterling, being equal, I believe, to about $13,000,000, being probably about an average amount of deposites; and the expenses of the transfer and the difference of exchanges were probably but little more than those of the Bank of the United States for similar services; besides, the Bank of England paid no interest upon the deposites, and was often enabled to divide a profit of more than eight per cent. per annum among its stockholders. The Bank of the United States paid, as interest, the one-fifth of the avails derived from all discounts founded on the public deposites. And that is not all; the Bank of the United States, in the first few years of its existence, saved millions to the Government and country, by enabling the Government to dispose of, at a very small discount, its depreciated and almost worthless State bank paper, received under the denomination of special deposites for debts due the Treasury, in equalizing the exchanges, foreign and domestic, and reducing the rate of exchange between Missouri, Illinois, and New Orleans and New York, from fifteen or twenty to two per cent; aiding and compelling the State banks to resume specie payments; and by increasing the price of labor, produce, and lands, and giving life, activity, and enterprise to business of every description.

We learn, from a communication of Mr. Crawford, late Secretary of the Treasury, to Congress, that, when the Bank of the United States went into operation, the 1st of January, 1817, "the actual state of the currency, commercial exchanges, foreign and domestic, and the resources of the Treasury, other than in local and depreciated paper, were deranged to a degree insufferable, yet almost irremediable." "The State banks had confederated against the public interest," refused specie payments, and were jealous of each other. "The bank did all it could to restore the currency, and induce a resumption of specie payments; and undertook the Herculean task of equalizing the exchanges from the District of Columbia to Boston." Produce "in the Western States fell so low as scarcely to defray the expense of transportation to the ports from which it was usually exported to foreign markets. Great distress then existed, and alarming apprehensions for the future." What good citizen could wish such times revived? What good citizen would not use all his endeavors to avoid them?

The bank, by the terms of its charter, was entitled to the public deposites, during the whole period of its legal existence, unless their safety was endangered. The bank was also, in equity and justice, entitled to the deposites, by reason of the large sum of money she paid, and the valuable services she rendered the Government. They were to begin and end with the charter; and had it been intended they should have been removed at some period before the end of the charter, and without any special unforeseen cause, would not such time have been fixed and ascertained by the charter?

Many millions, during the first years of the existence of the bank, were, from imperious necessity, deposited with the State banks, by the consent of the Bank of the United States. On the 10th of January, 1817, more than eleven million dollars were deposited in State banks, and the deposites were much increased that year, no considerable portion of which was deposited in the Bank of the United States. Between the 1st of January, 1818, and the 13th of February, 1822, in thirteen banks in Ohio, Illinois, Kentucky, Indiana, Missouri, and Mississippi, $4,958,997 of the public revenue had been deposited. How much, during the same period, in other State banks, and how much after that period, I have not been able to ascertain; but it was not until 1823 or 1824 that the bank realized all the advantages from the deposites intended by the charter.

So much had the bank suffered by aiding the Government to change their "special deposites" into current money, the State banks to resume specie payments, when, as the late Secretary Crawford said, "the State banks were generally struggling for existence," and by being deprived of most of the deposites, that, to the 9th of July, 1819, it had not been enabled to realize more than two and a half per cent., and at that time "was unable to make any dividend." If the Secretary had any power to say the deposites should be removed two and a half years before the expiration of the charter, there was no limitation to his power, and might have as well said six years is necessary; and then the bank would have been deprived of the benefits of the deposites at the commencement and at the close of its charter for twelve years out of twenty. But was there any necessity for the removal of the deposites before the termination of the charter? Could not all the arrangements with State banks to receive the deposites have been as well made in 1836 as in 1833? And would it not have been much better for the public to have had them made in 1836 than in 1833? The bank, knowing the period of its termination, would have been calling in and curtailing its discounts. Commercial and business men generally would have been closing their business with the bank, and opened accounts with and obtained accommodations from the State banks. The bank would have been powerless. The State banks would not have dreaded its rivalry or powers; they would have discounted liberally; the issue and the circulation of bills would not have ceased. There would not have been a stagnation and an almost entire suspension of business, a depreciation in the value of all the products of labor and of all personal and real estate. The manufacturers, the mechanics, the merchants, would not have been compelled to dismiss their laborers; the poor would not have been seen crowding the streets, asking for employment, and asking for bread.

The bank was entitled to the deposites, if a safe depository, during the existence of the charter, and their removal was a violation of its rights, and, I submit, an act of injustice that should not be tolerated by a people, wise, magnanimous, and just. The removal of the deposites is not calculated to destroy the bank, if that was desirable; and, as a punishment, it almost entirely fails. It may curtail its discounts, and, consequently, diminish its profits; and even that is a blow that must strike the United States as well as the bank; for one-fifth of the profits thus taken from the bank would have belonged to them; but the measure could never render insolvent and destroy the bank. As a punishment, it was inappropriate and improper. Punishment is more appropriate to courts of justice; and the mode in which such punishment for a violation of duty could be rendered effectual, was pointed out by the charter. That remedy is, in my opinion, more expedient, more consistent, more magnanimous. Yet I do not believe the bank has done any act which is a violation of its charter, or that justifies a removal of the deposites.

Again: I consider the removal of the deposites was a measure uncalled for, unwise, ill-advised; ruinous to confidence, to credit, to agricultural, to manufacturing, and commercial industry and enterprise. That it was unwise, is shown by contrasting its effects, as predicted by the President in his famous message of the 18th of September last, with those verified by the experience of a few short months. He believed there would not be any scarcity of money occasioned by the removal of the deposites. He said, "the funds of the Government will not be annihilated by being transferred; they will immediately be issued for the benefit of trade; and, if the bank of the United States curtails its loans, the State banks, strengthened by the public deposites, will extend theirs. What comes in through one bank goes out through others, and the equilibrium will be restored. There would be no derangement of trade or of business. Now try the wisdom of the measure by testing the truth of these remarks. Has there been no unusual embarrassment in trade or business? Have the State banks, strengthened by the public deposites, extended their loans and supplied the country with a currency equal to that of the paper of the Bank of the United States. The safety-fund banks in New York had, between the 1st of January and the 4th of March last, reduced their circulation more than three millions of dollars. And to save those banks from entire ruin, as must have been supposed, and supply the place of the capital withdrawn, and the merchants with funds to purchase the products of the State and country, the governor, in a special message to the Legislature, recommended the creation of a State stock of four or five millions, to be loaned to the banks at five per cent., which would be loaned by the banks to the citizens of the State at seven per cent., the legal rate of interest in the State. And, in pursuance of such recommendation, the Legislature passed a law creating a State stock of six millions, four millions of which was to be loaned to the banks at five per cent. per annum. The banks could not help the people, and the people were solemnly called on to mortgage their farms and to pledge their entire fortunes, to several millions, to sustain those institutions. And surely the governor and Legislature, the friends of the administration, could not have wished to create a panic, or any fictitious distress. Stern necessity compelled them to admit the scarcity and the real distress that pervaded the whole State.

The banks, in every State in the Union, of the whole country, have, since the first day of December last, reduced their loans and circulation to the amount, in the whole, of many millions. This is a proper illustration of the wisdom of the measure of the removal of the deposites in all its parts.

The public newspapers, private letters, memorials from tens and hundreds of thousands of citizens, from almost every part of the Union, announce to us in strong, bold, and energetic language, the distress that pervades the land; that confidence and credit, the life of a commercial republic, are destroyed; that the spindle, the shuttle, and the loom have ceased to move; that tens of thousands of operatives are thrown out of employ, and are without the means of support; that millions of manufacturing capital are unproductive; that millions of the circulating medium of our country are withdrawn from circulation; that money cannot be had; that property has a mere nominal value; that there are few sales; that debts cannot be paid; that bankruptcies in many places overspread the land with gloom; that there is a general depreciation in the value of lands and all marketable products; that the axe and the hammer are now hardly heard in our lately happy and flourishing villages and cities, and in our shipyards; that many of the vessels that wafted the star-spangled banner over every sea, and spread their sails to every breeze, freighted with the rich fabrics and products of this and other countries, are dismantled; that agriculture is languishing, and commerce is expiring; the retrospection of the last five months is gloomy, and the anticipations of the future are alarming.

By the removal of the deposites, the Government has lost one-fifth of the avails of the interest of the discounts of at least ten millions for two and a half years, founded upon the deposites, (as she gets no interest on deposites from the State banks,) equal to $140,000 a year, and about ten per cent. on $7,000,000 of the capital stock of said bank, equal to $700,000.

And why is the Government called on to suffer such losses? And why are the people of this country called upon to endure so much suffering? Is it to prevent the recharter of the Bank of the United States? The removal of the deposites has no necessary connexion with the recharter of that institution. So much pain, so much suffering by the body politic, is calculated to insure the recharter of the bank. Was it to destroy that institution? It must excite the sympathies of the people, react upon the authors of the measure, build up and re-establish the bank. Was it to punish the bank for its misconduct for the violation of its charter, by depriving it of four-fifths of the avails of the discounts upon the deposites for the short space of two and a half years?

Granting the bank to be guilty, how small a punishment to the bank, what slight loss, what slight suffering to that institution, compared with the hundreds of millions lost, and the intensity of suffering endured by a whole people! Was ever such slight punishment of an offender visited with such tremendous retributions on the whole people who inflicted the punishment? Were ever means so entirely disproportioned to the measure to be accomplished? And all this, too, when, if guilty, the existence of the bank could have been speedily terminated by a *scire facias*, to be issued by order of the President, if he believed it guilty.

But what has the bank done? What part of the constitution and the laws has she abrogated? What piles of injustice has she reared? What State institutions has she destroyed, or attempted to destroy? What election has she ever controlled? What political officer has she ever elected? What channels of trade, of commerce, and of wealth, has she ever obstructed? What blight has she ever brought on a nation's credit, a nation's prosperity, and a nation's fame? With what cloud has she dimmed the bright halo of her country's glory, or the glory of her country's patriots, her country's heroes? I answer, none. The country was never more prosperous than during the ten years previous to October last, nor advancing with more firm and rapid steps to wealth, to arts, to literature, and science, and all those advantages that strengthen, elevate, dignify, and adorn an empire. But, oh! what a change has a few short months produced! And what gloomy prospects does the future present!

Had the people been annually taxed, by law, to the amount of one-tenth of all their real and personal estates, for any object, however necessary and useful to the nation, they would have deemed such a law oppressive and odious; yet, I submit, the great mass of the people of this country could more easily have paid such tax, than sustain the losses arising from the stagnation of business and the pressure of the present times. The manufacturers, the mechanics, and even the agriculturists, could more easily have paid twenty per cent. And let the men, let the electors of this vast country, inquire and say whether there is any object to be attained by the late measures of the Government, which calls for the payment of such an enormous tax, for the endurance of such immense privations and losses, and for such sacrifice of their estates.

And again, I ask, why are the people called upon to submit to such losses, to endure such an intensity of suffering? Is it to change the whole course of the business of this commercial country? Is it to banish all paper money, all bank paper? I will only say that we learn from history, the united testimony of all business and commercial men, and our own experience, that banks have proved highly useful in all the states and kingdoms in which they have been established, and are peculiarly adapted to promote the interests of a commercial country like ours.

Again: is it to banish all credit? Yes; the President says, "all who do business on a borrowed capital ought to break." Banish all credit, is a part of his grand experiment upon the rights, the property, and, I may add, the happiness of his fellow-citizens. Our worthy President seems to have adopted the ancient Persian maxim, that the first of all vices was that of owing money. He seems to have a great dread of the borrower. At the very thought of such a being he is alarmed, and proclaims that the republic is in danger, and is about to be ruined and undone. He does not consider that he is a borrower; that his fame, his honors, were lent him by his country, to be refunded and paid for in deeds of usefulness, that render a whole nation prosperous and happy. How hard-hearted must he be, to wish to deprive the poor debtor of much of his importance, and of the rich man's prayers! For the debtor is sure to have the good wishes and the prayers of his rich creditor, for health, length of days, and increase in wealth. The debtor, when surrounded by squadrons of creditors, is an important personage; he may then assume airs, and his smiles to each are valued as ready money. They are his flatterers and parasites, and salute him with good morrow, and all kindly greetings. Besides, the relation of debtor and creditor teaches, in the most expeditious and easy manner, all the mysteries of practical arithmetic.

But our worthy President would have this a world without debts. What a strange world it would then be—a world of disorder. The planets would cease to lend their influences to each other; the rays of Venus would be obscured by darkness, and the sun would no longer warm and illuminate the earth; the hope of the husbandman would fail; all benevolence, kindly feelings, and good offices would be banished, and men would become monsters, a terror to each other. This world may be likened to man; he is an epitome of the great world. And, upon the system of our worthy President, "the head will not lend the sight of his eyes to guide the feet and hands; the legs will refuse to bear up the body; the hands will leave off working any more for the rest of the members; the heart will be weary of its continual motion for the beating of the pulse, and will no longer lend its assistance." In short, in such a world, owing nothing, lending nothing, borrowing nothing, we should see a more dangerous conspiracy than that which Æsop exposed in his apologue.

Such would be the world which the President desires. How different from this world of ours, where all are debtors, and all creditors; where no man is independent of his fellow-man; where every one is compelled to lend and ask assistance; where even the savage borrows to pay in kind, and where business men make much of their profits in borrowing and lending; where even the planetary system, and nature, through all her works, borrow and pay in genial influence; where mankind have and enjoy money, peace, love, and benevolence, and all Christian charities; the rich, the poor, and the middling classes, all ranks and conditions in life, feel a deep, a lively interest in the business, thrift, and general welfare of each other. Borrowing and lending, like the skill of the alchymist, changes every thing into gold. And who in this world is so rich that he may not sometimes owe, and who so poor that he may not sometimes lend?

Banish credit! By whom, in what country, and in what age, is this sentiment advanced? By the President of a free, commercial country, and in an enlightened period of the world; a country where indigence is encouraged by every honest means to amass wealth; and the low and the humble to aspire to the highest honors, and to become competitors for fame with the most wealthy, the most honorable, and the most powerful in the land. The President, from his admissions to various committees, knew his measures would injure all those who were doing business upon a borrowed capital; and, in justification of his conduct, founded on such knowledge, he condemns all such, and declares "they ought to break." And, sir, of what crime are they guilty? What injury had they done to the Government that merits such severity of punishment? And what member of Congress would ever have presented a law to destroy and banish all credit? What Congress would ever have attempted to pass such a law? What constitutional lawyer would ever have advocated, and what court ever have sanctioned such law? Sir, such a law, thus approved, would have been the adoption of a state of barbarism by legislative enactment and judicial sanction. It would have been destroying, at one fell swoop, all vestiges of civilization; and in the low, the humble, and the poor, all incentives to industry and enterprise; all aspirations after a noble, an honest, and an enduring fame; all the pulsations of genius; and would in them have palsied "hearts pregnant with celestial fire," tongues that could speak well, and command the applause of senates, and hands fit for empire.

To the poor, it would forever have closed the books of knowledge, and effectually have prevented their ever being able, in an elevated sphere, and in the exercise of wisdom and knowledge, a widely extended benevolence, all the virtues of the heart, and all the energies of enlightened and powerful minds,

> "To scatter plenty o'er a smiling land,
> And read their history in a nation's eyes."

Sir, credit has not only increased the facilities for usefulness, but it has added millions to the number of the useful, and rendered countless millions prosperous, contented, and happy. A well-regulated credit has been one of the most powerful causes of the prosperity of the Netherlands, of Holland, of France, of England, and of this country. Banish all credit, and the poor will become hewers of wood and drawers of water; mere slaves to the rich; and they would be as completely confined to the condition in which they were born, as are the slaves of our own country, or the four orders or castes of India. And again, I ask, why are the people called upon to submit to such losses? Is it to change the currency; to give us a depreciated paper currency, in payment of the debts due from the Government, and as the circulating medium of the country? It is dangerous to attempt a change in the currency of the country. It is like the sensitive plant; the touch of sovereignty, of the Executive, has often withered, and almost destroyed it.

Frederick the Great, of Prussia, at the commencement of his seven years' war, which terminated in the year 1763, having first collected all the gold and silver he could, and to increase his resources to carry on the war, ordered the gold and silver to be recoined, and debased by two-thirds alloy and one-third of the precious metals, and ordered it to be used to pay all the debts of the Crown. The measure occasioned great losses in the fortunes of individuals, inflicted a severe wound on public credit, impaired the trade and commerce of the Prussian dominions, was condemned by his contemporaries, and has been by the historian, as highly reprehensible, as the favorite resource of despotic sovereigns, and that it could "neither be defended for its honesty nor its utility."

Was it to try some grand experiment? Ay—an experiment which inflicts instant pain, instant torture, upon a great people, to be constantly increasing, and yet to be endured for years to come; an experiment, which, like a tornado, the longer it endures, spreads wider and wider its desolation. And now I would ask what justification there could be for that zealous, that ardent, I had almost said that unhallowed prayer of my colleague [Mr. Beardsley,] "Perish commerce, perish credit, perish the State institutions; give us a broken, a deranged, a worthless currency;" and he might as well have added, perish a nation's prosperity, all the sources of national wealth, and a nation's renown?

I leave the answer to his constituents, and to the intelligent, free, and magnanimous people of the State we both, in part, represent. But I will add, that, in my belief, no prayer was ever more grateful to the genius of desolation, or followed by a more speedy and widespread devastation and ruin. Yet, notwithstanding the great pressure on the community, and the sufferings they endure, many are disposed to ridicule all memorials detailing the sufferings of the people, and call them "distress memorials," "panic memorials," and insist that, although there are numerous individual cases of distress and bankruptcy, the people are prosperous and happy. I cannot well understand how private misfortunes can constitute public benefits. Yet we learn, from history, that the doctrine is not entirely new and original; that Doctor Pangloss, preceptor and oracle in the family of the noble Baron of Thunder Ton Tronckh, in Westphalia, taught "that it is impossible but that things should be as they are, for every thing is for the best in this best of all possible worlds." He also thought that "private misfortunes are public benefits; and that the more private misfortunes there are, the greater is the general good." He was hanged, whipped, kicked, kept tugging at the oar, and endured every torture, yet, "having once maintained that every thing went on as well as possible, in this best of all possible worlds, still maintained it, and at the same time believed nothing of it." Had that sublime philosopher lived in this country, and in these days, of this best of all possible administrations of our wise and happy Government, he would have found many followers, who sincerely believed his doctrines. What a rich harvest of glory he might have acquired! Poor man! he died at too early a day for the maturity of his fame. Yet his discovery, for its novelty, and his character, for perseverance in his belief, will never be surpassed.

When Mr. Dickson had concluded his remarks, on his motion, the memorial, with the names thereto, and the resolutions, were ordered to be printed, and the memorial laid on the table.

LYCOMING COUNTY MEMORIALS.

Mr. ANTHONY, who had, on the last petition day, presented memorials from Lycoming county, in favor of a recharter of the Bank of the United States, and who had obtained leave to accompany the delivery of them by remarks on their subject-matter, now rose, and addressed the Chair as follows:

Mr. Speaker: Last Monday I presented to the House sundry memorials of citizens of the lower end of Lycoming county, Pennsylvania, in relation to the exciting subject which has occupied our attention, as well as that of our constituents, for these five months past.

The restoration of the deposites and the renewal of the charter of the Bank of the United States having become a subject of general conversation, and I may say of controversy, in the district which I have the honor to represent, I, for the first time since I have taken my seat, asked leave of the House to submit such remarks as might suggest themselves to my mind on the presentation of those memorials. Although I do not expect gentlemen to listen to what I shall say, as that is altogether unfashionable, I hope to obtain the indulgence of the House while I make a few observations.

The memorials are signed by six hundred and twenty-three voters of the county in which I have resided for nearly sixteen years—that county which is endeared to me by those strong and heartfelt ties which bind every man to his family, his friends, and his home.

Those gentlemen whose names are subscribed to the memorials are my neighbors and acquaintances, and many of them my warmest personal friends; they are the freemen of the county—the tillers of the soil, the mechanics, the tradesmen, the laborers—the bone and sinew of the country. I observe among them the soldiers of the Revolution, men who nobly aided to achieve the independence we now enjoy. They are the old-fashioned whigs of Lycoming county, not the new-fangled whigs of the present day, who change their name as often as the chameleon does its color.

That portion of the county in which the memorialists reside embraces a most interesting and fertile country. The staple commodities are grain and lumber. The beautiful valleys of White Deer Hole, Black Hole, and Muncy creek, as well as the rich bottom land along the west branch of the Susquehanna, produce abundance of the finest wheat and other grain, while the surrounding hills are covered with the most valuable timber, of nearly every description. The Pennsylvania canal extends at this time as high up the river as the borough of Muncy, and affords the farmer, the merchant, and the dealer in lumber, every facility for a market. If there were pressure and distress in the county, those enterprising, industrious, intelligent men would be the first to discover them. They are men who are not likely to be influenced by passion or prejudice. Panic and excitement have little control over those who live retired from the noise and clamor and excitement so prevalent in cities, and they are thus better enabled to form a correct judgment, without fear, favor, or affection, hatred, malice, or ill-will. My constituents, thus situated, "view with alarm and disapprobation the conduct of the United States Bank, in its attempt to abridge the liberties of the people, by endeavoring to control our elections; by subsidizing the press, and thus acquiring an influence which almost puts it beyond the control of the Government and the people; by an unjustifiable attempt to extort from the Government an extension of its privileges; by creating distress in the trading community; by destroying confidence, and creating panics, and producing ruin to hundreds of our fellow-citizens."

This is the light in which these respectable citizens view the course pursued by the bank. In presenting their memorials, I am not able to say that they are signed by men of all parties. In the county where I reside we have but two parties, the one in favor of, the other opposed to, the administration.

An honorable Senator, in presenting two memorials, some time since, from Muncy and Muncy creek, Lycoming county, stated that "they were signed, as he was informed, by men of all parties; and that the one from the borough had the name of almost every voter in the place attached to it." If I am not mistaken, the votes polled in the borough, at the contested election in 1832, were about one hundred and ten, which were nearly equally divided. And, to show that the Senator was misinformed, I have to state that forty of the names now presented against the bank are signed by citizens of the borough of Muncy.

I will mention another fact, to show the panic-makers how little influence all their exertions for the last five months have had on the memorialists—how those gentlemen calculate without their host when they imagine that they will cause a revolution in public sentiment by their reiterated cries of distress, and ruin, and usurpation, and tyranny; and that, like the "war, pestilence, and famine" outcry that was raised some time since by a distinguished Senator, they are full of sound and fury, signifying nothing.

In 1832, the whole vote given in the townships from which these memorials are sent, for the democratic candidate for Governor, was eight hundred and forty-five, and already six hundred and twenty-three names are forwarded, and I am told that a number more will be transmitted. This has been done without any effort on the part of the friends of the administration. I have been credibly informed by a very intelligent man, who is well acquainted with the lower end of Lycoming county, that one thousand names could easily be obtained against the United States Bank below Loyalsock creek, and that without hiring men to obtain signatures, and charging the expense to the committee of vigilance, as was done in Oneida county, New York, by the friends of the bank.

It has been repeatedly alleged, in memorials sent by the friends of the United States Bank from my district, that the price of produce has fallen from one-fourth to one-half, and that hundreds of citizens are thrown out of employment. Knowing the respectability and integrity of those gentlemen who have given these assertions credit, by attaching their names to memorials containing them, I can only say that they could not have adverted to the facts set forth, or they were mistaken respecting them. In the memorial from Northumberland county they say produce has declined fifty per cent. or more; and in that presented from Muncy, that the price had fallen one-fourth; that the times are growing from bad to worse.

I hold in my hand an extract of a letter written by a gentleman from Pennsylvania, who has been a dealer in flour, grain, &c. for a number of years past, in Baltimore and Philadelphia. In it he gives a statement of the actual sales made by him for four years past.

In 1830, flour was from $4 75 to $5 00 per barrel.
In 1831, do. 5 12½ to 6 12½ do.
In 1832, do. 5 00 to 6 50 do.
In 1833, do. 5 12½ to 5 75 do.

Making an average, during these four years, of from $5 to $5 84 cents per barrel.

I have not the price of grain, but it was, of course, in proportion to the price of flour.

Let us examine the present prices of flour, the staple commodity of Pennsylvania, and particularly of the counties where those statements of the great reduction of price were made. In the State's Advocate of the 8th instant flour is quoted thus:

"May 8, 1834.—Wheat sales have been made at Baltimore, within the last week, at $1 11; at Philadelphia, from $1 05 to $1 10—flour, $5 25 to $5 37½."

The Miltonian of May 3, says:

"The Market.—Superfine flour has advanced a little in Philadelphia since our last. Small parcels were sold this week at $5 25 and $5 37½. Bicknell's Reporter says, the receipts are small, and the demand limited. A small lot of wheat sold at 105 cents per bushel. Rye 60 cents per bushel; corn 58 cents; whiskey 23 and 24 cents.

"In Baltimore, sales of Susquehanna flour, for export, were made at $5 and $5 06 per barrel. Sales of Susquehanna wheat were made at 108, 110, and 111 cents per bushel, varying according to quantity. Whiskey from 21 to 24 cents per gallon."

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